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federal register

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Monday	Tuesday	Wednesday	Thursday	Friday
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[3195-01]

Title 3—The President

PROCLAMATION 4546

American Heart Month, 1978

By the President of the United States of America

A Proclamation

Diseases of the heart and blood vessels afflict some thirty million Americans. Each year cardiovascular disorders claim nearly one million lives and cost our economy nearly forty-eight billion dollars in lost wages, lost productivity, and medical expenses.

Since 1948, a concerted national effort has been under way to reduce illness, disability, and death from heart and blood vessel diseases through nationwide programs of biomedical research in the cardiovascular field, training of research workers and clinicians, information and education programs for health professionals and for the general public, and community service activities concerned with prevention, detection, and control of cardiovascular disorders.

These efforts have been spearheaded by the National Heart, Lung, and Blood Institute, a federal agency, and the American Heart Association, a voluntary health organization supported through private contributions. Since 1948, their combined outlay in support of the national battle against cardiovascular diseases has totaled nearly three billion dollars.

During these thirty years, an immense amount of new knowledge about the cardiovascular system and its diseases has been amassed and much of it has found application in better methods of prevention, diagnosis, and treatment. In addition, many Americans have modified their diets, established sensible and regular exercise programs, changed their smoking habits, or have otherwise altered their lifestyles to achieve better cardiovascular health. As a result, mortality rates have declined steadily since 1950 in nearly all major cardiovascular disease categories and the total number of deaths among Americans from these diseases is the lowest it has been since 1965.

But these encouraging results are no excuse for complacency. On the contrary, they show that it is only through sustained dedication and cooperation among public officials, community leaders, private institutions, and the American people that we have any chance of controlling this threat to the health of our Nation.

Recognizing the need for all Americans to join forces in the battle against cardiovascular disease, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b) has requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of February, 1978, as American Heart Month. I invite the Governors of the States, the appropriate officials of all other areas subject to the jurisdiction of the United States and the Ameri-

can people to join with me in reaffirming our commitment to the search for new ways to prevent, detect and control cardiovascular disease in all its forms.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of January, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

Jimmy Carter

[FR Doc. 78-2068 Filed 1-20-78; 12:17 pm]

[3195-01]

Executive Order 12035 • **January 20, 1978**

Relating to Certain Positions in Level IV of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, Section 1 of Executive Order No. 11861, as amended, placing certain positions in Level IV of the Executive Schedule, is further amended by deleting "Adviser to the Secretary (Counselor, Economic Policy Board), Department of the Treasury" in subsection (13) and inserting in lieu thereof "Assistant Secretary (Enforcement and Operations), Department of the Treasury".

Jimmy Carter

THE WHITE HOUSE,
January 20, 1978.

[FR Doc. 78-2069 Filed 1-20-78; 12:18 pm]

rules and regulations

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

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

[3410-07]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 424.1]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart A—Planning and Performing Development Work

THERMAL PERFORMANCE STANDARDS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation concerning thermal performance standards. This action is necessary for clarification to correct several typographical errors which appeared in the initial publication of the regulation, and to refer to Appendix D. The intended effect is to clarify the document by answering the public questions caused by the errors in typing.

EFFECTIVE DATE: March 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Ball, 202-447-3394.

SUPPLEMENTARY INFORMATION:

1. Introduction; 2. Determination of Allowable U Values; 3. Insulation of Basement Walls; 4. Vapor Barriers.

1. INTRODUCTION

On Tuesday, October 25, 1977, at page 56444, the Farmers Home Administration published a new Appendix D to Subpart A, Part 1804, Chapter XVIII, Title 7, Code of Federal Regulations. This publication inadvertently omitted a change to § 1804.3(d)(1), contained a paragraph which does not read as intended, several references to standards and testing methods were incorrectly noted and a reference to Appendix D was omitted. In addition, several persons who have commented on the standards have pointed out items which require additional clarification for proper implementation at the field office level. This amendment applies to new construction approved or conditional commitments issued after the effective date.

2. DETERMINATION OF ALLOWABLE U VALUES

Several comments questioned the manner in which U values where to be calculated, i.e., through the cavity or with framing corrections and to what degree of precision the required values were to be interpreted. The regulation has been amended to indicate that U values do not include framing corrections and that values calculated for component sections may be rounded using standard mathematical techniques.

3. INSULATION OF BASEMENT WALLS

Several FmHA field offices have indicated that clarification is necessary as to the requirements for basement walls. After consultation with other government agencies and other interested persons an amendment has been developed to clarify the requirements. These requirements state the U value of the wall section, the applicable area and the required value for glazing.

4. VAPOR BARRIERS

In the FEDERAL REGISTER Publication of Exhibit D, on October 25, 1977, paragraph III D 3 a was not phrased correctly. In addition, several interested persons have submitted data concerning the relative efficiency of various vapor barriers in conjunction with a variety of other structural materials. After a review of this data and consultation with other government agencies it has been determined that an amendment is required.

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

§ 1804.3 Planning development

* * * * *

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

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

[Effective on March 15, 1978; FmHA Instruction 424.1]

EXHIBIT

UNITED STATES DEPARTMENT OF AGRICULTURE (FARMERS HOME ADMINISTRATION)

Construction Standards

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

II. *Policy:* Construction commencing, all applications for new construction approved, or conditional commitments issued after the effective date of this exhibit shall have drawings and specifications prepared to comply with paragraph III A or III C and III D of this exhibit. All existing dwellings to be bought with RH loan funds shall be considered in accordance with paragraph III B or III C of this exhibit.

III. *Minimum Requirements:* A. All dwellings, single family or multifamily to be constructed with RH loan and grant funds shall comply with the following:

NEW CONSTRUCTION

MAXIMUM U VALUES FOR CEILING, WALL AND FLOOR SECTION OF VARIOUS CONSTRUCTION

NOTE.—U values are not adjusted for framing; values calculated for components may be rounded.

Winter Degree Days (Note 1)	Ceilings	Walls	Floors (Note 2)	Glazing	Doors (Note 3)
1000 or less	.05	.08	.09	1.11	--
1001 to 2500	.04	.07	.07	.69	--
2501 to 4500	.03	.05	.05	.57	Storm door if building over four or if over 72" glass
4501 to 6000	.03	.05	.05	.57	Storm door
6001 to 7000	.026	.05	.05	.57	Storm door
7001 or more	.026	.05	.05	.57	Storm door

Winter Degree Days (65 F Bases)	Minimum R Value (1) Heated Slab	Unheated Slab
500 or less	2.8	--
1000	3.5	--
2000	4.0	2.5
3000	4.8	2.8
4000	5.5	3.5
5000	6.1	4.2
6000	7.0	4.8
7000	7.8	5.5
8000	8.3	5.2
9000	8.3	6.5
10000 or greater	[illegible]	7

NOTE.—*(1) For increments between degree days shown, U values may be interpolated.

NOTE 1.—Winter degree days may be obtained from the ASHRAE Guide; the "NAHB Insulation Manual for Homes Apartments"; local utilities; and the National Climatic Center, Federal Building, Asheville, N.C.

Manuals are available from NAHB RF, Rockville, Md. 20850, or NMWIA, 382 Springfield Avenue, Summit, N.J. 07901.

Other sources of degree day data may be used if available from a recognized authority.

NOTE 2.—For floors of heated spaces over unheated basements, unheated garages or unheated crawls spaces the U value of floor section shall not exceed the value shown.

A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50° F. Positive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space."

Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss attributed to the floor from the heated area shall not exceed the heat loss calculated for floors with required insulation.

Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. The U value of foundation wall sections shall not exceed the value shown. This requirement shall include all foundation wall area, including header joist (band joist), to a point 50 percent of the distance from finish grade to the basement floor level.

Maximum U Values of the Foundation Wall Sections of Heated Basement not Containing Habitable Living Area or Heated Crawl Space.

Winter Degree Days (65 F Base)	Maximum U Value	Glazing*
2500 or less	No Requirement	1.11
2501 to 4500	0.17	1.11
4501 or more	0.10	.69

*NOTE.—Glazing in heated basement shall be limited to 5 percent of floor area unless alternative U_o combination is documented.

NOTE 3.—1¾ inch metal faced door systems with rigid insulation core and durable weatherstripping providing a "U" value equivalent to a wood door with storm door and an infiltration rate no greater than .50 cfm per foot of crack length tested according to ASTM E-283 at 1.567 psf of air pressure, may be substituted for a conventional door and storm door. All doors shall be weatherstripped.

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

EXISTING CONSTRUCTION

MAXIMUM U VALUES FOR CEILING, WALL AND FLOOR SECTIONS OF VARIOUS CONSTRUCTION

NOTE.—U values are not adjusted for framing; values calculated for components may be rounded.

Winter Degree Days (Note 1)	Ceilings	Walls (Note 2)	Floors (Note 3)	Glazing	Doors (Note 5)
1000 or less	.05		.08	1.13	--
1001 to 2500	.04		.07	.87	--
2501 to 4500	.03		.05	.69	Storm door if built-in type door or if over 25% glass
4501 to 6000	.03		.05	.69	Storm door
6001 to 7000	.026		.05	.69	Storm door
7001 or more	.026		.05	.69	Storm door

NOTE 1.—Winter degree days may be obtained from the ASHRAE Guide; the "NAHB Insulation Manual for Homes Apartments"; local utilities; and the National Climatic Center, Federal Building, Asheville, N.C.

Manuals are available from NAHB RF, Rockville, Md. 20850, or NMWIA, 382 Springfield Avenue, Summit, N.J. 07901.

Other sources of degree day data may be used if available from a recognized authority.

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

NOTE 3.—For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces the U value of floor section shall not exceed the value shown.

A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50 F. Positive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space."

Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total loss attributed to the floor from the heated area shall not exceed the heat loss calculated for floors with required insulation.

Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. The U value of foundation wall sections shall not exceed the value shown. This requirement shall include all foundation wall area, including header joist (band joist), to a point 50 percent of the distance from finish grade to the basement floor level.

Maximum U Values of the Foundation Wall Sections of Heated Basement not Containing Habitable Living Area or Heated Crawl Space.

Winter Degree Days (65 F Base)	Maximum U Value	Glazing
2500 or less	No Requirement	1.11
2501 to 4500	0.17	1.11
4501 or more	0.10	.69

*NOTE.—Glazing in heated basement shall be limited to 5 percent of floor area unless alternative U_o combination is documented.

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

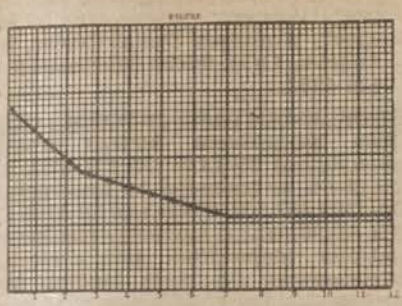
NOTE 5.—Storm doors not required for double doors, sliding doors or others where installation would be economically infeasible. 1¾ inch metal faced door systems with rigid insulation core and durable weatherstripping providing a "U" value equivalent to a wood door with storm door and an infiltration rate no greater than .50 cfm per foot of crack length, tested according to ASTM E-283 at 1.567 psf of air pressure, may be substituted for a conventional door and storm door. All doors shall be weatherstripped.

C. *Optional Standards.* Housing designs not in compliance with the requirements of paragraphs III A or III B of this exhibit may be approved in accordance with the provisions of this paragraph. Requests for acceptance proposed under paragraph C 1 which will be marketed solely within the jurisdictional area of one FmHA State Office may be approved by the State Director. Requests for acceptance proposed under paragraph C 1 which will be marketed within the jurisdictional areas of two or more FmHA State Offices and all requests for acceptance under paragraph C 2 may be approved by the Administrator.

All submissions of proposed options to the State Director or Administrator shall contain complete engineering data and calculations to document the validity of the proposal. All data and calculations will be based upon the current edition of the ASHRAE Handbook of Fundamentals or other universally accepted data sources.

1. *Overall "U" values for envelope components.* The following requirements shall be used in determining acceptable options to the requirements of paragraphs III A and III B.

a. U_o (gross wall)—Total exterior wall area (opaque wall and window and door) shall have a combined thermal transmittance value (U_o value) not to exceed the values shown in Figure 1. Equation 1 shall be used to determine acceptable combinations to meet the requirements of Figure 1.



ANNUAL FAHRENHEIT HEATING DEGREE DAYS (65 F BASE) (IN THOUSANDS)

EQUATION 1 FORMULA FOR DETERMINING COMBINATIONS (SEE FIG. 1)

$$U_o = U_{wall}A_{wall} + U_{window}A_{window} + U_{door}A_{door}/A_o$$

Where:

U_o* = the average thermal transmittance of the gross wall area, Btu/h·ft²·F (W/m²K).

A_o = the gross area of exterior walls, ft² (m²) of heated living areas.

U_{wall} = the thermal transmittance of all elements of the opaque wall area, Btu/h·ft²·F (W/m²K) of heated living areas.

A_{wall} = opaque wall area, ft² (m²) of heated living areas.

U_{window} = the thermal transmittance of the window area, Btu/h·ft²·F(W/m²K).

A_{window} = window area (including sash) ft²(m²).

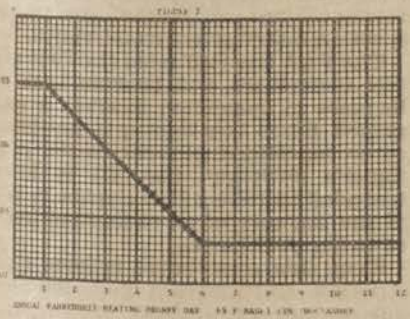
U_{door} = the thermal transmittance of the door area, Btu/h·ft²·F(W/m²K).

A_{door} = door area, ft²(m²).

NOTE.—Where more than one type of wall, window and/or door is used, the U x A term for that exposure shall be expanded into its sub-elements, as:

$U_{wall\,1} A_{wall\,1} + U_{wall\,2} A_{wall\,2}$, etc.

b. U_o (gross ceiling)—Total ceiling area (opaque ceiling and skylights) shall have a combined thermal transmittance value (U_o value) not to exceed the values shown in Figure 2. Equation 2 shall be used to determine acceptable combinations to meet the requirements of Figure 2.



EQUATION 2 FORMULA FOR DETERMINING ROOF/CEILING COMBINATIONS

$$U_o = U_{roof}A_{roof} + U_{skylight}A_{skylight}/A_o$$

Where:

U_o = the average thermal transmittance of the gross roof/ceiling area, Btu/h . ft² . F(W/m²K).

A_o = the gross area of a roof/ceiling assembly, ft² (m²).

U_{roof} = the thermal transmittance of all elements of the opaque roof/ceiling area, Btu/h . ft² . F(W/m²K).

A_{roof} = opaque roof/ceiling area, ft² (M²).

$U_{skylight}$ = skylight area (including frame) ft² (m²).

NOTE.—Where more than one type of roof/ceiling and/or skylight is used, the U x A term for that exposure shall be expanded into its sub-elements, as:

$$U_{roof\,1} A_{roof\,1} + U_{roof\,2} U_{roof\,2}, \text{ etc.}$$

c. U_o (gross floor)—*Reserved.*

2. *Overall structure performance.* The following requirements shall be used in determining acceptable options to the requirements of paragraphs III A and III B:

a. The methodology must be cost effective to the energy user.

b. The methodology must not adversely affect the structural capacity, durability or safety aspects of the structure.

c. All data and calculations must show valid performance comparisons between the proposed option and a structure comparable in size, configuration, orientation and occupant usage designed in accordance with paragraph III A or III B. Structures may be considered for FmHA loan consideration which can be shown by accepted engineering practice to have energy consumption equal to or less than those which would be attained in a representative structure utilizing the requirements of paragraphs III A or III B.

D. *Energy efficient construction practices.* This section prescribes those items of design and quality control which are necessary to guarantee the energy efficiency of homes built according to the standards of this exhibit. Also included are recommendations for extra energy efficiency in homes.

1. *Infiltration:* a. Requirements: All construction shall be performed in such a manner as to provide a building envelope free of excessive infiltration.

(1) Caulking and sealants. Exterior joints around windows and door frames, between wall cavities and window or door frames, between wall and foundation, between wall and roof, between wall panels, at penetrations of utility services through walls, floors and roofs, and all other openings in the exterior envelope shall be caulked, gasketed, weatherstripped, or otherwise sealed. Caulking shall be silicone rubber base or butyl rubber base, conforming to Federal Specifications TT-S-1543 and TT-S-1657 respectively, or materials demonstrating equivalent performance in resilience and durability.

(2) Windows shall comply with ANSI 134.1, NWMA I.S.2.; the air infiltration rate shall not exceed 0.5 ft³/min per ft. of sash crack.

(3) Sliding glass doors shall comply with ANSI 134.2, NWMA I.S.3.; the air infiltration rate shall not exceed .5 ft³/min per square ft. of door area.

(4) All insulation placed in open cavity walls shall be installed so that all spaces behind electrical switches and receptacles, plumbing, ductwork and other obstructions in the cavity are insulated as completely as possible. Insulation shall be omitted on the side facing the conditioned area.

Recommendations: Wrap outside corners of wall sheathing with 15 lb. asphalt impregnated building felt before siding application.

(2) Utilize vestibules for entry doors, especially those facing into the direction of winter wind.

(3) In design of the home, place plumbing, mechanical and electrical in interior partitions as much as possible.

2. *Heating and/or Cooling Equipment:* a. Requirements: All mechanical equipment for heating and/or cooling habitable space shall be designed to provide economy of operation.

(1) All space heating equipment (including fireplaces) requiring combustion air shall be sealed combustion types, or be located in a nonconditioned area or adequate combustion air must be provided from outside the conditioned space.

(2) All ductwork shall be designed and installed so as to minimize leakage. All metal to metal connections shall be mechanically joined and taped.

b. Recommendations:

(1) Wherever possible, locate ductwork inside of conditioned areas in dropped ceilings, interior partitions or other similar areas.

(2) Locate outside cooling units in areas not subject to direct sunlight or heat build-up.

3. *Vapor Barrier:* a. Requirements: Adequate vapor barriers must be provided adjacent to the interior finish material of the wall.

(1) A vapor barrier at the inside of the envelope component must have a perm rating less than that of any other material in that component and in no case have a perm rating greater than one. All vapor barriers must be sealed around all openings in the interior surface.

(2) All vapor producing or exhausting equipment shall be ducted to the outside and be equipped with dampers.

B. Arrange plantings with evergreen wind buffers on north side and deciduous trees on south.

C. Wherever possible, orient entry door away from winter winds.

D. Design house with simple shape to minimize exterior wall area.

E. Minimize glass areas within constraints of required light and ventilation, applicable safety codes and other appropriate considerations.

F. Minimize the amount of paved surface adjacent to the structure where heat gain is not desirable.

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-107.

(Delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: January 11, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-1880 Filed 1-20-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 2, Amdt. 1]

PART 105—STANDARDS OF CONDUCT

Reporting of Acts of Malfeasance, Misfeasance and Other Irregularities

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: (i) The Agency is amending SBA's Standards of Conduct Regulations to provide that all acts of malfeasance or misfeasance or other irregularities, either actual or suspected, arising in connection with the performance by SBA of any of its official functions will be reported only to the Director, Security and Investigations Division.

(ii) This action arose as a result of the need to centralize the reporting of suspected irregularities which primarily fall within the purview of the Security and Investigations Division.

(iii) The effect of said action will be that all acts of malfeasance or misfeasance or other irregularities, either actual or suspected, arising in connection with the performance by SBA of any of its official functions will be reported only to the Security and Investigations Division rather than to the Director, Office of Personnel and the Director, Security and Investigations Division.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald W. Farrell, Associate General Counsel, 1441 L Street NW., Washington, D.C. 20461, 202-653-6660.

SUPPLEMENTARY INFORMATION: Inasmuch as the amendment set forth below is a procedural change, notice of proposed rulemaking and public proceedings thereon are not required by section 553 of Title 5 of the United States Code. This amendment to Part 105 was approved by the Civil Service Commission on January 9, 1978.

Accordingly, pursuant to the authority contained in section 5 of the Small Business Act, 72 Stat. 384 (15 USC 631 et seq.) and E.O. 11222, 3 CFR 1964-65, Comp.; 5 CFR 735.104 notice is hereby given that the Small Business Administration amends § 105.515 to read as follows:

§ 105.515 Duty to report irregularities.

(a) Every employee shall immediately report to the Director, Security and Investigations Division any acts of malfeasance or misfeasance or other irregularities, either actual or suspected, arising in connection with the performance by SBA of any of its official functions.

Dated: January 17, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-1920 Filed 1-20-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 71-WE-28-AD; Amdt. 39-3126]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series and C-9A (DC-9-32F) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment further amends an existing AD which currently requires repetitive inspection and corrective action on DC-9 main landing gear attach fittings. This amendment revises the repetitive inspection interval from 2,500 hours or 375 days to 3,000 hours or 375 days. This amendment is required to provide operators with additional maintenance scheduling flexibility by increasing the inspection interval. This increase in inspection interval is justified by an engineering evaluation of service experience since the initial AD was issued in 1972.

EFFECTIVE DATE: January 23, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESSES: Persons affected by this AD may obtain copies of McDonnell Douglas DC-9 Service Bulletins 57-86 and 57-88 by writing to: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846. Attention: L. A. Eisenberg, C1-750, 54-60.

Also, a copy of the service bulletins may be reviewed at, or copies obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: This amendment further amends amendment 39-1378 (37 FR 665), AD 72-23-06, as amended by amendments 39-1399 (37 FR 4702) and 39-1766 (38 FR 35299) which currently requires repetitive inspections and corrective maintenance on main landing gear attach fittings of McDonnell Douglas Model DC-9 Series airplanes. After issuing amendment 39-1766 the FAA has determined, based upon engineering evaluation and intensive service experience, that there is an adequate basis to justify increasing the repetitive inspection interval from 2,500 hours time in service or 375 days to 3,000 hours time in service or 375 days. Therefore the FAA is further amending Amendment 39-1378, as amended, by increasing the hourly element of the repetitive inspection interval specified in the AD on McDonnell Douglas Model DC-9 Series airplanes.

The FAA evaluation of the repetitive inspection interval was prompted by a petition for exemption by an operator to permit extension of the 2,500 hours time in service repetitive inspection intervals required by Paragraphs A.1.(a) and A.2.(c) of the AD. This operator desired to perform the inspections of his fleet of 35 McDonnell Douglas Model DC-9 airplanes on an annual (365 day) basis.

In support of his position, the operator stated that he had recently revised his "C" check basis from 2,000 hours, at which time the required inspections were accomplished, to an annual, or 365 day inspection interval basis. As a result of this change to the "C" check time intervals, he can meet the 375 day limitation prescribed in the AD, but will exceed the 2,500 hours time in service limitations. The petitioner further presented information on his service experience which indicates the inspection intervals are conservative.

The FAA has evaluated the fleet service experience and concurs that an increase in inspection interval is warranted. Since this finding is not limited to conditions peculiar to the petitioner's situation, the AD is being amended to reflect this change in lieu of the issuance of an exemption limited to the petitioner.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Harry J. Irwin, Aircraft En-

gineering Division, and DeWitte T. Lawson, Jr., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-1378 (37 FR 665), AD 72-2-3 as amended by Amendment 39-1399 (37 FR 4702) and Amendment 39-1766 (38 FR 35299), as follows:

(1) By revising Paragraph A.1.(a) to read, in pertinent part as follows:

"* * * repeat the inspections and interim anti-corrosion treatment at intervals not to exceed 3,000 hours time in service or 375 calendar days, * * *".

(2) By revising Paragraph A.2.(c) to read, in pertinent part as follows:

"* * * and at intervals not to exceed 3,000 hours time in service or 375 calendar days, whichever occurs earlier, inspect and treat * * *".

This amendment becomes effective January 23, 1978.

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

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

Issued in Los Angeles, Calif., on January 6, 1978.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc. 78-1580 Filed 1-20-78; 8:45 am]

[4910-13]

[Docket No. 77-EA-81; Amdt. 39-3128]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-23 type aircraft. It requires an inspection of the stabilators for cracks and other deficiencies and an alteration or replacement where necessary. The inspection arises from findings made during routine inspections which indicated other aircraft might be involved. The amendment is needed to preclude weakening of the stabilator structure and loss of the trim tab and counter balance weight.

EFFECTIVE DATE: January 26, 1978. Compliance is required as set forth in the body of the airworthiness directive.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 17745. A copy of the service bulletin is contained in the docket in the Office of Regional Counsel, FAA, Eastern Region, Jamaica, N.Y.

FOR FURTHER INFORMATION CONTACT:

C. Kallis, Airframe Section, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430; telephone 212-995-2875.

SUPPLEMENTARY INFORMATION: There have been reports of cracks developing in the stabilator structure of Piper PA-23-250 (Aztec) airplanes. The discrepancies consisted of cracks in the tip balance weight, abnormal trim tab horn bushing wear, and skin and nose rib cracks. These defects could cause weakening of the complete structure leading to loss of the trim tab and counter balance weight. The airworthiness directive requires an inspection, alteration and replacement where necessary. Since a situation exists which affects air safety, notice or public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are C. Kallis, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

ADOPTION OF THE AMENDMENT

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

PIPER: Applies to PA-23-250 airplanes with Serial Nos. as shown below certificated in all categories.

To prevent possible hazards in flight associated with weakening of the stabilator, accomplish the following unless previously accomplished:

(a) *The following Serial Nos. pertain to S.B. 540 dated January 4, 1977*

(1) *Serial Nos. 27-7654001 thru 27-7754057.* Within the next 10 hours in service after the effective date of this AD, inspect both stabilator tip tube and weight assemblies for cracks in accordance with the inspection procedures of 1. and 2. under "Instructions" on the sketch/instructions page of S.B. 540, or equivalent procedures.

(i) If cracks are present alter both tube and weight assemblies as indicated in 2. under "Instructions" on the first page of S.B. 540 or equivalent procedures, prior to further flight.

(ii) If cracks are not present alter both tube and weight assemblies within the next 100 hours in service as indicated in 4. under "Instruction" on the first page S.B. 540, or by equivalent procedures.

(iii) For altered parts, the inspection procedures of (a)(1) must be repeated within the next 100 hours in service and thereafter at intervals not to exceed 100 hours in service from the last inspection. If cracks are present replace all cracked parts with new or equivalent parts before further flight.

(2) *Serial Nos. 27-7754058 and up.* Within the next 100 hours in service after the effective date of this AD and every 100 hours thereafter, inspect both stabilator tip tube and weight assemblies for cracks in accordance with inspection procedures of 1. and 2. under "Instructions" on the sketch/instructions page S.B. 540 or equivalent procedures. If cracks are present replace all cracked parts with new or equivalent parts before further flight.

(b) *The following Serial Nos. pertain to Service Bulletin 547 dated March 1, 1977*

(1) *Serial Nos. 27-7654001 thru 27-7754054.* Within the next 50 hours in service after the effective date of this AD, inspect both stabilator tip ribs for missing rivets and missing tube and weight assembly attachment screws and if necessary alter in accordance with S.B. 547 or equivalent procedures.

(c) *The following Serial Nos. pertain to Service Bulletin 569 dated August 24, 1977*

(1) *Serial Nos. 27-7654001 thru 27-7754127; 27-7754130, 27-7754131, 27-7754133 thru 27-7754136; 27-7754138 thru 27-7754144.* To prevent abnormal stabilator tab horn bushing wear, within the next 50 hours in service after the effective date of this AD replace the right and left stabilator tab forward inboard rib/horn assemblies by installing Piper Kit 761 143 or equivalent kit.

(d) *The following Serial Nos. pertain to Service Letter 807A dated September 8, 1977*

(1) *Serial Nos. 27-7654001 thru 27-7754041 equipped with stabilators Piper part number 15658-2, 15658-3, 15658-22 or 15658-23.* Within the next 50 hours in service after the effective date of this AD, reinforce the mounting of the stabilator tube and weight assemblies by installing additional nose-ribs by means of Piper Kit 761 141 or equivalent kit.

(e) Refer to paragraph 4-65 in the Piper PA-23-250 "Aztec" Service Manual and balance the stabilator when the alterations in paragraphs (a), (c), or (d) of this AD are incorporated.

(f) Upon submission of substantiating data through an FAA Maintenance Inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(g) The affected airplanes may be flown in accordance with FAR 21.197 to a location where the AD compliance procedures can be accomplished.

(h) Equivalent procedures and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Effective Date: This amendment is effective January 26, 1978.

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

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

Issued in Jamaica, N.Y., on January 12, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-1585 Filed 1-20-78; 8:45 am]

[4910-13]

[Docket No. 17553; Amdt. 39-3130]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. BH/HS 125-600A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of the pitot heads (L/H and R/H) on Hawker Siddeley Aviation, Ltd., Model BH/HS 125-600A airplanes. The AD is necessary to prevent possible loss of accuracy of both the pilot and co-pilot airspeed indicators, when operating in icing conditions, due to failure of the heating elements of pitot heads which could result in loss of control of an aircraft. The AD is prompted by an unusually high in-service failure rate of the heating elements of each of the two pitot heads on Hawker Siddeley Aviation, Ltd., Model BH/HS 125-600A airplanes.

EFFECTIVE DATE: February 6, 1978. Compliance is required within 10 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from: Hawker Siddeley Aviation, Inc., Suite 206, Blake Building, 1025 Connecticut Avenue NW., Washington, D.C. 20036, telephone 202-223-9350.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that an unusually high in-service failure rate of the heating element of the Avimomini pitot head on Hawker Siddeley Aviation, Ltd., Model BH/HS 125-600A airplanes could result in loss of heat to both pitot heads on these airplanes. If this were to occur during flight in icing conditions, the accuracy of both the pilot and co-pilot airspeed systems would be adversely affected. Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued which requires replacement of the existing pitot heads (L/H and R/H) with a new design pitot head on Hawker Siddeley Aviation, Ltd., Model BH/HS 125-600A airplanes.

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

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

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

HAWKER SIDDELEY AVIATION, LTD. Applies to Model BH/HS 125-600A airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible loss of airspeed reference to both the pilot and co-pilot due to failure of the heating elements of both pitot heads, within 10 hours time in service after the effective date of this AD, remove the Avimomini pitot heads (L/H and R/H) and replace with Rosemount Model 853 JA pitot heads in accordance with the section entitled "Accomplishment Instructions" and the associated installation drawing, both included in Hawker Siddeley Aviation, Limited Service Bulletin 34-129(2436), Revision 1, dated June 21, 1977, or an FAA-approved equivalent.

This amendment becomes effective February 6, 1978.

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

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

Issued in Washington, D.C., on January 16, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-1928 Filed 1-20-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-4]

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

Alteration of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

AGENCY: Final rule.

SUMMARY: These amendments realign and redesignate the existing Salt Lake City and Provo, Utah, transition areas. Such action will provide additional controlled airspace for the radar vectoring of aircraft and provide controlled airspace for aircraft executing a new NDB approach procedure developed for the Michael Army Air Field, Dugway, Utah. These actions are designed to improve and provide more efficient use of the navigable airspace in and around the Salt Lake City area through more direct routings and increased fuel/time savings.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On November 7, 1977, the FAA published for comment a notice of proposed rule making (NPRM) to realign and redesignate the existing Salt Lake City and Provo, Utah, transition areas (42 FR 57969). No objections were received in response to this notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) realigns and redesignates the transition areas at Salt Lake City and Provo, Utah.

In the notice of proposed rule making (NPRM) dated November 7, 1977, an error was made in the description of that portion of the Salt Lake City, Utah, transition area floored at 700 feet above the surface. Specifically, the words: "Thence east along latitude 41°00'00" N. to the point of begin-

ning," were omitted immediately following that portion of the proposed description which reads: "Thence north along longitude 112°22'00" W., to latitude 44°00'00" N." The following rule corrects this error.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., March 23, 1978, as follows:

By amending Subpart G, section 71.181 as follows:

1. Redesignate the Salt Lake City, Utah, transition area as follows:

SALT LAKE CITY, UTAH

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 41°00'00" N., longitude 111°45'00" W., thence south along longitude 111°45'00" W. to latitude 40°22'30" N., thence southeast to latitude 40°10'20" N., longitude 111°35'00" W., thence southwest to latitude 40°03'30" N., longitude 111°48'30" W., thence northwest to latitude 40°43'00" N., longitude 112°22'00" W., thence north along longitude 112°22'00" W. to latitude 41°00'00" N., thence east along latitude 41°00'00" N. to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°00'00" N., on the east by longitude 111°25'30" W., on the south by latitude 39°56'30" N., and on the west by the east edge of R-6402 and longitude 113°00'00" W.; that airspace east of Salt Lake City extending upward from 11,000 feet M.S.L. bounded on the northwest by the southeast edge of V-32, on the southeast by the northwest edge of V-235, on the southwest by the northeast edge of V-101 and on the west by longitude 111°25'30" W.; and that airspace southeast of Salt Lake City extending upward from 13,500 feet M.S.L. bounded on the northeast by the southwest edge of V-484, on the south by the north edge of V-200 and on the west by longitude 111°25'30" W.; excluding the portion within Restricted Area R-6403 and the Bonneville, Utah, transition area.

2. Cancel the Provo, Utah, transition area in its entirety.

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

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

Issued in Aurora, Colo., on January 11, 1978.

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

[FR Doc. 78-1584 Filed 1-20-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-31]

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

Alteration to Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter controlled airspace near Sault Ste. Marie, Mich., to accommodate the transfer of aircraft operating from the existing Sault Ste. Marie Municipal Airport to the new Chippewa County Airport (formerly Kincheloe AFB).

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: On August 22, 1977, a notice to airmen was issued stating that effective September 1, 1977, the Sault Ste. Marie, Mich. (Kincheloe AFB), control zone would be decommissioned. The intended effect of the notice was to advise the public that, by reason of the closure of Kincheloe AFB, the control zone would not be effective until further notice. The airport at the former Air Force Base is being transferred to Chippewa County, Mich., and will become the new Municipal Airport (Chippewa County Airport) serving Salt Ste. Marie, Mich. Since the instrument approach procedures established for the new airport are less restrictive to airspace users than the previous Air Force operations and the existing Sault Ste. Marie Municipal Airport will be closed to coincide with the opening of the new Chippewa County Airport, it has been determined that the nature of the alteration required to the airspace does not impose an additional burden on the users of this airspace. Therefore, notice and public procedure normally requiring a notice of proposed rulemaking (NPRM) are unnecessary and that good reason exists for making this alteration as a final rule effective March 23, 1978. The development of new instrument approach procedures into Chippewa County Airport necessitates the FAA to slightly alter the controlled airspace to insure that the procedures will be conducted within controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument approach procedure which will enable other aircraft to circumnavigate the area in order to comply with visual flight rule requirements. When the existing Sault Ste. Marie Airport is closed and all airspace requirements are known for contined operations at the Sault Ste. Marie Canada Airport, we shall issue an additional rulemaking docket to alter the Sault Ste. Marie, Mich., and Sault Ste. Marie Canada Airports airspace.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 23, 1978, as follows:

In § 71.181 (43 FR 440) the following transition area is amended to read:

SAULT STE. MARIE, MICH.

That airspace extending upward from 700 feet above the surface within 8.5 miles radius of the Chippewa County International Airport (latitude 46°14'52", longitude 84°28'15"); within 2 miles each side of the 032° bearing of the Chippewa County International Airport from the 6-mile radius area extending to the Sault Ste. Marie VORTAC, excluding that portion which overlies the Sault Ste. Marie, Mich., transition areas.

In § 71.171 (43 FR 355) the following control zone is amended to read:

SAULT STE. MARIE, MICH.

Within a 5.5-mile radius of Chippewa County International Airport, latitude 46°14'52", longitude 84°28'15"; within one and three-fourths miles each side of the 329° bearing from the Chippewa County International Airport extending from the 5.5-mile radius zone to 6.5 miles northwest of the airport; within one and three-fourths miles each side of the 032° bearing from the airport extending from the 5.5-mile radius zone to 6 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. This effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring

preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on January 11, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc. 78-1581 Filed 1-20-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-8]

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

Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Alamosa, Colo., control zone. The alteration is necessary because certain portions of the control zone are based on a private owned nondirectional beacon which has been decommissioned.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On November 28, 1977, the FAA published, for comment, a proposal to alter the Alamosa, Colo., control zone (42 FR 60569). The only comment received expressed no objection.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) redefines the control zone at Alamosa, Colo.

The present control zone contained airspace for a private NDB approach for Frontier Airlines which has been cancelled and the NDB has been decommissioned.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective March 23, 1978, as follows:

By amending Subpart F 71.171 so as to alter the following control zone to read:

ALAMOSA, COLO.

Within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.) within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

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

Issued in Aurora, Colo., on January 11, 1978.

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

[FR Doc. 78-1582 Filed 1-20-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-22]

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

Designation of Transition Area—Sioux Center, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a transition area at Sioux Center, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Sioux Center Municipal Airport which is based on a Non-Directional Radio Beacon (NDB) navigational aid being installed at the airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: The city of Sioux Center, Iowa, is installing a Non-Directional Radio Beacon (NDB) on the Sioux Center Municipal Airport. This navigational aid will provide additional guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure adequate controlled airspace for aircraft executing the new instrument approach procedure at the Sioux Center Municipal Airport.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Operations, Procedures and Airspace Branch, Air Traffic Division and John L. Fitzgerald, Jr., Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On pages 59389 and 59390 of the FEDERAL REGISTER dated November 17, 1977, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sioux Center, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

Accordingly, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), is amended, effective 0901 G.m.t. March 23, 1978, by adding the following transition area:

SIOUX CENTER, IOWA

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Sioux Center Municipal Airport (latitude 43°08'05" N., longitude 96°11'15" W.) and within 3 miles each side of the 006° (true) bearing from the Sioux Center Municipal Airport extending from the 5 mile radius to 8.5 miles north of the airport.

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

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

Issued in Kansas City, Mo., on January 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-1583 Filed 1-20-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-10]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration and Designation of Federal Airways and Jet Routes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of December 12, 1977, Vol. 42, page 62359, the Hayes Center 287° radial was incorrectly stated in line four of the fourth amendatory paragraph to § 71.123 on page 62360. This correction reflects the correct radial of Hayes Center as 276°.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: FEDERAL REGISTER Document 77-35248 was published on December 12, 1977 (42 FR 62359), with an effective date of January 26, 1978, and designated a segment of V-172 via the INT of Hayes Center, 287° and North Platte, Nebr., 245° radials. An incorrect radial from Hayes Center was inadvertently published. The correct radial should have been 276°. Action is taken herein to correct this error.

DRAFTING INFORMATION

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

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FEDERAL REGISTER Document 77-35248, as published on December 12, 1977, on page 62359, is amended in the description of a segment of V-172 by deleting the fourth line of the fourth amendatory paragraph to § 71.123 on page 62360 and substituting "dials; INT Hayes Center 276° and North" therefor.

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

Issued in Washington, D.C., on January 13, 1978.

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

[FR Doc. 78-1579 Filed 1-20-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-53]

PART 73—SPECIAL USE AIRSPACE

Establishment of Solid Shield 78 Temporary Restricted Areas in Puerto Rico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes six temporary restricted areas in Puerto Rico to contain a major joint service military exercise called "Solid Shield 78." This action provides for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the restricted areas during the time they are in use for the exercise.

EFFECTIVE DATE: May 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Wray McClung, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8488.

SUPPLEMENTARY INFORMATION:

HISTORY

On December 1, 1977 (42 FR 61049), the FAA proposed to amend Part 73 of the Federal Aviation Regulations (FARs) (14 CFR Part 73) to establish three temporary restricted areas near the southern coast of Puerto Rico to provide military only special use airspace between the dates of May 10, 1978, and May 23, 1978, to conduct the joint service military exercise called "Solid Shield 78." Subsequent to the publication of that notice, it was determined that additional restricted area airspace would be needed. Accordingly, on December 15, 1977 (42 FR 63181), a supplemental notice of proposed rulemaking was published to establish a total of six temporary restricted areas for the exercise. Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. No objectionable comments were received. Except for editorial changes, this amendment is the same as was proposed in the notices.

Establishment of a temporary warning area W-372 is being established concurrently south of the temporary restricted areas through nonrule making procedures.

THE RULE

This amendment to Part 73 of the Federal Aviation Regulations (FARs) establishes six temporary restricted areas near the southern coast of Puerto Rico to contain a major joint service military exercise known as "Solid Shield 78." The six restricted areas reflect different designated areas and altitudes which will be in effect from May 10, 1978, through May 23, 1978. Some of the restricted areas will be effective continuously during that period, and others will be effective only a part of that period.

Exercise plans provide for airborne and amphibious operations within the Puerto Rico area and airborn operations on Vieques. Land and naval based aircraft, both fixed and rotary wing, will support all phases of the exercise. Ground forces will be continuously supported and resupplied by aircraft employing a variety of delivery means. Jet fighter and attack aircraft will conduct extensive close air support missions including simulated bombing, rocket, and strafing attacks. Jet reconnaissance aircraft will conduct missions throughout the exercise area. Total exercise sorties from all the military services are estimated at 248 daily for fixed wing and 623 daily for helicopters. Exercise activity will be of such intensity that entry of nonexercise aircraft into the areas would seriously degrade aircraft safety. Pilots engaged in this type activity may not be able to properly clear the area to avoid nonparticipating aircraft, and a hazardous situation could exist if nonexercise aircraft were permitted in the areas while the exercise is in progress. There will be no live ordnance expended nor supersonic flights conducted within the exercise airspace.

The Commander in Chief, U.S. Atlantic Fleet, will designate an exercise airspace manager who will issue notices in pictorial and textual form announcing and describing air activity within the approved exercise airspace. These notices will be in addition to NOTAMS published by the FAA. The designated airspace manager will establish communications with appropriate air route traffic control centers so that nonexercise aircraft may be cleared through the restricted/warning areas when not being used for exercise purposes.

DISCUSSION OF COMMENTS

Two comments were received. Neither comment objected to the proposed action.

DRAFTING INFORMATION

The principal authors of this document are Mr. Wray McClung, Air

Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 660) is amended, effective 0001 local time, May 10, 1978, as follows:

In § 73.71 (43 FR 711) the following temporary restricted areas are added:

1. R-7105A Ponce, P.R.

Boundaries: Beginning at Lat. 18°15'00" N., Long. 66°30'00" W.; to Lat. 18°15'00" N., Long. 66°01'00" W.; to Lat. 18°07'00" N., Long. 65°59'20" W.; to Lat. 18°07'00" N., Long. 66°30'00" W.; thence to point of beginning.

Altitudes: 8,000 feet MSL to but not including FL 250.

Time of use: Continuous, May 10, 1978, through May 23, 1978.

Controlling agency: FAA, San Juan ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

2. R-7105B Ponce, P.R.

Boundaries: Beginning at Lat. 18°07'00" N., Long. 66°30'00" W.; to Lat. 18°07'00" N., Long. 65°59'20" W.; to Lat. 17°55'30" N., Long. 65°56'30" W.; thence west 3 NM from and parallel to the shoreline to Lat. 17°56'30" N., Long. 66°30'00" W.; thence to point of beginning.

Altitudes: Surface to but not including FL 250.

Time of use: Continuous, May 10, 1978, through May 23, 1978.

Controlling agency: FAA, San Juan ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

3. R-7105C Ponce, P.R.

Boundaries: Beginning at Lat. 18°15'00" N., Long. 66°45'00" W.; to Lat. 18°15'00" N., Long. 66°30'00" W.; to Lat. 17°48'00" N., Long. 66°30'00" W.; thence northwest and west along Warning Area W-371B to Lat. 17°56'00" N., Long. 66°45'00" W.; thence to point of beginning.

Altitudes: Surface to but not including FL 280, excluding the airspace within R-7105E.

Time of use: Continuous, May 10, 1978, through May 23, 1978.

Controlling agency: FAA, San Juan ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

4. R-7105D Ponce, P.R.

Boundaries: Beginning at Lat. 18°15'00" N., Long. 66°30'00" W.; to Lat. 18°15'00" N., Long. 66°01'00" W.; to Lat. 18°07'00" N., Long. 65°59'20" W.; to Lat. 18°07'00" N., Long. 66°30'00" W.; thence to point of beginning.

Altitudes: Surface to but not including 8,000 feet MSL.

Time of use: Continuous, May 10, 1978, through May 23, 1978.

Controlling agency: FAA, San Juan ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

5. R-7105E Ponce, P.R.

Boundaries: Beginning at Lat. 18°15'00" N., Long. 66°45'00" W.; to Lat. 18°04'30" N., Long. 66°35'30" W.; thence east along the 5 SM arc of the Ponce control zone to Lat. 18°03'00" N., Long. 66°30'00" W.; to Lat. 17°48'00" N., Long. 66°30'00" W.; thence west along W-371B to Lat. 17°56'00" N., Long. 66°45'00" W.; thence to point of beginning.

Altitudes: Surface to but not including 8,000 feet MSL.

Time of use: 0000 to 1000 local time, May 15, 1978, through May 17, 1978.

Controlling agency: FAA, San Juan ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

6. R-7105F Ponce, P.R.

Boundaries: Beginning at Lat. 18°05'00" N., Long. 67°15'00" W.; to Lat. 18°05'00" N., Long. 66°45'00" W.; to Lat. 17°55'00" N., Long. 66°45'00" W.; thence west 3 NM from and parallel to the shoreline to point of beginning.

Altitudes: 8,000 feet MSL to FL 280.

Time of use: Continuous, May 10, 1978, through May 23, 1978.

Controlling agency: FAA, San Juan ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

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

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

Issued in Washington, D.C., on January 16, 1978.

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

[FR Doc. 78-1929 Filed 1-20-78; 8:45 am]

[4910-13]

[Docket No. 17551; SFAR No. 36]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

PART 145—REPAIR STATIONS

Special Federal Aviation Regulation No. 36; Operations Review Program Amendment No. 2A; Development of Major Repair Data

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment, being issued as a part of the FAA's Operations Review Program, adopts a new Special Federal Aviation Regulation (SFAR) that provides for the use of data for accomplishing major repairs that have been developed by repair stations, air carriers, air taxis, and commercial operators of large aircraft but which have not been specifically approved by the FAA. The SFAR will relieve affected certificate holders of the burden attendant to obtaining FAA-approval of major repair data on a case-by-case basis if certain requirements necessary in the interest of safety are met. The SFAR is also needed to develop information upon which to base a permanent rule change.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8716.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The aviation industry in the United States and abroad has grown substantially during the last 10 years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies, and aircraft operators function.

To enable the FAA to become more responsive to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities, the FAA issued Notice No. 75-9 (40 FR 8585; February 28, 1975), inviting all interested persons to submit proposals for consideration during the Operations Review Program.

In response to that invitation, the FAA received more than 5,000 individual comments contained in 123 submissions. Based on those comments and on the Compilation of Proposals, the FAA prepared a number of working documents for the Operations Review Conference held in Arlington, Va., on December 1-5, 1975. The FAA distributed those documents to each person who participated in the Operations Review Program and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all the scheduled agenda items during the conference. Summaries were given by the FAA Committee Chairman at the close of the discussions on each agenda item. Persons present were given the opportunity to correct those oral summaries. Those summaries were edited and combined with an attendee list for the conference and with transcripts of certain plenary session speeches and were distributed to all

attendees and to all persons requesting them in accordance with a Notice of Availability (Notice No. 75-9A; 41 FR 9413; March 4, 1976).

This amendment deals with Proposal No. 882, concerning § 145.51, that was submitted by the Air Transport Association for the Operations Review Program and is being issued as a part of that program.

Discussion of Amendment

Under § 145.51 of the Federal Aviation Regulations (FAR), repair stations are allowed to approve aircraft, airframes, aircraft engines, propellers, or appliances for return to service after maintenance, preventive maintenance, or alterations. However, in the case of major repairs or major alterations, the work must have been done in accordance with FAA-approved technical data. Similar requirements exist in § 127.140(b), which is applicable to scheduled air carriers utilizing helicopters, and in § 121.379(b) which is applicable to air carriers and commercial operators of large aircraft. In addition, under § 135.2, air taxi operators using large aircraft are subject to the requirements of § 121.379(b).

While FAA-approved major alteration data may be developed under the Designated Alteration Station (DAS) provisions of Subpart M of FAR Part 21, similar provisions do not exist under which FAA-approved major repair data can be developed by those certificate holders subject to the requirements of §§ 121.379, 127.140, and 145.51. Because of this, affected certificate holders have, in the past, been required to submit major repair data and supporting information to FAA Regional Offices on a case-by-case basis for approval. Due to the large number of major repairs being performed and the financial need to have damaged aircraft repaired and returned to service as quickly as possible, the requirement for applying for case-by-case approvals has proven to be especially burdensome to affected certificate holders. In this connection, the FAA has recently been receiving an increasing number of petitions for exemption from the provisions of §§ 121.379 and 145.51. Several exemptions have been issued, subject to a number of conditions and limitations, allowing air carriers and repair stations to utilize major repair data they have developed which have not been specifically FAA-approved. Based on the experience gained under these exemptions and in view of the increasing number of exemption requests, the FAA believes it appropriate to adopt an SFAR to provide similar relief to all affected certificate holders and to enable the FAA to obtain additional information that is needed to determine the course of action to be taken with respect to §§ 121.379(b), 127.140(b), and 145.51.

In general, the SFAR being adopted is based on the DAS provisions of FAR Part 21 and the conditions and limitations contained in the related exemptions which have been granted. The SFAR requires those desiring relief to have available qualified engineering personnel. The preparation of an FAA-approved procedure manual for the development of major repair data is also required. In addition, records relating to the major repair data developed and the products incorporating the major repairs are required to be kept. The FAA believes these requirements are necessary to ensure that an adequate level of safety is maintained.

As indicated, affected certificate holders have been subjected to a severe burden under the provisions of §§ 121.379(b), 127.140(b), and 145.51, and the FAA believes that under the currently existing circumstances immediate relief is necessary. However, unless major repair data are developed under a system with adequate safeguards, using the data for a repair could result in a serious hazard to safety with respect to any aircraft incorporating the repair. The SFAR being adopted will provide an alternate means of compliance that will assure an equivalent level of safety to the existing requirements. Because of this and since no additional burden will be placed on any person, it is found that notice and public procedure hereon are impracticable and unnecessary and that good cause exists for making the amendment effective in less than 30 days. Nevertheless, since the SFAR is being adopted without prior notice and public procedure and is intended as interim rulemaking action to enable the FAA to obtain information upon which to base a permanent rule change, interested persons are invited to submit comments on the new SFAR. Comments should be mailed to the Rules Docket, AGC-24, Federal Aviation Administration, Washington, D.C. 20591 and should reference the SFAR number. The FAA will consider all comments received in connection with any subsequent rulemaking action to be taken with respect to the SFAR, and, if found to be justified, the FAA will initiate rulemaking action with respect to the SFAR prior to its specified termination date.

Drafting Information

The principal authors of this document are Mr. Eli Newberger, Flight Standards Service, and Mr. Samuel Podberesky, Office of the Chief Counsel.

The Amendment

Accordingly, Special Federal Aviation Regulation No. 36 is adopted effective January 23, 1978, to read as follows:

Special Federal Aviation Regulations

1. *General.* Contrary provisions of §§ 121.379(b), 127.140(b) and 145.51 of the Federal Aviation Regulations notwithstanding, a certificate holder may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service after accomplishing a major repair if the data used for the repair was developed by that certificate holder in accordance with an authorization issued under this Special Federal Aviation Regulation.

2. *Application.* The applicant for an authorization to develop and use its own technical data for major repairs must submit an application, in writing and signed by an officer of the applicant, to the FAA District Office for the region in which the applicant is located. The application must contain—

(a) The repair station certificate number held by the repair station applicant, the current ratings covered by the certificate, and a copy of the repair station's operations specifications;

(b) The air carrier, air taxi, or commercial operator operating certificate number held by the air carrier, air taxi, or commercial operator applicant, and the products that it may maintain under the certificate;

(c) The names, signatures, and titles of the persons for whom authorization to approve the use of technical data for major repairs is requested; and

(d) A description of the applicant's staff with which compliance with section 3 of this Special Federal Aviation Regulation is to be shown.

3. *Eligibility.* (a) To be eligible for an authorization to develop its own technical data for major repairs, the applicant must—

(1) Hold a current domestic repair station certificate under Part 145, an air carrier certificate under Part 121 or 127, or a commercial operator certificate under Part 121, or be an air taxi operator subject to the requirements of § 135.2;

(2) Have adequate personnel, in the United States, appropriate to the products that it may maintain under its certificate; and

(3) Employ, or have available, a staff of engineering personnel who can determine compliance with the applicable airworthiness requirements of the Federal Aviation Regulations.

(b) At least one member of the staff required by paragraph (a)(3) of this section must have all of the following qualifications:

(1) A thorough working knowledge of the applicable requirements of the Federal Aviation Regulations.

(2) A position, on the applicant's staff, with authority to establish repair programs that ensure that repaired products meet the applicable requirements of the Federal Aviation Regulations.

(3) At least one year of satisfactory experience in direct contact with the FAA while processing engineering work for type certification or major repair projects.

(4) At least eight years of aeronautical engineering experience (which may include the one year required by paragraph (b)(3) of this section).

4. *Procedure Manual.* (a) No person holding an authorization issued under this Special Federal Aviation Regulation may exercise any authority under the authorization unless he obtains FAA approval of and complies with a procedure manual containing—

(1) The procedures for developing and determining the adequacy of technical data for major repairs; and

(2) The names, signatures, and responsibilities of officials and of each staff member required by section 3 of this Special Federal Aviation Regulation, identifying those persons who—

(i) Have authority to make changes in procedures that require a revision to the procedure manual; and

(ii) Are to prepare or determine the adequacy of technical data, or both, plan or conduct tests, and approve the results of tests.

(b) No person holding an authorization issued under this Special Federal Aviation Regulation may continue to perform any authorized function affected by any change in staff necessary to continue to meet the requirements of section 3 of this Special Federal Aviation Regulation, or affected by any change in procedures from those approved under paragraph (a) of this section, unless that change is FAA-approved and entered in the manual. For this purpose, the manual must contain a "log-of-revisions" page with space for the identification of each revised item, page, date, and the signature of the person approving the change for the Administrator.

5. *Duration of Authorization.* Each authorization issued under this Special Federal Aviation Regulation is effective for a period of two years unless it is surrendered or the Administrator suspends, revokes, or otherwise terminates it at an earlier date.

6. *Maintenance of Eligibility.* Each holder of an authorization issued under this Special Federal Aviation Regulation shall continue to meet the requirements for issue of the authorization or shall notify the Administrator within 48 hours of any change (including a change of personnel) that could affect the ability of the holder to meet those requirements.

7. *Transferability.* An authorization issued under this Special Federal Aviation Regulation is not transferable.

8. *Inspections.* Upon request, each holder of an authorization issued under this Special Federal Aviation Regulation and each applicant for an authorization shall let the Administrator inspect his facilities, products, and records.

9. *Limits of Applicability.* (a) An authorization issued under this Special Federal Aviation Regulation applies only to products—

(1) Covered by the rating of the repair station applicant and its operations specifications; and

(2) Covered by the operating certificate and maintenance manual of the air carrier, air taxi, or commercial operator applicant.

(b) Each holder of an authorization issued under this Special Federal Aviation Regulation must comply with any additional limitations prescribed by the Administrator and made a part of the authorization.

10. *Data Review and Service Experience.* (a) If the Administrator finds that a product for which repair data was developed under this Special Federal Aviation Regulation does not meet the applicable airworthiness requirements, or that an unsafe feature or characteristic caused by a defective repair exists, the holder of the authorization, upon notification by the Administrator, shall investigate the matter and report to the Administrator the results of the investigation and the action, if any, taken or proposed.

(b) If corrective action by the user of the product is necessary for safety because of any noncompliance or defect specified in paragraph (a) of this section, the holder of the authorization shall submit the information necessary for the issuance of an airworthiness directive under Part 39 of the Federal Aviation Regulations.

11. *Current Records.* (a) Each holder of an authorization issued under this Special Federal Aviation Regulation shall maintain, at its facility, current records containing—

(1) For each product for which it has developed and used major repair data, a technical data file that includes any data and amendments thereto (including drawings, photographs, specifications, instructions, and reports) necessary for the major repair;

(2) A list of products by make, model, manufacturer's serial number and, if applicable, any FAA identification, that have been repaired under the authorization; and

(3) A file of information from all available sources on difficulties of products repaired under the authorization.

(b) The records prescribed in paragraph (a) of this section shall be—

(1) Made available by the holder of the authorization, for examination, upon the Administrator's request; and

(2) In the case of the data file prescribed in paragraph (a)(1) of this section, identified by the holder of the authorization and sent to the Administrator as soon as the holder of the authorization no longer utilizes it.

This Special Federal Aviation Regulation terminates January 23, 1980.

NOTE.—The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Secs. 313(a), 601, 604, and 607, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1424, and 1427); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on January 17, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-1622 Filed 1-20-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-1040, Amdt. 14]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Approval by Comptroller General

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in a regulation concerning the performance of emergency commercial charters by a certificated scheduled air carrier for another direct air carrier. This approval is required by the Federal Reports Act and was transmitted to the Civil Aeronautics Board by letter dated December 19, 1977.

DATES: Effective: January 17, 1978. Adopted: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

Accordingly, the Civil Aeronautics Board amends Part 207 of its economic regulations (14 CFR 207) by adding the following note at the end of Part 207:

NOTE.—The reporting requirements contained in § 207.10 have been approved by the U.S. General Accounting Office under No. B-180226 (R0107).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1912 Filed 1-20-78; 8:45 am]

[6320-01]

[Regulation ER-1041, Amdt. 13]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Approval by Comptroller General

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in a regulation concerning the performance of emergency commercial charters by a certificated supplemental air carrier for another direct air carrier. This approval is required by the Federal Reports Act and was transmitted to the Civil Aeronautics Board by letter dated December 19, 1977.

DATES: Effective: January 17, 1978. Adopted: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Con-

necticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

Accordingly, the Civil Aeronautics Board amends Part 208 of its economic regulations (14 CFR 208) by adding the following note at the end of Part 208:

NOTE.—The reporting requirements contained in § 208.5 have been approved by the U.S. General Accounting Office under No. B-180226 (R0107).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1911 Filed 1-20-78; 8:45 am]

[6320-01]

[Regulation ER-1042, Amdt. 23]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Approval by Comptroller General

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in a regulation concerning the performance of emergency commerical charters by a foreign air carrier for another direct air carrier. This approval is required by the Federal Reports Act and was transmitted to the Civil Aeronautics Board by letter dated December 19, 1977.

DATES: Effective: January 17, 1978. Adopted: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

Accordingly, the Civil Aeronautics Board amends Part 212 of its economic regulations (14 CFR 212) by adding the following note at the end of Part 212:

NOTE.—The reporting requirements contained in § 212.14 have been approved by the U.S. General Accounting Office under No. B-180226 (R0107).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1910 Filed 1-20-78; 8:45 am]

[6320-01]

[Regulation ER-1043, Amdt. 21]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Approval by Comptroller General

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in a regulation concerning the performance of emergency commercial charters by a foreign charter air carrier for another direct air carrier. This approval is required by the Federal Reports Act and was transmitted to the Civil Aeronautics Board by letter dated December 19, 1977.

DATES: Effective: January 17, 1978.

Adopted: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

Accordingly, the Civil Aeronautics Board amends Part 214 of its Economic Regulations (14 CFR 214) by adding the following note at the end of Part 214:

NOTE.—The reporting requirements contained in § 214.5 have been approved by the U.S. General Accounting Office under Number B-180226 (R0107).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR § 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1909 Filed 1-20-78; 8:45 am]

[6320-01]

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-145, Amdt. 9]

PART 371—ADVANCE BOOKING CHARTERS

Approval by Comptroller General

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in a regulation concerning free and reduced-rate transportation offered to travel agents on Advance Booking Charters. This approval is required by the Federal Reports Act.

DATES: Effective: December 27, 1977. Adopted: January 17, 1978.

FOR FURTHER INFORMATION CONTACT: Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

SUPPLEMENTARY INFORMATION: In Regulation SPR-136, 42 FR 56722, October 28, 1977 (Docket 29818), the Board amended Part 371 of its Special Regulations to provide, among other things, new reporting requirements in §§ 371.25a and 371.50(c). Regulation SPR-136 contained the following note:

NOTE.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review. 44 U.S.C. 3512(c)(2).

By letter dated December 13, 1977, the Comptroller General approved the reporting requirements in §§ 371.25a and 371.50(c) under Number B-180226 (R0480) and the effective date of Regulation SPR-136 remains unchanged: December 27, 1977.

Accordingly, in order to reflect such review and approval by the Comptroller General, the note which follows paragraph (c) of § 371.50 is hereby amended to read as follows:

§ 371.50 Charter trip reporting.

* * * * *

NOTE:—The reporting requirements contained in §§ 371.25a and 371.50(c) have been approved by the U.S. General Accounting Office under No. B-180226 (R0480).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1908 Filed 1-20-78; 8:45 am]

[6320-01]

[Regulation SPR-146, Amdt. 21]

PART 378—INCLUSIVE TOUR CHARTERS

Approval by Comptroller General

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of a reporting requirement contained in a regulation concerning free and reduced-rate transportation offered to travel agents on Inclusive Tour Charters. This approval is required by the Federal Reports Act.

DATES: Effective: December 27, 1977. Adopted: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

SUPPLEMENTARY INFORMATION: In Regulation SPR-137, 42 FR 56725, October 28, 1977 (Docket 29818), the Board amended Part 378 of its Special Regulations to provide, among other things, a new reporting requirement in § 378.32(b). Regulation SPR-137 contained the following note:

NOTE.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review. 44 U.S.C. 3512(c)(2).

By letter dated December 13, 1977, the Comptroller General approved the reporting requirement in § 378.32(b) under Number B-180226 (R0480) and the effective date of Regulation SPR-137 remains unchanged: December 27, 1977.

Accordingly, in order to reflect such review and approval by the Comptroller General, the note which follows paragraph (c) of § 378.32 is hereby amended to read as follows:

§ 378.32 Free and reduced-rate transportation of travel agents.

* * * * *

NOTE.—The reporting requirement contained in section 378.32(b) has been approved by the U.S. General Accounting Office under Number B-180226 (R0480).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1907 Filed 1-20-78; 8:45 am]

[6320-01]

[Regulation SPR-147, Amdt. 17]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Approval by Comptroller General

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of a reporting requirement contained in a regulation concerning free and reduced-rate transportation offered to travel agents on One-Stop-Inclusive Tour Charters. This approval is required by the Federal Reports Act.

DATES: Effective, December 27, 1977. Adopted, January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

SUPPLEMENTARY INFORMATION: In Regulation SPR-138, 42 FR 56726, October 28, 1977 (Docket 29818), the Board amended Part 378a of its Special Regulations to provide, among other things, a new reporting requirement in § 378a.50(d). Regulation SPR-138 contained the following note:

Note.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review. 44 U.S.C. 3512(c)(2).

By letter dated December 13, 1977, the Comptroller General approved the reporting requirement in § 378a.50(d) under Number B-180226 (R0480) and the effective date of Regulation SPR-138 remains unchanged: December 27, 1977.

Accordingly, in order to reflect such review and approval by the Comptroller General, the note which follows paragraph (c) of § 378a.50 is hereby amended to read as follows:

§ 378a.50 Charter trip reporting.

* * * * *

NOTE.—The reporting requirement contained in § 378a.50(d) has been approved by the U.S. General Accounting Office under Number B-180226 (R0480).

This amendment is issued by the undersigned pursuant to the delegation of authority from the board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1906 Filed 1-20-78; 8:45 am]

[7510-01]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1245—PATENTS

Subpart 1—Patent Waiver Regulations

AGENCY: National Aeronautics and Space Administration.

ACTION: Correction.

SUMMARY: This document corrects a final rule which appeared on page 57454 in the FEDERAL REGISTER of November 3, 1977.

DATE: The previous document became effective November 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert F. Kempf, 202-755-3932.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-31792 appearing at page 57449 in the FEDERAL REGISTER of November 3, 1977, effective date statement following § 1245.117 appearing on page 57454 is corrected in the last sentence by changing "on or before" to "on or after."

DATED: January 17, 1978.

ROBERT F. KEMPF,
Assistant General Counsel for Patent Matters.

[FR Doc. 78-1900 Filed 1-20-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES, AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Disclosure of Material Pertaining to Consent Order Settlements; Withdrawal of Matter from Adjudication to Consider Consent Agreements

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: On August 5, 1977 (42 FR 39658), the Commission published changes in rules 2.34 and 3.25(f), de-

signed to place on the public record certain material related to consent agreements accepted by the Commission. Although the summary published in the FEDERAL REGISTER accurately reflected the Commission's intent that only documents received by the Commission from the investigated party would be subject to the disclosure requirements of the rules, the language of the rules omitted this fact. This change is being made to clarify the rule in accordance with the Commission's original intent.

In addition, the Commission is delegating to its General Counsel the authority to make public the documents that these rules require be disclosed. This is similar to the authority to grant Freedom of Information Act appeals which the Commission has also delegated to its General Counsel, 16 CFR § 4.11.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3865.

Accordingly, and pursuant to 15 U.S.C. § 46(f), (g) and 5 U.S.C. § 552, the Commission hereby amends its Rules of Practice §§ 2.34 and 3.25(f), 16 CFR §§ 2.34 and 3.25(f), as set forth below.

1. By revising § 2.34 to read as follows:

§ 2.34 Disposition.

(a) Upon receiving an executed agreement conforming with the requirements of § 2.32, the Commission may: (1) Accept it; (2) reject it and issue its complaint; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein and any initial report of compliance submitted pursuant to § 2.33 on the public record, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby, material submitted to the Commission by the investigated party related to the merits of the order that is determined by the General Counsel not to be exempt from disclosure under the Freedom of Information Act, and any other information which it deems helpful in assisting interested persons to understand the terms of the order. The Commission will publish the agreement, order and explanation in the FEDERAL REGISTER. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested person. Thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

2. By revising § 3.25(f) to read as follows:

§ 3.25 Consent agreement settlements.

* * * * *

(f) After the matter has been withdrawn from adjudication, the Commission may: (1) Accept the agreement, (2) reject it and return the matter to adjudication for further proceedings, or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place it on the public record, together with any initial report of compliance submitted pursuant to § 2.33, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby; material submitted to the Commission by the investigated party reasonably related to the merits of the order that is determined by the General Counsel not to be exempt from disclosure under the Freedom of Information Act; and any other information which it deems helpful in assisting interested persons to understand the terms of the order. The Commission will publish the agreement, order and explanation in the FEDERAL REGISTER, for a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested person. Thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding.

* * * * *

By direction of the Commission dated January 10, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-1795 Filed 1-20-78; 8:45 am]

[6750-01]

[Docket No. 8995]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Chrysler Corp.

AGENCY: Federal Trade Commission.

ACTION: Modified order to cease and desist.

SUMMARY: This modified order to cease and desist replaces an earlier order issued to Chrysler Corp. on April 13, 1976, (41 FR 20653, 87 F.T.C. 719). In accordance with the decision and judgment rendered by the Court of Appeals for the District of Columbia on July 6, 1977, (561 F.2d 357 (1977)), this order deletes Paragraphs 2 and 3 of the original order, which pertain to performance tests and results.

DATES: Complaint issued Oct. 9, 1974. Final order issued Apr. 13, 1976. Modified order to cease and desist issued Dec. 5, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Albert H. Kramer, Bureau of Consumer Protection, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3727.

SUPPLEMENTARY INFORMATION: In the Matter of Chrysler Corporation, a corporation. The prohibited trade practices and/or affirmative corrective actions as codified under 16 CFR 13, appearing at 41 FR 20653, are modified by the deletion of § 13.210 Scientific tests, and § 13.1730 Results.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The Modified Order to Cease and Desist, is as follows:

MODIFIED ORDER TO CEASE AND DESIST

Respondent having filed in the United States Court of Appeals for the District of Columbia on June 30, 1976, a petition to review an order to cease and desist issued on April 13, 1976; and the court having rendered its decision and judgment on July 6, 1977, affirming and enforcing the Commission's order with the deletion of Paragraphs 2 and 3, and respondent not having filed a petition for certiorari within the time permitted by law;

Now, therfore, *it is hereby ordered*, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court to read as follows:

ORDER

It is ordered, That respondent Chrysler Corp., and its officers, representatives, and agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of products sold by the respondent in or affecting commerce, as

[1] Copies of the Modified Order to Cease and Desist, filed with the original document.

"commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by reference to a test or tests, that any of respondent's automobiles are superior with regard to fuel economy to any other automobiles whether manufactured by respondent or others unless:

(a) such superiority has been demonstrated as to the model(s) for which it is claimed by such test or tests with respect to each sample, or the valid average of all identical samples, of each model represented to have been tested; or

(b) the valid test results for each sample, or the valid average of all identical samples, of each model so compared, including the advertised model as well as such makes and models to which the advertised model is compared, are clearly and conspicuously disclosed.

For the purpose of this Order, "sample" shall mean an actual automobile tested.

2. Misrepresenting in any manner the fuel economy of any automobile or the superiority of any automobile over competing products in terms of fuel economy.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That respondent shall, within sixty (60) days after this order becomes "final," file with the Commission a report, in writing, setting forth in detail the manner and form of its compliance with this Order.

CAROL M. THOMAS,
Secretary.

[FR Doc. 70-1837 Filed 1-20-78; 8:45 am]

[6750-01]

[Docket No. C-2914]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Grand Spaulding Dodge, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Chicago, Ill. automobile dealer to cease failing to furnish in a timely manner, Spanish-speaking customers relevant bilingual disclosures and documents. Additionally, the firm is required to display notices in Spanish, as set forth in the order, and to maintain prescribed records for a period of two years.

DATES: Complaint and order issued Oct. 25, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Paul W. Turley, Director, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603, 312-353-4423.

SUPPLEMENTARY INFORMATION: On Thursday, Jan. 27, 1977, there was published in the FEDERAL REGISTER 42 FR 5133, a proposed consent agreement with analysis In the Matter of Grand Spaulding Dodge, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

Comments were filed and considered by the Commission.

The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-45 Maintain records. Subpart—Failing to Provide Foreign Language Translations; § 13.1052 Failing to provide foreign language translations. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-1838 Filed 1-20-78; 8:45 am]

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[1] Copies of the Complaint and the Decision and Order filed with the original document.

[1505-01]

Title 22—Foreign Relations

CHAPTER 1—DEPARTMENT OF STATE

[Dept. Reg. 108.751]

PART 51—PASSPORTS

New Passport Requirements

Correction

In FR Doc. 78-764, appearing on page 1791 in the issue of Thursday, January 12, 1978, the bracketed heading, which was inadvertently omitted, should read as set forth above.

[4210-01]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI3795]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The date listed in the fourth column.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance if such assistance is: (1) For acquisition and construction purposes, and (2) For property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is

purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1909 et seq.). Accordingly, the communities are suspended on the effective date in the list below.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of suspended communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Colorado	Alamosa	Unincorporated areas	June 6, 1973, emergency; Jan. 19, 1978, regular; Jan. 19, 1978, suspended.	Aug. 2, 1974	080009
Do.	Arapahoe	Greenwood Village, city of	Mar. 16, 1976, emergency; Jan. 5, 1978, regular; Jan. 19, 1978, suspended.	Dec. 27, 1974	080195
Do.	Routt	Steamboat Springs, town of	Oct. 10, 1973, emergency; Jan. 19, 1978, regular; Jan. 19, 1978, suspended.	Dec. 27, 1974	080159
Georgia	Lowndes	Valdosta, city of	Dec. 17, 1973, emergency; Jan. 19, 1978, regular; Jan. 19, 1978, suspended.	Mar. 7, 1974, Mar. 26, 1976	130200-A
Kansas	Leavenworth	Leavenworth, city of	May 1, 1973, emergency; Jan. 5, 1975, regular; Jan. 19, 1978, suspended.	Nov. 28, 1973	200190
Michigan	Berrien	Royalton, township of	May 17, 1973, emergency; Jan. 5, 1978, regular; Jan. 19, 1978, suspended.	June 21, 1974, June 25, 1976	260043-A
Missouri	St. Louis	Fenton, city of	Feb. 25, 1972, emergency; Jan. 19, 1978, regular; Jan. 19, 1978, suspended.	May 17, 1974	290350
Do.	do	Ferguson, city of	May 3, 1973, emergency; Jan. 19, 1978, regular; Jan. 19, 1978, suspended.	Sept. 16, 1973, June 18, 1976	290351-A
New Jersey	Somerset	Warren, township of	Feb. 4, 1972, emergency; Jan. 5, 1978, regular; Jan. 19, 1978, suspended.	Jan. 16, 1974	340446
Pennsylvania	Schuylkill	Port Carbon, borough of	Sept. 15, 1972, emergency; Jan. 19, 1978, regular; Jan. 19, 1978, suspended.	Mar. 23, 1973, Oct. 1, 1976	420783-A
*	*	*	*	*	*
Washington	Pacific	Unincorporated areas	Jan. 17, 1974, emergency; Jan. 5, 1978, regular; Jan. 19, 1978, suspended.	Oct. 25, 1974	530126
West Virginia	Logan	Mitchell Heights, town of	Jan. 29, 1971, emergency; Aug. 27, 1976, regular; Jan. 19, 1978, suspended.	Aug. 17, 1971	540095-A

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

Issued: December 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1626 Filed 1-20-78; 8:45 am]

[4210-01]

[Docket No. FI 3874]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities with Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program (NFIP). The identification of these areas is to provide guidance to communities on the reduction of property losses, by the adoption of appropriate flood plain management, and other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The date listed in the eighth column of the table or February 22, 1978, whichever is later.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction purposes as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) For property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood

prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin February 22, 1978, or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin February 22, 1978, or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

ST	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANCE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AZ	Cochise	City of Sierra Vista (01-04)	040017 A	E-8,11,12, 14	I	F	10 MAY 74	6 DEC 77	Mr. George P. Michael, Jr. - Director of Public Works - 320 Sherbundy, North east - Sierra Vista, AZ 85635 (602) 458-2840
AR	Uninc. Area	Crittenden County (0001-0011)	050429 A	N-5	I	F	6 DEC 77	6 DEC 77	Honorable Jack Brawley - County Judge - Crittenden County Courthouse - Office of the County Judge - Marion, AR 72364 (501) 739-3240
AR	Uninc. Area	Jefferson County (0001-0014)	050440 A	N-5,9	I	F	6 DEC 77	6 DEC 77	Honorable Joe Hensley - County Judge - Office of the County Judge - County Courthouse - Pine Bluff, AR 71601 (501) 534-4120
HI	Maui	ISLANDS OF MOLOKAI AND MAUI, (0001-0016)	150003 A	E 5	C	F	6 DEC 77	6 DEC 77	Mr. [illegible], County [illegible] 96[illegible]
ID	Uninc. Area	Fremont County (0001-0005, 0008-0009,0012-0014,0017-0019,0021-0024)	160061 A	N-5	I	F	6 DEC 77	6 DEC 77	Mr. Edward Kirkham - Chairman - Board of County Commissioners - County Courthouse - St. Anthony, ID 83445 (208) [illegible]
IA	Uninc. Area	Pottawattamie County (0001-0011)	190232 A	N-5	I	F	6 DEC 77	6 DEC 77	Mr. Frank Gilman - Chairman - Board of County Supervisors - County Courthouse - Council Bluffs, IA 51501 (712) 328-5703
KS	Uninc. Area	Ford County (0001-0012)	200101 A	N-5	I	F	6 DEC 77	6 DEC 77	Mr. Ed Gibb - Chairman - Board of County Commissioners - County Courthouse - Dodge City, KS 67801 (316) 225-[illegible]
LA	Uninc. Area	Saint Landry Parish (01-29, 32-38,41-54,56-67)	220165 A	E-5,9	I	F	6 DEC 77	6 DEC 77	Mr. Ivan Ryder - President - Office of the Police Jury - Parish Courthouse - Opelousas, LA 70570 (318) 948-3683
MA	Barnstable	Town of Brewster (0001-0006)	250003 B	E-12	C	F	15 MAR 74	6 DEC 77	Mr. Dennis D. Hanson - Superintendent-Engineer - Department of Public Works - Brewster, MA 02631 (617) 896-3212
MA	Middlesex	Town of Stow (01-11)	250216 A	E-10,11,12	I	F	18 OCT 74	6 DEC 77	Mr. Don Rising - Planning Board - Office of the Planning Board - P.O. Box 261 - Stow, MA 01775 (617) 275-9200
OK	Uninc. Area	Bryan County (0001-0013)	400482 A	N-5	I	F	6 DEC 77	6 DEC 77	Mr. Joe Franklin - Chairman - Board of County Commissioners - County Courthouse - Durant, OK 74701 (405) 924 2601
OR	Uninc. Area	Hood River County (0001-0006, 0008)	410096 A	E-5	I	F	6 DEC 77	6 DEC 77	Mr. Richard D. Smith - Chairman - Board of County Commissioners - County Courthouse - Hood River, OR 97031 (503) 386-3970
OR	Uninc. Area	Linn County (0001-0007, 0009-0017,0019,0021-0022)	410136 A	E-5	I	F	6 DEC 77	6 DEC 77	Mr. Vernon Schrock - Chairman - Board of County Commissioners - County Courthouse - Albany, OR 97321 (503) 967-3825
TX	Jim Wells	City of Alice (0001-0002)	480394 B	E-8,11,12, 14	I	F	28 DEC 73	6 DEC 77	Mr. Ralph Gomez - Asst. City Manager - P.O. Box 113 - Alice, TX 78332 (512) 664-8463
TX	Uninc. Area	Collin County (0001-0012)	480130 A	N-5	I	F	6 DEC 77	6 DEC 77	Honorable Nathan E. White - County Judge - Office of the County Judge - County Courthouse - McKinney, TX 75069 (214) 542-2561

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TX	Uninc. Area	Coryell County (0001-0016)	480768 A	N-5	I	F	6 DEC 77	6 DEC 77	Honorable Douglas H. Smith - County Judge - Office of the County Judge - County Courthouse Gatesville, TX 76528 (817) 865-5911
TX	Uninc. Area	Potter County (0001-0012)	481241 A	N-5	I	F	6 DEC 77	6 DEC 77	Honorable Branch T. Archer - County Judge - Office of the County Judge - County Courthouse Amarillo, TX 79101 (806) 376-6591

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MN	Washington	City of Oakdale 01-05	270511C	E - 11, 12, 14	I	F	May 24, 1974 July 25, 1975 April 1, 1977	Dec. 9, 1977	Dennis Zylla, City Adm. 1584 Hadley Ave., N. Oakdale, MN 55119 Phone: 612/738-5066
MS	Calhoun	Calhoun County (Uninc. 0001A-0008A Areas)	280288	E - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	John Warner, President Board of Supervisors Pittsboro, MS 38951 Phone: 601-983-2424
MS	Sharkey	Sharkey County (Uninc. 0001A-0008A Areas)	280152	E - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	H.G. Greer, President Board of Supervisors County Courthouse Rolling Fork, MS Phone: 601-873-2261
MS	Tunica	Tunica County (Uninc. 0001A-0009A Areas)	280236	E - 10, 11, 12, 14	I	F	Jan. 10, 1975	Dec. 9, 1977	William L. Featherman Board of Supervisors County Courthouse Tunica, MS Phone: 601-363-2374
NY	Westchester	Village of Mount Kisco 0001A	360918	E - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	Henry Kensing, Mayor 104 Main Street Mount Kisco, NY 10549 Phone: 914-241-0500
NC	Brunswick	Brunswick County (Uninc. 0001A-0013A Areas)	370295	E - 5	C & I	F	Dec. 9, 1977	Dec. 9, 1977	Steve Varnum, Chairman County Commissioners P.O. 876 Southport, NC 28461 Phone: 919-457-5529
NC	Rutherford	Town of Spindale 01	370356A	N - 3, 12, 14	I	F	June 27, 1975	Dec. 9, 1977	C.B. Downey, Mayor P.O. Box 185 Spindale, NC 28160 Phone: 704-631-3456
OH	Athens	Athens County (Uninc. 0001A-0006A Areas)	390760	N - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	Max Adkins, Chairman County Commissioners County Courthouse Athens, OH 45701 Phone: 614-593-7988
OH	Clinton	Clinton County (Uninc. 0001A-0008A Areas)	390784	N - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	R.M. Fite, Chairman County Commissioners County Courthouse Wilmington, OH 45177 Phone: 513-382-2078
OH	Columbiana	Columbiana County (Uninc. 0001A-0008A Areas)	390076	E - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	John Urau, Chairman County Commissioners County Courthouse Lisbon, OH 44432 Phone: 216-424-9511
OH	Fayette	Fayette County (Uninc. 0001A-0006A Areas)	390164	N - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	Ray Warner, Chairman County Commissioners County Courthouse Washington, OH 43160 Phone: 614-335-0720
OH	Geauga	Geauga County (Uninc. 0001A-0006A Areas)	390190	E - 5	I	F	Dec. 9, 1977	Dec. 9, 1977	James Mueller, Chairman County Commissioners County Courthouse Chardon, OH 44024 Phone: 216-285-2222
OH	Warren	City of Lebanon 0001C-0002C	390557	E - 11, 12, 14	I	F	May 10, 1974 July 23, 1976 June 10, 1977	Dec. 9, 1977	Larry T. Ashton, Mayor City Hall 34 S. Broadway Lebanon, OH 45036

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	IN AND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Noble	Noble County (Uninc. 0001A-0008A Areas)	390428	E - 10,11 12,14	I	F	Jan. 10, 1975	Dec. 9, 1977	Jam. E. R[illegible], Chairman County Comm[illegible]ioners County Courthouse Caldwell, OH 43724 Phone: 614-732-4400
SC	Dillon	Dillon County (Uninc. 0001A-0007A Areas)	450064	N - S	I	F	Dec. 9, 1977	Dec. 9, 1977	Cl[illegible]d Graham, Co. Manager City-County Complex Dillon, SC 29536 Phone: 803-774-3391
TN	Stewart	Town of Dover 0001A	470237	N - S	I	F	Dec. 9, 1977	Dec. 9, 1977	W.H. Tippitt, Mayor P.O. Box 32 Dover, TN 37058 Phone: 615-232-5907
TN	Fentress	Fentress County (Uninc. 0001A-0010A Areas)	470343	N - S	I	F	Dec. 9, 1977	Dec. 9, 1977	Cast[illegible] Knepp, Co. Judge County Courthouse P.O. 727 Jamestown, TN 38556 Phone: 615-879-9392

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AR	Yell	City of Danville (01-03)	050318 A	E-11,12	I	F	~~13 DEC 77~~ 7 FEB 75	13 DEC 77	Mr. James Moeller - City Administrator - Box 116 - Danville, AR 72833 (501) 495-2013
AR	Uninc. Area	Greene County (0001-0009)	050435 A	N-5	I	F	13 DEC 77	13 DEC 77	Honorable Buford Diggs - County Judge - Office of the County Judge - County Courthouse Paragould, AR 72450 (501) 236-8804
AR	Uninc. Area	Sevier County (0001-0009)	050463 A	N-5,9	I	F	13 DEC 77	13 DEC 77	Honorable B. A. Mauldin - County Judge - Office of the County Judge - County Courthouse De Queen, AR 71832 (501) 584-2425
AR	Uninc. Area	Union County (0001-0014)	050205 A	N-5,9	I	F	13 DEC 77	13 DEC 77	Honorable Homer Park - County Judge - Office of the County Judge - County Courthouse El Dorado, AR 71730 (501) 863-6024
CA	Los Angeles	City of Los Angeles (01-11, 14-21,23-65,67,70-87,89-93,100-108,110,111,113, 114,116-119,122-124,129, 131,132,134-137,139-150)	060137 A	E-5	C	F	13 DEC 77	13 DEC 77	Mr. Donald C. Tillman - Chief Engineer - Suite 750 - City Hall East - 200 North Main Street - Los Angeles, CA 90012 (213) 485-3071
CA	Uninc. Area	Shasta County (0001-0002, 0004-0009,0011-0015, 0017-0019,0021-0022, 0024-0036)	060358 A	N-5	I	F	13 DEC 77	13 DEC 77	Mr. Dan Gover - Chairman - Board of Supervisors - County Courthouse Redding, CA 96001 (916) 246-5557
CA	Uninc. Area	Trinity County (03,05-06,08-11,13-16,19-21,23-24,26-27,29-30,36,38-44,46-49)	060401 A	N-15	I	F	13 DEC 77	13 DEC 77	Mr. Mike McMillan - County Planne Planning Board - P.O. Box 935 - Weaverville, CA 96093 (916) 623-5594
KS	Uninc. Area	Anderson County (0001-0006)	200569 A	N-5	I	F	13 DEC 77	13 DEC 77	Mr. Wayne Pracht - Chairman - Board of County Commissioners - County Courthouse - Garnett, KS 66032 (913) 448-5924
ME	Cumberland	Town of Baldwin (0001-0002)	230200 A	N-3,9,11,12	I	F	14 FEB 75	13 DEC 77	Mr. Otis Thomas, Jr. - Chairman - Board of Selectmen - West Baldwin, ME 04091 (207) 625-8759
MA	Middlesex	Town of Framingham (02-11)	250193 A	E-11,11,12	I	F	2 AUG 74	13 DEC 77	Mr. Christy Maltas - Planning Director - Planning Department - Town Hall - Framingham, MA 01701 (617) 875-5570
MA	Middlesex	Town of Stoneham (02)	250215 A	E-9,10,12	I	F	2 AUG 74	13 DEC 77	Mr. Thomas M. Leahy, Esq. - Town Counsel - Suite 7 - 335 Main Street - Stoneham, MA 02180 (617) 438-2400

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NH	Cheshire	Town of Chesterfield (01, 04-06,08,10-14,16-17)	330183 A	N-5	I	F	13 DEC 77	13 DEC 77	Mr. Winston H. Cray - Chairman of Selectmen - Town Hall - Chesterfield, NH 03443 (602) 363-4627
PT	Uninc. Area	American Samoa (0001-0004)	600001 A	N-5	C	F	13 DEC 77	13 DEC 77	Mr. Fufale Li'a - Public Safety Director - Pago Pago, American Samoa 96799 633-4127
TX	Uninc. Area	Howard County (0001-0012)	481227 A	N-5	I	F	13 DEC 77	13 DEC 77	Honorable Bill Tune - County Judge - Office of the County Judge - County Courthouse Big Spring, TX 79720 (915) 263-7132
TX	Uninc. Area	Kerr County (01-05,07-11, 13-28,30-47, 49-56,58-70)	480419 A	E-5,9	I	F	13 DEC 77	13 DEC 77	Honorable Julius Neunhoffer - County Judge - Office of the County Judge - County Courthouse Kerrville, TX 78028 (512) 257-7093
TX	Uninc. Area	Polk County (0001-0014)	480526 A	N-5	I	F	13 DEC 77	13 DEC 77	Honorable Wayne R. Baker - County Judge - Office of the County Courthouse - Livingston, TX 77351 (713) 327-8113
TX	Uninc. Area	Swisher County (01-54)	481010 A	N-5,9	I	F	13 DEC 77	13 DEC 77	Honorable Jack Driskill - County Judge - Office of the County Judge - County Courthouse Tulia, TX 79088 (806) 995-3601
UT	Uninc. Area	Wasatch County (01,03-05,08-11,15-18,21-25,27-30,32-36,38-43,46-53,55-57,59-61,70,73)	490164 B	E-12	I	F	31 MAY 77	13 DEC 77	Mr. Leland Ivers - County Commissioner - Board of County Commissioners- County Courthouse - Heber City, UT 84032 (801) 654-3211
VT	Orleans	City of Newport (01-05)	500086 A	N-5	I	F	13 DEC 77	13 DEC 77	Honorable William V. Caputo - Mayor - City Hall - Newport, VT 05855 (802) 334-7119
VT	Bennington	Town of Sunderland (0001, 0003)	500021 B	E-8	I	F	1 FEB 74	13 DEC 77	Mr. William H. Bahan - Town Clerk Town Hall - Sunderland, VT 05250 (802) 375-6092
VT	Bennington	Town of Winhall (0001-0004)	500022 B	E-8,11,14	I	F	20 SEP 74	13 DEC 77	Mrs. William F. Coleman - Town Clerk - Town Hall - Winhall, VT 05340 (802) 297-1594
WA	Lewis	City of Centralia (0001-0002)	530103 A	E-9,10,11, 12	I	F	15 MAR 74	13 DEC 77	Honorable Donald A. Naismith - Mayor - City Hall - Centralia, WA 98531 (206) 736-2532
WA	Uninc. Area	Kitsap County (01,03-06,08-10,12-14,17-19,22-25,27-31,33-37,39-44)	530092 A	E-9,10,11, 12	C	F	14 FEB 75	13 DEC 77	Mr. Gene Lobe - Chairman - Board of County Commissioners - 614 Division Street - Port Orchard, WA 98366 (206) 876-7145
WA	Uninc. Area	Snohomish County (0001-0011, 0013-0017,0019-0023)	535534 A	E-5	I	F	13 DEC 77	13 DEC 77	Mr. Hill - Chairman - Board of County Commissioners - County Courthouse - Everett, WA 98201 (206) 259-9357

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FL	Levy	Levy County (Uninc. Areas) 0001A-0016A	120145	E - 10,11, 12,14	I & C	F	Jan. 24, 1975	Dec. 16, 1977	Charles Hardee, Chairman Co. Commissioners P.O. Box 306 Bronson FL 32621 Phone: 904-486-2442
KY	Bracken	City of Augusta 01-02	210022B	E - 11,12, 14	I	F	May 24, 1974 Feb. 27, 1976	Dec. 16, 1977	Thomas L. Appleman, Mayor Main Street, P.O. Box 96 Augusta, KY 41002 Phone: 606-756-2474
KY	Cumberland	Cumberland County (Uninc. 0001A-0007A Areas)	210060	N - 10,11, 12,14	I	F	Jan. 3, 1975	Dec. 16, 1977	Lyle Webb, Co. Judge County Courthouse Burkeville, KY 42717 Phone: 502-864-3414

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MN	Washington	City of Forest Lake 0001A	270693	N - S	I	F	Dec. 16, 1977	Dec. 16, 1977	Jere A. Noreen, Mayor 220 North Lake Street Forest Lake, MN 55025 Phone: 612-464-3550
MN	Mower	City of Taopi 01	270604A	N - 11, 12, 14	I	F	Jan. 24, 1975	Dec. 16, 1977	Harold Eischens, Mayor City Hall Taopi, MN 55977 Phone: 507-433-1846
MN	St. Louis	St. Louis County (Uninc. 0001A-0067A Areas)	270416	E - 10, 11, 12, 14	I & C	F	Dec. 20, 1974	Dec. 16, 1977	Chairman County Bd. of Commissioners County Courthouse Duluth, MN 55802 Phone: 218-723-3428
MS	Washington	Washington County (Uninc. 0001A-0012A Areas)	280177	E - 10, 11, 12, 14	I	F	Oct. 18, 1974	Dec. 16, 1977	Lon D. Pepper, President Board of Supervisors County Courthouse Greenville, MS 38701 Phone: 601-332-1595
NY	Rockland	Town of Clarkstown 01-05	360679B	E - 12, 14	I	F	April 12, 1974 Sept. 10, 1976	Dec. 16, 1977	Leslie F. Bollman, P.E. Director, Town Hall New City, NY 10956 Phone: 914-634-4100
NY	Putnam	Village of Nelsonville 01	361019A	N - S	I	F	Dec. 16, 1977	Dec. 16, 1977	John D. Meyer, Mayor 258 Main Street Nelsonville, NY 10516 Phone: 914-265-3241
NY	Cattaraugus	Town of Yorkshire 0001A-0004A	361104	E - 11, 12, 14	I	F	April 11, 1975	Dec. 16, 1977	Frank Smith, T. Supr. Church Street Yorkshire, NY 14173 Phone: 716-492-1125
OH	Guernsey	Guernsey County (Uninc. 0001A-0009A Areas)	390198	E - 10, 11, 12, 14	I	F	Mar. 21, 1975	Dec. 16, 1977	T.O. McHaffie, Chairman County Board County Courthouse Cambridge, OH 43725 Phone: 614-432-2234
OH	Highland	Highland County (Uninc. Areas) 0001A-0008A	390769	N - S	I	F	Dec. 16, 1977	Dec. 16, 1977	Richard Hall, Chairman County Commissioners Co. Adm. Bldg. Gov. 4, Acre Place Hillsboro, OH 45133 Phone: 513-393-1911
OH	Fairfield Franklin	Village of Pickerington 0001C	390162	E - 8, 11, 12, 14	I	F	June 28, 1974 Feb. 28, 1975 June 25, 1976	Dec. 16, 1977	Paul McMullon, Mayor 22 North Center Street Pickerington, OH 43147 Phone: 614-837-3974
PA	Wyoming	Township of Falls 0001A-0003A	422198	E - S	I	F	Dec. 16, 1977	Dec. 16, 1977	Eugene Dziak, Chairman Township Supervisors R.D. 1 Falls, PA 18615 Phone: 717-388-6298
TN	Dickson	Dickson County (Uninc. 0001A-0006A Areas)	470046	N - 10, 11, 12, 14	I	F	Dec. 6, 1974	Dec. 16, 1977	William Field Co. Judge County Courthouse Charlotte, TN 37036 Phone: 615-789-4106
TN	Sumner	Sumner County (Uninc. Areas) 0001A-0008A	470349	E - S	I	F	Dec. 16, 1977	Dec. 16, 1977	Bethel Brown, Co. Judge County Courthouse, Rm. 107 Gallatin, TN 37066 Phone: 615-452-3604
TN	Weakley	Weakley County (Uninc. 0001A-0008A Areas)	470364	N - S	I	F	Dec. 16, 1977,	Dec. 16, 1977	Charles Butts, Co. Judge County Courthouse Dresden, TN 38225 Phone: 901-364-2279
WV	Berkeley	Berkeley County (Uninc. 0001A-0005A Areas)	540282	E - S	I	F	Dec. 16, 1977	Dec. 16, 1977	John E. Wright, Pres. County Commissioners Room 5, Co. Courthouse Martinsburg, WV 25401 Phone: 304-263-3511

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AL	Franklin	Town of Vina 0001A	010335	N - S	I	F	Dec. 16, 1977	Dec. 16, 1977	Mrs. Gloria Brown, [illegible] Town Hall Vina, AL 35593 Phone: 205-356-49[illegible]
GA	Wilkinson	Town of Ivey 0001A	130420	N - S	I	F	Dec. 16, 1977	Dec. 16, 1977	W.H. Lord, Mayor Route 2 Gordon, GA 31031 Phone: 912-628-2803
MI	Barry	Township of Hastings 0001A-0002A	260648	E - S	I	F	Dec. 16, 1977	Dec. 16, 1977	Richard Thomas, Twp. Supv. 1895 E. Woodlawn Hastings, MI 49058 Phone: 616-945-3791
MI	Bay	Township of Kawkawlin 0001A-0002A	260658	N - S	I	F	Dec. 16, 1977	Dec. 16, 1977	Lloyd Pajot, Twp. Supv. 1375 E. Beaver Road Kawkawlin, MI 48631 Phone: None
OH	Delaware	Delaware County (Uninc. Areas) 0001A-0008A	390146	E - S	I	F	Dec. 16, 1977	Dec. 16, 1977	James W. Whitney, Clerk County Commissioners County Courthouse Delaware, OH 43015 Phone: 614-426-1930

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AR	Uninc. Area	Pope County (0001-0012)	050458	A	N-S,9	I	F	20 DEC 77	20 DEC 77	Honorable Ermil Grant - County Judge - Office of the County Judge - County Courthouse Russellville, AR 72801 (501) 968-7487
HI	Uninc. Area	Kauai County (01-11,17-19, 25-26,31-33,35-38,41-44, 46-53,55-58)	150002	A	E N-8,10,11, 12	C	F	20 DEC 74	20 DEC 77	Mr. James Ushijima, County Clerk, Office of County Clerk, County Courthouse, Wailuku, HI 96793
KS	Uninc. Area	Pottawatomie County (0001-0012)	200621	A	E-S	I	F	20 DEC 77	20 DEC 77	Mr. Gerard Finnick - Chairman - Board of County Commissioners - County Courthouse - Westmoreland KS 66549 (913) 457-3314
MT	Yellowstone	City of Billings (04,07,10)	300085	B	E-11,12	I	F	15 FEB 74 16 APR 76	20 DEC 77	Mr. James L. Kraft - Flood Plain Administrator - P.O. Box 1178 - Billings, MT 59103 (406) 252-5619
MT	Fergus	City of Lewistown (01)	300022	B	E-8,11,12	I	F	22 MAR 74 4 JUNE 76	20 DEC 77	Honorable Robert E. Lafountain - Mayor - 312 Fourth Ave., South - Lewistown, MT 59457 (406) 538-8768
NM	Uninc. Area	Santa Fe County (0001,0003-0004,0006-0014,0016-0023)	350069	A	E N-S	I	F	20 DEC 77	20 DEC 77	Mr. Leo David Catanach - Chairman Board of County Administrators - County Courthouse - Santa Fe, NM 87501 (505) 983-4351
SD	Uninc. Area	Brookings County (0001-0009)	460253	A	N-5	I	F	20 DEC 77	20 DEC 77	Mr. George Messner - Chairman - Board of County Commissioners - County Courthouse - Brookings, SD 57006 (605) 692-6284
SD	Uninc. Area	Butte County (0001-0025)	460236	A	N-5	I	F	20 DEC 77	20 DEC 77	Mr. William Olson - Chairman - Board of County Commissioners - County Courthouse - Belle Fourche, SD 57717 (605) 892-3183
SD	Uninc. Area	Grant County (0001-0008)	460266	A	N-5	I	F	20 DEC 77	20 DEC 77	Mr. Knute Erickson - Chairman - Board of County Commissioners - County Courthouse - Milbank, SD 57252 (605) 432-6711
TX	Uninc. Area	Fort Bend County (02-20,22-63)	480228	A	N-11,12	I	F	9 JUL 76	20 DEC 77	Mr. Stanley L. Kucherka, Jr. - County Engineer - Ft. Bend County Drainage District - P.O. Box 1028 3403 Avenue F - Rosenberg, TX 77471 (713) 342-2225

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TX	Uninc. Area	Grayson County (0001-0014)	480829 A	N-S	I	F	20 DEC 77	20 DEC 77	Honorable Les Tribble - County Judge - Office of the County Judge - County Courthouse Sherman, TX 75090 (214) 892-9623
TX	Uninc. Area	Maverick County (0001-0016)	480470 A	N-S	I	F	20 DEC 77	20 DEC 77	Honorable Ramon Saucedo, Jr. - County Judge - Office of the County Judge - County Courthouse Eagle Pass, TX 78852 (512) 773-3824
TX	Uninc. Area	Rusk County (0001-0015)	480993 A	N-S	I	F	20 DEC 77	20 DEC 77	Honorable James B. Porter - County Judge - Office of the County Judge - County Courthouse Henderson, TX 75652 (214) 657-5584
TX	Uninc. Area	San Jacinto County (0001-0016)	480553 A	N-S	I	F	20 DEC 77	20 DEC 77	Honorable K.P. Bryant - County Judge - Office of the County Judge - County Courthouse Coldsprings, TX 77331 (713) 653-2265
VT	Addison	Town of Goshen (0001-0002)	500004 A	E-S	I	F	20 DEC 77	20 DEC 77	Mr. Benjamin Heath - Chairman - Board of Selectmen - Town Hall - R.F.D. #3 - Brandon, VT 05733 (802) 247-5932

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FL	Gulf	Gulf County (Uninc. Areas) 0001A-0008A	120098	E - 5	I & C	F	Dec. 23, 1977	Dec. 23, 1977	Everett Owens, Chairman County Commissioners County Courthouse Port St. Joe, FL 32456 Phone: 904-229-6113
FL	Nassau	Town of Hilliard 0001A	120573	N - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Troy Guinn, Mayor P.O. Box 247 Hilliard, FL 32046 Phone: 904-845-2478
IL	Effingham	Effingham County (Uninc. Areas) 0001A-0006A	170227	N - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Pickford Davis, Chairman County Board County Courthouse Effingham, IL Phone: 217-342-6535
IL	Mercer	Mercer County (Uninc. Areas) 0001A-0006A	170806	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Lyle Tyrrell, Chairman County Board N. Henderson, IL 61466 Phone: 309-582-7021
IL	Warren	Warren County (Uninc. Areas) 0001A-0008A	170673	E - 10, 11, 12, 14	I	F	Dec. 27, 1974	Dec. 23, 1977	James P. [illegible], Chairman County Bd., Co. Courthous Monmouth, IL 61462 Phone: 309-734-2541
IN	Hamilton	Hamilton County (Uninc. Areas) 0001A-~~0006A~~ 0005A	180080	N - 10, 11, 12, 14	I	F	Dec. 13, 1974	Dec. 23, 1977	Jere Roudebush, Pres. County Commissioners County Courthouse Noblesville, IN 46060 Phone: 317-773-6110
KY	Carter	Carter County (Uninc. Areas) ~~0001A-0012A~~ (0002A-0011A)	210050	E - 10, 11, 12, 14	I	F	Dec. 13, 1974	Dec. 23, 1977	David C. McDavid County Judge County Courthouse Grayson, KY 41143 Phone: 606-474-5366
KY	Crittenden	Crittenden County (Uninc. Areas) 0001A-0009A	210254	N - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	J.E. Keeling, Co. Judge County Courthouse Marion, KY 42064 Phone: 502-965-3620
KY	Fulton	Fulton County (Uninc. Areas) 0001A-0005A	210336	N - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	James C. Moreen, Co. Jud County Courthouse, Box 31 Hickman, KY 42050 Phone: 502-236-2594
KY	Powell	Powell County (Uninc. Areas) 0001A-0004A	210194	E - 10, 11, 12, 14	I	F	Nov. 29, 1974	Dec. 23, 1977	Billy Joe Martin, Co. Judge Box 506 Stanton, KY 40380 Phone: 606-663-4957

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MI	Antrim	Township of Banks 0001A-0004A	260643	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Paul Doctor, Twp. Supr. R # 1 Ellsworth, MI 49729 Phone: 616-599-2238
MI	Cheboygan	Township of Beaugrand 0001A-0002A	260646	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Roland LaHaie, Twp. Supr. R # 3 Cheboygan MI 49721 Phone: 616-627-4778
MI	St. Joseph	Village of Colon 0001A	260511	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	O.F. Decker, Vil. Pres. N. Black Stone Ave. Colon, MI 49040 Phone: 616-432-3786
MI	Oceana	Township of Newfield 0001A-0002A	260697	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Lawrence Herin, Twp. Supr R # 1 Hesperia, MI 49421 Phone: 616-854-7918
MN	Pine	Pine County (Uninc. Areas) 0001A-0017A	270704	N - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Chairman Board of Commissioners County Courthouse Pine City, MN 55063 Phone: 612-629-3551
MN	Pope	Pope County (Uninc. Areas) 01-42 * (See Sheet 9 of 9)	270368 A	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Chairman Co. Bd. of Commissioners County Courthouse Glenwood, MN 56334 Phone: 612-634-3338
MS	Bolivar	Bolivar County (Uninc. Areas) 0001A-0015A	280011	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Elmer Prewitt, Pres. Board of Supervisor P.O. Box 769 Cleveland, MS 38732 Phone: 601-843-2071
MS	Grenada	Grenada County (Uninc. Areas) 01-28	280060A	E - 10, 11, 12, 14	I	F	Sept. 13, 1974	Dec. 23, 1977	Robert C. Burks, Jr., Pres Bd. of Supervisors County Courthouse Grenada, MS 38901 Phone: 601-628-5340
MS	Marion	Marion County (Uninc. Areas) 0001A-0007A	280230	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Billy Ray McKenzie, Pres. Bd. of Supvrs. County Courthouse Columbia, MS 39429 Phone: 601-736-7283
MS	Noxubee	Noxubee County (Uninc. Areas) 0001A-0009A	280305	N - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	W.S. Mullins, Pres. Bd. of Supervisors County Courthouse Macon, MS 39341 Phone: 601-726-4513
NY	Greene	Town of Jewett 0001A-0006A	361114	N - 15	I	F	Dec. 23, 1977	Dec. 23, 1977	William G. Maben, Tn. Sup Town Hall Jewett, NY 12444 Phone: 518-734-3036
NY	Washington	Town of Whitehall 0001A-0005A	361239	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Horace Scott, Tn. Supr. 50 Elizabeth Street Whitehall, NY Phone: 518-499-0636
NC	Alamance	Alamance County (Uninc. Areas) 0001A-0006A	370001	E - 10, 11, 12, 14	I	F	Jan. 3, 1975	Dec. 23, 1977	Don Flowers, Co. Manager 124 West Elm Street Graham, NC 27253 Phone: 919-228-1312
NC	Camden	Camden County (Uninc. Areas) 0001A-0005A	370042	E - 10, 11, 12, 14	I	F	Dec. 20, 1974	Dec. 23, 1977	T.F. Leary, Chairman County Commissioners County Courthouse Camden, NC Phone: 919-338-4320
OH	Butler	Butler County (Uninc. Areas) 0001A-0009A	390037	N - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Kole Logspon, Pres. Co. Comm., 130 High St. Hamilton, OH 45011 Phone: 513-867-5000
OH	Champaign	Champaign County (Uninc. Areas) 0001A-0006A	390055	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Robert Ward, Chairman Co. Comm., Co Courthouse Urbana, OH 43078 Phone: 513-653-5896

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OH	Lorain	Town ~~Village~~ of LaGrange 0001A	390806	N - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Mayor West Main Street LaGrange, OH Phone: 216-458-5241
OH	Muskingum	Muskingum County (Uninc. Areas) 0001A-0012A	390425	E - 10, 11, 12, 14	I	F	Mar. 28, 1975	Dec. 23, 1977	William Embree, Chairman Co. Comm., Co. Courthouse Zanesville, OH 43701 Phone: 614-452-4587
OH	Shelby	Shelby County (Uninc. Areas) 0001A-0006A	390503	N - 10, 11, 12, 14	I	F	Dec. 20, 1974	Dec. 23, 1977	Donald Conklin, Chairman Co. Board, Co. Courthouse Sidney, OH 45365 Phone: 513-492-1153
OH	Greene	City of Xenia 0001A	390197	E - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Robert Stewart, City Manager 101 N. Detroit Street Xenia, OH 45385 Phone: 513-372-7611
PA	Lancaster	Borough of Ephrata 0001B-0003B	420551	E - 8, 10, 11, 12, 14	I	F	March 22, 1974 May 17, 1974	Dec. 23, 1977	Carl W. Fuehrer, Bo. Mangr 114 East Main Stree. Ephrata, PA 17522 Phone: 717-733-1277
PA	Lycoming	Township of Franklin 0001B-0004B	420973	E - 11, 12, 14	I	F	July 19, 1974 March 4, 1977	Dec. 23, 1977	H.L. Gardner, Sec. R.D. 1 Millville, PA 17846 Phone: 717-458-5771
PA	Blair	Township of Snyder 0001A-0005A	421393	E - 11, 12, 14	I	F	Jan. 10, 1975	Dec. 23, 1977	R.J. Charles, Sec. R.D. 3, Box 618 Tyrone, PA 16686 Phone: 814-684-1048
SC	Dorchester	Dorchester County (Uninc. Areas) 0001A-0014A	450068	N - S	I	F	Dec. 23, 1977	Dec. 23, 1977	J.F. Wilbanks, Co. Adm. P.O. Box 416 St. George, SC 29477 Phone: 803-563-2331
SC	Pickens	Pickens County (Uninc. Areas) 0001A-0011A	450166	E - 10, 11, 12, 14	I	F	~~March~~ Feb. 14, 1975	Dec. 23, 1977	Marvin W. Ellenburg Chairman, Co. Council P.O. Box 275 Pickens, SC 29671 Phone: 803-859-4006
TN	Bedford	Bedford County (Uninc. Areas) 0001A-0006A	470006	N - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Dorothy Orr, Co. Judge County Courthouse Shelbyville, TN Phone: 615-684-7944
TN	Henderson	Henderson County (Uninc. Areas) 0001A-0006A	470068	N - 10, 11, 12, 14	I	F	Dec. 20, 1974	Dec. 23, 1977	J.T. Todd, Co. Judge Box 455 Lexington, TN 38351 Phone: 901-968-7141
TN	Roane	Roane County (Uninc. Areas) 0001A-0007A	470267	E - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Wallace Brewer, Co. Judge County Courthouse P.O. Box 643 Kingston, TN 37763 Phone: 615-376-6541
TN	Scott	Scott County (Uninc. Areas) 0001A-0007A	470341	N - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Verda Cope, Jr., Co. Judg County Courthouse, Box 6 Huntsville, TN 37756 Phone: 615-663-2355
WI	Waukesha	Village of Elm Grove 0001A	550578	E - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Thomas W. Godfrey Vil. Pres. 14280 Woodlawn Circle Elm Grove, WI 53122 Phone: 414-271-5135
WI	Walworth	Village of Fontana on Geneva Lake 0001A	550592	N - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Charles Patten, Mayor P.O. Box 313 Fontana, WI 53125 Phone: 414-275-6136
WI	Portage	Portage County (Uninc. Areas) 0001A-0016A	550572	E - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Ted Schulfer, Chairman County Board 1516 Church Street Stevens Point, WI 54481 Phone: 715-346-2478
MN	Renville	Renville County (Uninc. Areas) 01-64	270634A	E - S	I	F	Dec. 23, 1977	Dec. 23, 1977	Chairman County Board of Comm. County Courthouse Olivia, MN 56277 Phone: 612-523-2071

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MI	Calhoun	Township of Albion 0001A-0004A	260639	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Fred Kinney, Twp. Supt 7130 - 20 Mile Road Concord, MI 49237 Phone: None
MI	Eaton	Charter Township of Delta 0001B-0004B	260066	E - 9	I	F	Sept. 13, 1974 July 16, 1976	Dec. 23, 1977	Joseph Drollett, Twp. St Township Hall 7710 W. Saginaw Lansing, MI 48917 Phone: 517-627-4031
MI	Huron	Township of Fairhaven 0001A-0004A	260628	E - 5	I	F	Dec. 23, 1977	Dec. 23, 1977	Nicholas Pantelis, Twp. Township Hall Bay Port, MI 48720 Phone: 517-656-9348
PA	Luzerne	Township of Dallas 0001A-0002A	420602	E - 15	I	F	Dec. 23, 1977	Dec. 23, 1977	Philip Walter, Chairman Twp. Supervisors P.O. 332A Dallas, PA 18612 Phone: 717-675-5185
AR	Baxter	Town of Norfork (01)	050267	A	E-11,12	I	F	27 JUN 75	27 DEC 77	Honorable Vero Hall - Mayor - Box 16 - Norfork, AR 72658 (501) 499-5555
CA	Uninc. Area	Butte County (03-04,07,20, 21,28-30,36-40,44-50,53-59,61-62,64-70,72-79,82-88,91-94,97-103,105-109, 111-113)	060017	A	N-11,12	I	F	6 SEP 74	27 DEC 77	Mr. Clifton C. Mickelson - Administrative Officer - Butte County Administrative Officer - 1859 Bird Street - Oroville, CA 95965 (916) 534-4224
CA	Sacramento	City of Sacramento (02-11, 13-15,17,19-21,24-26,28-35)	060266	A	E-8,11,12	I	F	10 JAN 75	27 DEC 77	Mr. R.H. Parker - City Engineer - Department of Engineering - City Hall Room 207 - 915 I Street - Sacramento, CA 95814 (916) 449-5281
LA	Livingston	Town of Livingston (01)	220118	A	N-11,12	I	F	19 SEP 75	27 DEC 77	Honorable Nick Erdey - Mayor - P.O. Box 426 - Livingston, LA 70754 (504) 686-7153
MA	Worcester	Town of Barre (01-12)	250293	A	E-11,12	I	F	17 MAY 74	27 DEC 77	Mr. Chuck Hudson - Administrator Assistant to the Selectmen - Board of Selectmen - Barre, MA 01005 (617) 355-2504
MO	McDonald	City of Noel (0001-0002)	290218	B	E-8,11,12	I	F	24 MAY 74 11-14-75	27 DEC 77	Honorable Martin Stauber - Mayor - 505 North Kings Highway - Noel, MO 64854 (417) 475-3696
MT	Uninc. Area	Glacier County (0001-0016)	300151	A	N-5	I	F	27 DEC 77	27 DEC 77	Mr. Fred Johnson - Chairman - Board of County Commissioners - County Courthouse - Cut Bank, MT 59427 (406) 873-4722
MT	Uninc. Area	Sanders County (0001-0010, ~~0013-0018~~,0022-0026) 0012-0019	300072	A	N-5,9	I	F	27 DEC 77	27 DEC 77	Mr. Henry L. Gill - Chairman - Board of County Commissioners - County Courthouse - Thompson Falls MT 59873 (406) 827-3491
NB	Uninc. Area	Antelope County (0001-0008)	310412	A	N-5	I	F	27 DEC 77	27 DEC 77	Mr. Harold Krebs - Chairman - Board of County Commissioners - County Courthouse - Neligh, NB 68756 (402) 887-4410
NB	Uninc. Area	Red Willow County (0001-0009)	310469	A	N-5	I	F	27 DEC 77	27 DEC 77	Mr. Kenneth McCoy - Chairman - Board of County Commissioners - County Courthouse - McCook, NB 69001 (308) 345-1552
NV	Uninc. Area	Churchill County (0001-0004,0006-0007,0009-0012, 0014-0015,0017-0031,0033-0035,0037-0038,0041-0045, 0049-0051)	320030	A	N-5	I	F	27 DEC 77.	27 DEC 77	Mr. Mario Peraldo - Chairman - Board of County Commissioners - County Courthouse - Fallon, NV 89406 (702) 423-4092
NH	Cheshire	Town of Richmond (0001-0004)	330188	A	N-8,11,12	I	F	3 JAN 75	27 DEC 77	Mr. Leland B. Robbins - Chairman - Board of Selectmen - Rt. 32 - North Richmond, NH 03470 (603) 239-4429

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OR	Benton	City of Corvallis (01-07)	410009 B	E-8,11,12, 14	I	F	14 JUN 74 12-26-75	27 DEC 77	Mr. Rollie Baxter - City Engineer P.O. Box 1083 - Corvallis, OR 97330 (503) 757-6941
TX	Uninc. Area	Cherokee County (0001-0015)	480739 A	N-5	I	F	27 DEC 77	27 DEC 77	Honorable Oruan B. Jones - County Judge - Office of the County Judge - County Courthouse Rusk, TX 75785 (214) 683-2324
TX	Uninc. Area	Erath County (0001-0016)	480218 A	N-5	I	F	27 DEC 77	27 DEC 77	Honorable L. L. Martin - County Judge - Office of the County Judge - County Courthouse Stephenville, TX 76401 (817) 965-4310
TX	Uninc. Area	Hopkins County (0001-0011)	480869 A	N-5	I	F	27 DEC 77	27 DEC 77	Honorable L. E. Goldsmith - County Judge - Office of the County Judge - County Courthouse Sulphur Springs, TX 75482 (214) 885-3926
TX	Uninc. Area	Nacogdoches County (0001-0014)	480947 A	N-5	I	F	27 DEC 77	27 DEC 77	Honorable Steve Burgess - County Judge - Office of the County Judge - County Courthouse Nacogdoches, TX 75961 (713) 569-7921
TX	Uninc. Area	Navarro County (0001-0014)	480950 A	N-5	I	F	27 DEC 77	27 DEC 77	Honorable Robert C. Dunn - County Judge - Office of the County Judge - County Courthouse Corsicana, TX 75110 (214) 874-7331
TX	Uninc. Area	Parker County (0001-0012)	480520 A	N-5	I	F	27 DEC 77	27 DEC 77	Honorable Jerry Tidwell - County Judge - Office of the County Judge - County Courthouse Weatherford, TX 76086 (817) 594-8454
TX	Uninc. Area	Terrell County (0001-0024)	480619 A	E-5	I	F	16 AUG 74	27 DEC 77	Honorable Charles Stanley - County Judge - Office of the County Judge - County Courthouse Sanderson, TX 79848 (915) 345-2451
IL	Champaign	Champaign County 0001A-0012A (Uninc.Areas	170894	E - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Gary [illegible] Chairman County Board [illegible] Urbana, IL [illegible] Phone: 217- [illegible]
IL	Cook	Village of Lansing 0001C	170116	E - 11,12, 14	I	F	Feb. 1, 1974 April 23, 1976 July 23, 1976	Dec. 30, 1977	Jack C. [illegible], Mayor 3904 Duane Drive Lansing, IL 60438 Phone: 312-474-0179
IN	Fayette	Fayette County (Uninc. 0001A-0004A Areas)	180417	E - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	[illegible] County Bd. of Commissioners 401 Central Connersville, IN 47331 Phone: 317-[illegible]
MI	Leelanau	Township of Glen Arbor 0001A-0004A	260604	E - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	John DeBoy, Twp. Supv. [illegible] Glen Arbor, MI 49636 Phone: 616-334-[illegible]
MN	Aitkin	Aitkin County (Uninc. 0001A-0020A Areas)	270628	E - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Dudley [illegible], Chairman County [illegible] County Courthouse Aitkin, MN 56431 Phone: 218-[illegible]-[illegible]
MN	Polk	Polk County (Uninc.Areas) 0001A-0022A	270503	E - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Chairman County Board Supervisors County Courthouse Crookston, MN 56716 Phone: 218-281-2554
NJ	Gloucester	Township of Logan 0001B-0004B	340206	E - 11,12, 13	I	F	Sept. 13, 1974 Nov. 28, 1975	Dec. 30, 1977	Earl P. Masteller, P.E., Township Engineer Route 73 Marlton, NJ 08053 Phone: 609-983-7260

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NY	Cattaraugus	Town of Carrollton 01-13	360063C	E - 11	I	F	Sept. 20, 1974 May 7, 1976 Jan. 21, 1977	Dec. 30, 1977	Joseph Burns, Supt. Nine North Street Limestone, NY Phone: 716-925-5855
NY	Cattaraugus	Town of Red House 01-04	361366A	N - 11	I	F	Feb. 28, 1975	Dec. 30, 1977	Michael J. Hayes, County Planning Board 302 Court Street Little Valley, NY 14755 Phone: 716-938-9181
OH	Hancock	Hancock County (Uninc. 0001A-0006A Areas)	390767	N - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	David Cmar, Chairman County Commissioners County Courthouse Findlay, OH 45840 Phone: 419-422-7467
OH	Hocking	Hocking County (Uninc. 0001A-0008A Areas)	390272	E - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Jim McKain, Chairman County Commissioners County Courthouse Logan, OH 43138 Phone: 614-385-1212
OH	Jackson	Jackson County (Uninc. 0001A-0006A Areas)	390290	E - 10, 11, 12, 14	I	F	January 10, 1975	Dec. 30, 1977	Rex Little obs, Chairman County Commissioners County Courthouse Jackson, OH 45640 Phone: 614-286-3931
PA	Bucks	Township of Haycock 0001A-0002A	421127	E - 10, 11, 12, 14	I	F	July 26, 1974	Dec. 30, 1977	Paul H. Huber, Chairman Board of Supv. R.D. 3 Clinkertown, PA 18951 Phone: 215-538-2711
TN	Haywood	Haywood County (Uninc. 0001A-0008A Areas)	470227	N - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Dixon Hood, Co. Judge County Courthouse Brownsville, TN 38012 Phone: 901-772-1632
TN	Henry	Henry County (Uninc. 0001A-0008A Areas)	470228	N - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Jim Moore, Co. Judge County Courthouse P.O. Box 7 Paris, TN 38242 Phone: 901-642-5211
TN	Sullivan	Sullivan County (Uninc. 0001A-0007A Areas)	470181	N - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Lee V. [illegible], Co. Judge County Courthouse P.O. 90 Blountville, TN 37617 Phone: 615-323-7125
TN	Tipton	Tipton County (Uninc. 0001A-0007A Areas)	470340	E - 5	I	F	Dec. 30, 1977	Dec. 30, 1977	Henry Vaughan, County Judge County Courthouse P.O. 163 Covington, TN 38019 Phone: 901-476-2401
TN	Williamson	Williamson County (Uninc. 0001A-0008A Areas)	470204	E - 10, 11, 12, 14	I	F	Dec. 6, 1974	Dec. 30, 1977	Wilburn Kelley, Co. Judge County Courthouse Franklin, TN 37064 Phone: 615-794-2555
TN	Wilson	Wilson County (Uninc. 0001A-0009A Areas)	470207	E - 10, 11, 12, 14	I	F	Sept. 13, 1974	Dec. 30, 1977	Don Simpson, Co. Judge County Courthouse Lebanon, TN 37087 Phone: 615-444-1583

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CA	Mendocino	City of Ukiah (01-02)	060186 B	E-8,11	I	F	9 AUG 74	3 JAN 78	Mr. James Swayne - City Administrator - 203 South School Street Ukiah, CA 95482 (707) 462-2971
CO	Uninc. Area	Pueblo County (0001-0027)	080147 A	E-8,10,11, 12	I	F	25 OCT 74	3 JAN 78	Mr. Charles J. Finnley - Pueblo County Land Use Administrator - Pueblo Regional Planning Commission - 1 City Hall Place - Pueblo, CO 81003 (303) 543-8000
ND	McLean	City of Washburn (02)	380063 B	N-11	I	F	22 MAR 74	3 JAN 78	Honorable James Stroup - Mayor - City Hall - Washburn, ND 58577 (701) 462-3222
OK	Uninc. Area	Caddo County (0001-0016)	400479 A	N-5	I	F	3 JAN 78	3 JAN 78	Mr. Bill Clark - Chairman - Board of County Commissioners - County Courthouse - Anadarko, OK 73005 (405) 247-6609

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OK	Wagoner	City of Wagoner (01-02)	400219 B	E X-8,11,12, 14	I	F	28 JUN 74	3 JAN 78	Mr. Ed Caldwell - City Superintendent - P.O. Box 406 - Wagoner, OK 74467 (918) 485-2554
TX	Uninc. Area	Dallas County (01-02,05-08, 10-12,17-18,20,23-24,26, 29-32,35-38,40-54)	480165 A	E-10,11,12, 14	I	F	1 SEP 70	3 JAN 78	Honorable John Whittington - County Judge - Office of the County Judge - County Courthouse Dallas, TX 75221 (214) 749-8585
TX	Uninc. Area	Freestone County (0001-0012)	480822 A	N-5	I	F	3 JAN 78	3 JAN 78	Honorable Sam Carroll - County Judge - Office of the County Judge - County Courthouse Fairfield, TX 75840 (214) 389-3335
TX	Uninc. Area	Gregg County (0001-0005)	480261 A	N-5	I	F	3 JAN 78	3 JAN 78	Honorable Henry Atkinson - County Judge - Office of the County Judge - County Courthouse Longview, TX 75601 (214) 758-6181
TX	Uninc. Area	Hale County (0001-0012)	481223 A	N-5	I	F	3 JAN 78	3 JAN 78	Honorable Henry Heck - County Judge - Office of the County Judge - County Courthouse Plainview, TX 79072 (806) 293-2586
TX	Uninc. Area	Midland County (0001-0012)	481239 A	N-5	I	F	3 JAN 78	3 JAN 78	Honorable Barbara G. Culver - County Judge - Office of the County Judge - County Courthouse Midland, TX 79701 (915) 682-9481
TX	Uninc. Area	Smith County (0001-0016)	481185 A	N-5	I	F	3 JAN 78	3 JAN 78	Honorable Billy Williamson - County Judge - Office of the County Judge - County Courthouse Taylor, TX 75701 (214) 597-6347
UT	Uninc. Area	Summit County (0001-0025)	490134 A	E-5	I	F	3 JAN 78	3 JAN 78	Ms. Alva J. Dearden - Chairman - Board of County Commissioners - County Courthouse - Coalville, UT 84017 (801) 336-5951

ATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Macon	Macon County (Uninc. 0001A-0008A Areas)	010148	E - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Lawrence F. Haygood, Chairman, Co. Comm; P.O. Box 347 Tuskegee, AL 36083 Phone: 205-727-5120
IL	Fayette	Fayette County (Uninc. 0001A-0011A Areas)	170232	N - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Glen Bunyard, Chairman County Board Route 2 Vandalia, IL 62471 Phone: 618-283-0394
IL	Logan	Logan County (Uninc. 0001A-0008A Areas)	170427	E - 10,11, 12,14	I	F	March 21, 1975	Jan. 6, 1978	Dwight Zimmerman, Chairman County Board County Courthouse Lincoln, IL 62656 Phone: 217-735-3207
IL	Macoupin	Macoupin County (Uninc. 0001A-0008A Areas)	170930	N - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	James Sorrent, Chairman County Board County Courthouse Decatur, IL 62626 Phone: 217-835-2000
IL	Piatt	Piatt County (Uninc.Areas) ~~0001A-0008A~~ 0002A-0008A	170542	E X - 10,11, 12,14	I	F	Jan. 31, 1975	Jan. 6, 1978	Robert Lieb, Chairman County Board County Courthouse Monticello, IL 61856 Phone: 217-762-2709
IN	Jay	Jay County (Uninc. Areas) 0001A-0004A	180440	N - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Mr. Fred Teller, Chairman County Commissioners County Courthouse Portland, IN 47371 Phone: 219-726-7595

ATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD ZONE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
		Wayne County (Uninc. 0001A-0007A Areas)	210348	N - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Ira Bell, County Judge County Courthouse P.O. Box 155 Monticello, KY 42633 Phone: 606-348-4241
MD	Caroline	Caroline County (Uninc. 0001A-0007A Areas)	240130	E - 9,11, 12,14	I & C	F	April 4, 1975	Jan. 6, 1978	A. Curtis Andrew, Pres. County Board P.O. Box 207 Denton, MD 21629 Phone: 301-479-2230
MN	Houston	Houston County (Uninc. 0001A-0008A Areas)	270190	E - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	M.R. Summers, Chairman Board of Commissioners County Courthouse Caledonia, MN 55921 Phone: 507-725-3589
MS	Montgomery	Montgomery County (Uninc. 0001A-0007A Areas)	280212	E - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	John L. Deskin, President Board of Supervisors County Courthouse Winona, MS 38967 Phone: 601-283-1477
NY	Cayuga	Town of Conquest 0001B-0003B	360108	E - 11,12 14	I	F	Aug. 16, 1974 Sept. 12, 1975	Jan. 6, 1978	Margaret E. Young, Tn. C R.D. 2, Port Byron, NY 13140 Phone: 315-497-4551
OH	Lake	Lake County (Uninc. Areas) ~~0001A-0004A~~ 0001A-0003A	390771	E - 5	C & I	F	Jan. 6, 1978	Jan. 6, 1978	John F. Klein, Chairman County Commissioners 105 Main Street Nolan Building Painesville, OH 44077 Phone: 216-951-8251
OH	Marion	Marion County (Uninc. 0001A-0005A Areas)	390774	E - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	John F. Klar, Chairman County Commissioners County Courthouse Marion, OH 43302 Phone: 614-383-4371
OH	Warren	Warren County (Uninc. 0001A-0006A Areas)	390757	E - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Carl Bradbrook, Chairman 320 East Silver Street Lebanon, OH 45036
PA	Fayette	Township of Springhill 0001A-0002A	421639	E - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Omer Myers, Chairman Township Supervisors R.D. 1, Box 418 Lake Lynn, PA 15451 Phone: 412-208-2859
SC	Kershaw	Kershaw County (Uninc. 0001A-0012A Areas)	450115	E - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Austin Shelden, Chairman County Council P.O. Box 418 Camden, SC 29020 Phone: 803-432-1294
SC	Marion	Marion County (Uninc. 0001A-0011A Areas)	450141	N - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	M. Gault Beeson, Co. Adm Box 183 Marion, SC 29571 Phone: 803-423-3804
TN	Grainger	Grainger County (Uninc. 0001A-0006A Areas)	470068	N - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Marion Acuff, County Judg County Courthouse P.O. Box 128 Rutledge, TN 37861 Phone: 615-828-3513
TN	Robertson	Robertson County (Uninc. 0001A-0008A Areas)	470158	N - 5	I	F	Jan. 6, 1978	Jan. 6, 1978	Robert M. Crawford Co. J 104 County Courthouse Springfield, TN 37172 Phone: 615-384-2476
WV	Grant	Grant County (Uninc. Areas) 0001A-0007A	540038	E - 11,12 14	I	F	Jan. 10, 1975	Jan. 6, 1978	Lester Carr, Jr., Pres. County Commissioners P.O. Box 128 Petersburg, WV 26847 Phone: 304-749-8315

FINAL LIST CODES

1. Conversion to Regular Program with FIRM (elevations determined).
2. Conversion to Regular Program with FIRM (no elevations determined).
3. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM.
4. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM; recission of FHBM effective on same date as conversion.
5. Initial FHBM.
6. Revision—Change of elevation; revised FIRM.
7. Revision—Change of zone designation; revised FIRM.
8. Revision—Corporate limit changes.
9. Revision—Drafting corrections; Printing errors.
10. Revision—Curvilinear.
11. Revision—Add Flood Hazard Area.
12. Revision—Reduce Flood Hazard Area.
13. Revision—Federal Register omission.
14. Revision—Refunds possible.
15. Attention! A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.

R—Regular program.
E—Emergency program.
N—Not in program.

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1627 Filed 1-20-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7532]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Reserves for Losses on Loans of Banks

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the reserves for losses on loans of banks. Changes in the applicable tax law were made by the Tax Reform Act of 1969. These regulations provide necessary guidance to certain financial institutions for compliance with the law.

DATE: Generally, the regulations are effective for taxable years beginning after July 11, 1969.

FOR FURTHER INFORMATION CONTACT:

Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-4454, not a toll-free call).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 20, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 585 of the Internal Revenue Code of 1954 (41 FR 40477). The amendments were proposed to conform the regulations to section 431 (a) of the Tax Reform Act of 1969 (83 Stat. 616). A public hearing was held on January 6, 1977. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

SUMMARY OF CHANGES

Section 166 (c) permits a deduction for a reasonable addition to a reserve for bad debts. Section 585, as added by the Tax Reform Act of 1969, provides special rules for certain financial institutions for determining a reasonable addition to the reserve for losses on loans. The Treasury decision implements section 585.

The Treasury decision is identical to the notice of proposed rulemaking of September 20, 1976, with the exception of minor changes.

In response to taxpayers' comments and to prevent hardship, the minimum addition rule will be applied only to taxable years beginning after December 31, 1976. Section 1.585-2 (a) (2) has been revised to reflect that decision.

Under the notice of proposed rulemaking, the method adopted by the taxpayer to compute the reserve addition was unclear when the amount claimed was consistent under both the percentage and the experience method. To solve the problem, the fourth sentence of § 1.585-1 (a) has been modified to require the taxpayer to show in its return the method used to determine the amount of the addition.

Under § 1.585-2 (a) (2) of the notice, the term "minimum addition" was defined as an amount equal to the lessor of the maximum amount allowable under the experience method or the maximum amount allowable under the percentage method. The maximum amount determined under the experience method is the amount necessary to increase the balance of the reserve to the six-year moving average amount or the base year amount, whichever is greater. Whenever the amount determined under the experience method is less than the amount determined under the percentage method, and the base year amount exceeds the six-year moving average amount, the taxpayer's addition would be the amount necessary to increase the reserve to the base year amount. However, under section 57 (a) (7) of the Code, if a financial institution's reasonable addition to a reserve for bad debts exceeds the amount determined on the basis of its actual experience (i.e., the six-year moving average amount), a tax preference item is created. To avoid requiring financial institutions to make an addition to the reserve for bad debts which results in a tax preference item, the Treasury decision changes the minimum addition under the experience method to an amount computed by reference to the six-year moving average of section 585 (b) (3) (A).

The first sentence of § 1.585-2(b)(1)(ii)(A) and the first sentence of § 1.585-2(b)(1)(iii) of the notice use the term "the allowable percentage of eligible loans outstanding." The phrase is confusing in that the reserve referred to is a dollar amount rather than a percentage. Accordingly, the sentences have been revised by striking out the above-quoted phrase and inserting in lieu thereof "the allowable percentage for the taxable year multiplied by the eligible loans outstanding," wherever it appears.

The fourth sentence of § 1.585-2(b)(1)(ii)(A) of the notice incorrectly stated that a reasonable addition could be made for a portion of an increase in the amount of eligible loans outstanding at the close of the taxable year over the amount of those loans at the close of the preceding year. The notice could be misinterpreted to limit the reserve addition to an amount equal to the applicable percentage multiplied by the increase in eligible loans during the taxable year. The interpretation would not be in accord with section 585(b)(2) and would be inconsistent with the example contained in § 1.585-2(b)(2)(ii)(B) of the notice. The problem is remedied in the Treasury decision by deleting the words "preceding year" where they appear in the fourth sentence of § 1.585-2(b)(ii)(A) and inserting in lieu thereof "base year".

Section 1.585-2(e)(2)(ii) (B), and (C) is modified to make prospective only the exclusion of commercial paper and debts evidenced by a security from the definition of "loan". Subdivision (F) has been added to § 1.585-2(e)(2)(ii) to make clear that any loan which violates a Federal or State statute may not be included in the term "loan" for purposes of computing the loan base.

In response to taxpayer comments, § 1.585-2(e)(3)(i) has been clarified. The change is designed to prevent the exclusion from the loan base of legitimate loans made by a financial institution entering a lending market in which it had not previously participated.

DRAFTING INFORMATION

The principal author of this regulation was Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the amendments to 26 CFR Part 1 are adopted as proposed subject to the following changes:

PARAGRAPH 1. Paragraph (a) of § 1.585-1 is amended by revising the fourth sentence to read as follows:

§ 1.585-1 *Reserves for losses on loans of banks.*

(a) *General rule.* * * * For each taxable year the taxpayer must include in its income tax return (or amended return) for that year a computation of the amount of the addition determined under this section showing the method used to determine that amount. * * *

. . . . .

PAR. 2. Section 1.585-2 is amended as follows:

1. Paragraph (a)(1) is amended by deleting the second sentence.

2. Paragraph (a)(2) is revised.

3. Paragraph (b)(1)(ii)(A) is amended by revising the first sentence, and by deleting "preceding year" from the fourth sentence and inserting in lieu thereof "base year".

4. Paragraph (b)(1)(iii) is amended by revising the first sentence.

5. Paragraph (c)(1)(ii) is revised.

6. Paragraph (d)(2) is amended by deleting ", in the case of taxable years beginning before 1988," from the first sentence.

7. Paragraph (e)(1)(i) is revised.

8. Paragraph (e)(2)(i)(A) is revised.

9. Paragraph (e)(2)(ii) is changed by revising subdivisions (B) and (C), by deleting "and" from the end of subdivision (D), by inserting "; and" in place of the period at the end of subdivision (E), and by adding a new subdivision (F).

10. Paragraph (e)(3)(i) is amended by adding a new sentence at the end.

The new and revised provisions read as follows:

§ 1.585-2 *Addition to reserve.*

(a) *In general* * * *

(2) *Minimum addition.* For taxable years beginning after December 31, 1976, and before January 1, 1988, a taxpayer to which this section applies shall make a minimum addition to the reserve for losses on loans as defined in paragraph (e)(2) of this section. For purposes of this subparagraph, the term "minimum addition" means an addition to the reserve for losses on loans in an amount equal to the lesser of (i) the amount allowable under section 585(b)(3)(A) and paragraph (c)(1)(ii) of this section, or (ii) the maximum amount allowable under section 585(b)(2) and paragraph (b) of this section. For taxable years beginning after December 31, 1987, a taxpayer to which this section applies shall make a minimum addition to the reserve for losses on loans for each taxable year in an amount equal to the amount allowable under section 585(b)(3)(A) and paragraph (c)(1)(ii) of this section.

(b) *Percentage method*—(1) *In general.* * * *

(ii) *Reserve less than allowable percentage of eligible loans.* (A) If the reserve for losses on loans as of the close of the base year is less than the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of the base year, the amount determined under this subdivision for the taxable year is the amount necessary to increase the balance of the reserve for losses on loans as of the close of the taxable year to an amount equal to the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of that year, except that the amount determined with respect to the reserve deficiency shall not exceed one-fifth of the reserve deficiency. * * *

(iii) *Reserve equal to or greater than allowable percentage and eligible loans have not declined.* If the reserve for losses on loans as of the close of the base year is equal to or greater than the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of the base year and if the amount of eligible loans outstanding at the close of the taxable year is equal to or greater than the amount of eligible loans outstanding at the close of the base year, the amount determined under this subdivision is the amount necessary to increase the reserve to the greater of (A) the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of the year, or (B) the balance of the reserve as of the close of the base year. * * *

. . . . .

(c) *Experience method.*—(1) *In general.* * * *

(ii) *Six-year moving average amount.* The amount determined under this subdivision is the amount which bears the same ratio to loans outstanding at the close of the taxable year as (A) the total bad debts sustained during the taxable year and the 5 preceding taxable years (or, with the approval of the Commissioner, a shorter period), adjusted for recoveries of bad debts during such period, bears to (B) the sum of the loans outstanding at the close of such 6 (or fewer) taxable years. For purposes of applying this subdivision, a period shorter than 6 years generally would be appropriate only where there is a change in the type of a substantial portion of the loans outstanding such that the risk of loss is substantially increased. For example, if the major portion of a bank's portfolio of loans changes from agricultural loans to industrial loans which results in a substantial increase in the risk of loss, a period shorter than 6 years may be appropriate. Similarly, a bank which has recently altered its lending practices to include in its portfolio of loans consumer-installment loans, when it had previously made only commercial loans, may also qualify to use a period shorter than six years. A decline in the general economic conditions in the area, which substantially increase the risk of loss, is a relevant factor which may be considered. In any case, however, approval to use a shorter period will not be granted unless the taxpayer supplies specific evidence that the loans outstanding at the close of the taxable years for the shorter period requested are not comparable in nature and risk to loans outstanding at the close of the six taxable years. The fact that a bank's bad debt experience has shown a substantial increase is not, by itself, sufficient to justify use of a shorter period. If approval is granted to use a shorter period, the experience for those taxable years which are excluded shall not be used for any subsequent year. A request for approval to exclude the experience of a prior taxable year shall not be considered unless it is sent to the Commissioner at least 30 days before the close of the first taxable year for which such approval is requested.

. . . . .

(e) *Definitions*—(1) *Base year*—(i) *Percentage method.* For purposes of paragraph (b) of this section (relating to the percentage method), the term "base year" means: For years beginning before 1976, the last taxable year beginning on or before July 11, 1969; for taxable years beginning after 1975 but before 1982, the last taxable year beginning before 1976; and, for taxable years beginning after 1981, the last taxable year beginning before 1982. However, for purposes of section 585 (b) (2) (A) the term "base year" means the last taxable year before the most recent adoption of the percentage method, if later than the base year as determined under the preceding sentence.

. . . . .

(2) *Loan*—(i) *General rule.* * * *

(A) An overdraft in one or more deposit accounts by a customer in good faith whether or not other deposit accounts of the same customer have balances in excess of the overdraft;

. . . . .

(ii) *Exceptions.* * * *

(B) For taxable years beginning after December 31, 1976, commercial paper, however acquired by the bank, including, for example, short-term promissory notes which may be purchased on the open market;

(C) For taxable years beginning after December 31, 1976, a debt evidenced by a security (as defined in section 165 (g) (2) (C) and the regulations thereunder);

. . . . .

(F) Any transaction which is in violation of a Federal or State statute that governs the activities of the financial institution.

(3) *Eligible loan*—(i) *General rule.* * * * Nothing within the preceding sentence will be construed to exclude the term "eligible loan" a bona fide loan in a new market or under a novel repayment arrangement if the likelihood of nonrepayment is at least as great as that of other customer loans of the financial institution.

* * * * *

PAR. 3. Paragraph (a) of § 1.585-3 is amended by revising the last sentence to read as follows:

§ 1.585-3 *Special rules.*

(a) *Treatment of reserve.* * * * No item other than a loan as defined in § 1.585-2 (e)(2) shall be charged to the reserve for losses on loans.

* * * * *

(Secs. 585(b)(4), 7805 of the Internal Revenue Code of 1954 (83 Stat. 618, 68A Stat. 917; (26 U.S.C. 585(b)(4), 7805)).)

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: January 14, 1978.

DONALD C. LUBICK,
Acting Assistant Secretary of the Treasury.

The Income Tax Regulations (26 CFR Part 1) are amended by adding the following new sections immediately after § 1.584-6:

Sec.
§ 1.585-1 Reserve for losses on loans of banks.
§ 1.585-2 Addition to reserve.
§ 1.585-3 Special rules.
§ 1.585-4 Reorganizations and asset acquisitions.

§ 1.585-1 Reserve for losses on loans of banks.

(a) *General rule.* As an alternative to a deduction from gross income under section 166(a) for specific debts which become worthless in whole or in part, a financial institution to which section 585 and this section apply shall be allowed a deduction under section 166(c) for a reasonable addition to a reserve for bad debts provided such financial institution has adopted or adopts the reserve method of treating bad debts in accordance with paragraph (b) of § 1.166-1. In the case of such a taxpayer the amount of the reasonable addition to such reserve for a taxable year beginning after July 11, 1969, shall be an amount determined by the taxpayer which does not exceed the amount computed under § 1.585-2. Such reasonable addition for the taxable year shall be an amount at least equal to the amount provided by § 1.585-2(a)(2). For each taxable year the taxpayer must include in its income tax return (or amended return) for that year a computation of the amount of the addition determined under this section showing the method used to determine that amount. The use of a particular method in the return for a taxable year is not a binding election by the taxpayer to apply such method either for such taxable year or for subsequent taxable years. A financial institution to which section 585 and this section apply which adopts the reserve method is not entitled to charge off any bad debts pursuant to section 166(a) with respect to a loan (as defined in § 1.585-2(e)(2). Except as provided by § 1.585-3, the reserve for bad debts of a financial institution to which section 585 and this section apply shall be established and maintained in the same manner as is provided by section 166(c) and the regulations thereunder with respect to reserves for bad debts. Except as provided by this section, no deduction is allowable for an addition to a reserve for losses on loans as defined in § 1.585-2(e)(2) of a financial institution to which section 585 and this section apply. For rules relating to deduction with respect to debts which are not loans (as defined in § 1.585-2(e)(2)), see section 166(a) and the regulations thereunder. For rules relating to a debt evidenced by a security (as defined in section 165(g)(2)(C), see sections 166 (a), (b), and (c) and 582(a) and the regulations thereunder. For the definition of certain terms, see paragraph (e) of § 1.585-2. For rules relating to a transaction to which section 381(a) applies, see § 1.585-4.

(b) *Application of section.* Section 585 and this section apply only to the following financial institutions—

(1) Any bank (as defined in section 581 and the regulations thereunder) other than a mutual savings bank, domestic building and loan association, or cooperative bank, to which section 593 applies, and

(2) Any corporation to which subparagraph (1) of this paragraph would apply except for the fact that it is a foreign corporation and in the case of any such foreign corporation, the rules provided by section 585, this section. §§ 1.585-2, 1.585-3, and 1.585-4 apply only with respect to loans outstanding the interest on which is effectively connected with the conduct of a banking business within the United States.

§ 1.585-2 Addition to reserve.

(a) *In general—*(1) *Maximum addition.* For taxable years beginning before January 1, 1988, the maximum reasonable addition to the reserve for losses on loans as defined in paragraph (e)(2) of this section is the amount allowable under the percentage method provided by paragraph (b) of this section or the experience method provided by paragraph (c) of this section, whichever is greater. For taxable years beginning after December 31, 1987, the maximum reasonable addition to the reserve for losses on loans is the amount determined under the experience method provided by paragraph (c) of this section.

(2) *Minimum addition.* For taxable years beginning after December 31, 1976, and before January 1, 1988, a taxpayer to which this section applies shall make a minimum addition to the reserve for losses on loans as defined in paragraph (e)(2) of this section. For purposes of this subparagraph, the term "minimum addition" means an addition to the reserve for losses on loans in an amount equal to the lesser of (i) the amount allowable under section 585 (b)(3)(A) and paragraph (c)(1)(ii) of this section, or (ii) the maximum amount allowable under section 585 (b)(2) and paragraph (b) of this section. For taxable years beginning after December 31, 1987, a taxpayer to which this section applies shall make a minimum addition to the reserve for losses on loans for each taxable year in an amount equal to the amount allowable under section 585 (b)(3)(A) and paragraph (c)(1)(ii) of this section.

(b) *Percentage method—*(1) *In general—*(i) *Maximum addition.* Except as limited under subparagraph (2) of this paragraph, the maximum reasonable addition to the reserve for losses on loans under the percentage method for a taxable year is the amount determined under subdivision (ii), (iii), or (iv) of this subparagraph, whichever is applicable. For purposes of this paragraph, the term "allowable percentage" means 1.8 percent for taxable years beginning before 1976; 1.2 percent for taxable years beginning after 1975 but before 1982; and 0.6 percent for taxable years beginning after 1981 and before 1988. This paragraph does not apply for taxable years beginning after 1987.

(ii) *Reserve less than allowable percentage of eligible loans.* (A) If the reserve for losses on loans as of the close of the base year is less than the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of the base year, the amount determined under this subdivision for the taxable year is the amount necessary to increase the balance of the reserve for losses on loans as of the close of the taxable year to an amount equal to the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of that year, except that the amount determined with respect to the reserve deficiency shall not exceed one-fifth of the reserve deficiency. For purposes of this section, the term "reserve deficiency" means the excess of the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of the base year over the reserve for losses on loans as of the close of the base year. Where a taxpayer has recoveries of bad debts for a taxable year which exceed the bad debts sustained for such year, the taxpayer is not required to reduce its otherwise permissible current addition by the amount of the net recovery. A reasonable addition attributable to an increase in eligible loans outstanding at the close of the taxable year over eligi-

ble loans outstanding at the close of the base year may be made only for the portion of such increase which does not exceed the excess of eligible loans outstanding at the close of the taxable year over the sum of the amount of eligible loans outstanding at the close of the base year and the amount of previous increases in such loans for which an addition was made in taxable years ending after the close of the base year. For purposes of this subdivision, the order in which the factors which make up the annual reserve addition shall be claimed is:

(*1*) An amount equal to one-fifth of the reserve deficiency;

(*2*) Net bad debts charged to the reserve; and

(*3*) An amount attributable to an increase in the amount of eligible loans outstanding.

(B) For its first taxable year, a newly organized financial institution to which § 1.585-1 and this section apply shall be considered to have no reserve deficiency. For example, a new financial institution would compute its annual reserve addition by including in such addition an amount not in excess of the sum of (*1*) the amount of its net bad debts charged to the reserve for the taxable year, and (*2*) the allowable percentage of the increase in its eligible loans outstanding at the close of the taxable year over the amount of its loans outstanding (zero) at the end of the year preceding its first taxable year. Such amount would be subject to the 0.6 percent limitations provided in subparagraph (2) of the paragraph.

(C) The application of the rules provided by this subdivision may be illustrated by the following example:

Example. The X Bank is a commercial bank which has a calendar year as its taxable year. X adopted the reserve method of accounting for bad debts in 1950. On December 31, 1969, X has $1,000,000 of outstanding eligible loans and a balance of $13,000 in its reserve for losses on loans. The base year is 1969 and, consequently, X has a reserve deficiency of $5,000 ((1.8% × $1,000,000) − $13,000).

(a) During 1970, X has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1970, X has $1,050,000 of outstanding eligible loans. The maximum reasonable addition under the percentage method is $2,900 which consists of $1,000 of reserve deficiency (⅕ × $5,000), the $1,000 in net bad debts charged to the reserve for losses on loans, and $900 attributable to the increase in the balance of eligible loans (1.8% × ($1,050,000 − $1,000,000)). Assuming that X makes an addition to the reserve for losses on loans of $2,900 for the year, the balance of the reserve as of December 31, 1970 is $14,900 ($13,000 − $1,000 + $2,900).

(b) During 1971, X has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1971, X has $800,000 of outstanding eligible loans. The allowable percentage of eligible loans is $14,400 (1.8% × $800,000). The maximum reasonable addition under the percentage method is $500 which is a portion of one-fifth of the reserve deficiency. Assuming that X makes an addition to the reserve for losses on loans of $500 for the year, the balance of the reserve as of December 31, 1971, is $14,400 ($14,900 − $1,000 + $500).

(c) During 1972, X has net bad debts of $600 charged to the reserve for losses on loans. On December 31, 1972, X has $850,000 of outstanding eligible loans. The allowable percentage of eligible loans is $15,300 (1.8% × $850,000). The maximum reasonable addition under the percentage method is $1,500 which consists of $1,000 of reserve deficiency (⅕ × $5,000) and $500 of the net bad debts charged to the reserve for losses on loans in 1971. Even though the full addition with respect to the reserve deficiency in 1971 was not made, the amount of the addition that can be made in 1972 with respect to the reserve deficiency is limited to one-fifth of such deficiency. Assuming that X makes an addition to the reserve for losses on loans of $1,500 for the year, the balance of the reserve as of December 31, 1972, is $15,300 ($14,400 − $600 + $1,500).

(d) During 1973, X did not have any net bad debts charged to the reserve for losses on loans. On December 31, 1973, X has $1,000,000 of outstanding eligible loans. The allowable percentage of eligible loans is $18,000 (1.8% × $1,000,000). The maximum reasonable addition under the percentage method is $2,100 which consists of $1,000 of reserve deficiency (⅕ × $5,000), $500 of net bad debts charged to the reserve for losses in 1971, and $600 of net bad debts charged to the reserve in 1972. Although outstanding eligible loans increased from $850,000 in 1972 to $1,000,000 in 1973, no addition is permitted with respect to the increase because the amount of eligible loans outstanding at the close of 1973 ($1,000,000) does not exceed the sum of the amount of such loans at the close of the base year ($1,000,000) and the amount of previous increases in such loans for which an addition was made in taxable years ending after the close of the base year ($50,000 loan increase in 1970). Assuming that X makes an addition to the reserve for losses on loans of $2,100, the balance of the reserve as of December 31, 1973, is $17,400 ($15,300 + $2,100).

(iii) *Reserve equal to or greater than allowable percentage and eligible loans have not declined.* If the reserve for losses on loans as of the close of the base year is equal to or greater than the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of the base year and if the amount of eligible loans outstanding at the close of the taxable year is equal to or greater than the amount of eligible loans outstanding at the close of the base year, the amount determined under this subdivision is the amount necessary to increase the reserve to the greater of (A) the allowable percentage for the taxable year multiplied by the eligible loans outstanding at the close of the year, or (B) the balance of the reserve as of the close of the base year. The application of the rule provided by this subdivision may be illustrated by the following example:

Example. The M Bank is a commercial bank which has a calendar year as its taxable year. M adopted the reserve method of accounting for bad debts in 1950. On December 31, 1969, M has $1,000,000 of outstanding eligible loans and a balance of $20,000 in its reserve for losses on loans.

(a) During 1970, M has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1970, M has $1,100,000 of outstanding eligible loans. The allowable percentage of eligible loans is $19,800 (1.8% × $1,100,000). The maximum reasonable addition under the percentage method is $1,000 which is the amount sufficient to increase the balance of the reserve as of the close of the taxable year to the balance of the reserve as of the close of the 1969 base year ($20,000). Assuming that M makes an addition to the reserve for losses on loans of $1,000 for the year, the balance of the reserve as of December 31, 1970, is $20,000 ($20,000 − $1,000 + $1,000).

(b) During 1971, M has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1971, M has $1,300,000 of outstanding eligible loans. The allowable percentage of eligible loans is $23,400 (1.8% × $1,300,000). The maximum reasonable addition under the percentage method is $4,400 which is the amount sufficient to increase the balance of the reserve to the allowable percentage of eligible loans outstanding at the close of the taxable year. Assuming that M makes an addition to the reserve for losses on loans of $4,400 for the year, the balance of the reserve as of December 31, 1971, is $23,400 ($20,000 − $1,000 + $4,400).

(c) During 1972, M has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1972, M has $1,200,000 of outstanding eligible loans. The allowable percentage of eligible loans is $21,600 (1.8% × $1,200,000). No reasonable addition may be made under the percentage method because the reserve for losses on loans ($22,400, i.e., $23,400 − $1,000) is greater than the allowable percentage of eligible loans outstanding at the close of the taxable year ($21,600) and the balance of the reserve as of the close of the base year ($20,000). Assuming that no amount is added under the experience method provided by paragraph (c) of this section, the balance of the reserve for losses on loans as of December 31, 1972, is $22,400 ($23,400 − $1,000).

(d) During 1973, M has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1973, M has $1,200,000 of outstanding eligible loans. The allowable percentage of eligible loans is $21,600 (1.8% × $1,200,000). The maximum reasonable addition under the percentage method is $200 which is the amount sufficient to increase the reserve for losses on loans to the allowable percentage of eligible loans outstanding at the close of the taxable year. Assuming that M makes an addition to the reserve for losses on loans of $200 for the year, the balance of the reserve as of December 31, 1973, is $21,600 ($22,400 − $1,000 + $200).

(iv) *Reserve greater than allowable percentage and eligible loans have declined.* If the reserve for losses on loans as of the close of the base year is equal to or greater than the allowable percentage of eligible loans outstanding at such time and if the amount of eligible loans at the close of the taxable year is less than the amount of eligible loans outstanding at the close

of the base year, the amount determined under this subdivision is the amount necessary to increase the balance of the reserve to the amount which bears the same ratio to eligible loans outstanding at the close of the taxable year as the balance of the reserve as of the close of the base year bears to the amount of eligible loans outstanding at the close of the base year. The application of the rule provided by this subdivision may be illustrated by the following example:

Example. The N Bank is a commercial bank which has a calendar year as its taxable year. N adopted the reserve method of accounting for bad debts in 1950. On December 31, 1969, N has $1,000,000 of outstanding eligible loans and a balance of $20,000 in its reserve for losses on loans.

(a) During 1970, N has net bad debts of $3,000 charged to the reserve for losses on loans. On December 31, 1970, N has $900,000 of outstanding eligible loans. The maximum reasonable addition under the percentage method is $1,000, which is the amount necessary to increase the balance of the reserve to the amount ($18,000) which bears the same ratio to eligible loans outstanding at the close of the taxable year ($900,000) as the balance of the reserve as of the close of the base year ($20,000) bears to the amount of the eligible loans outstanding at the close of the base year ($1,000,000). Assuming that N makes an addition to the reserve for losses on loans of $1,000 for the year, the balance of the reserve as of December 31, 1970, is $18,000 ($20,000 $3,000+$1,000).

(b) During 1971, N has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1971, N has $1,100,000 of outstanding eligible loans. The maximum reasonable addition under the percentage method, determined under subdivision (iii) of this subparagraph, is $3,000 which is the amount necessary to increase the balance of the reserve to the greater of the allowable percentage of eligible loans outstanding at the close of the taxable year ($19,800) or the balance of the reserve at the close of the base year ($20,000). Assuming that N makes an addition to the reserve for losses on loans of $3,000 for the year, the balance of the reserve as of December 31, 1971 is $20,000 ($18,000 $1,000+$3,000).

(2) *Limitations.* Notwithstanding any other provision of this paragraph, the maximum reasonable addition to the reserve for losses on loans under the percentage method shall not exceed the greater of—

(i) Six-tenths of 1 percent of the eligible loans outstanding at the close of the taxable year, or

(ii) An amount sufficient to increase the reserve for losses on loans at the close of the taxable year to six-tenths of 1 percent of the eligible loans outstanding at the close of the taxable year.

The application of the rules provided by this subparagraph may be illustrated by the following example:

Example. The Y Bank begins business as a commercial bank on July 1, 1974. Y adopts the calendar year as its taxable year and the reserve method of accounting for bad debts.

(a) During 1974, Y has net bad debts of $1,000. On December 31, 1974, Y has $1,000,000 of outstanding eligible loans. Under subparagraph (1)(ii)(B) of this paragraph, because Y is a newly-organized financial institution, there is no reserve deficiency. Except for the limitations of this subparagraph, the maximum reasonable addition under subparagraph (1)(ii)(A) of this paragraph would be the amount of net bad debts charged to the reserve for losses ($1,000) plus the allowable percentage of outstanding eligible loans at the close of the taxable year $18,000 (1.8%×$1,000,000). However, because of the limitations of this subparagraph, the maximum reasonable addition to the reserve for losses on loans under the percentage method is an amount sufficient to increase the balance of the reserve for losses on loans to $6,000 which is 0.6 percent of the eligible loans outstanding at the close of the taxable year. Assuming that Y makes an addition to the reserve for losses on loans of $7,000 for the year, the balance of the reserve as of December 31, 1974, is $6,000 ($7,000 − $1,000). The $7,000 consists of the $1,000 in net bad debts and $6,000 attributable to the increase in eligible loans outstanding.

(b) During 1975, Y has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1975, Y has $1,000,000 of outstanding eligible loans. Except for the limitations of this subparagraph, the maximum reasonable addition under subparagraph (1)(ii)(A) of this paragraph would be the amount of net bad debts charged to the reserve for losses ($1,000) plus an amount attributable to the increase in the amount of eligible loans outstanding with respect to which no reasonable addition was allowed in 1974 ($12,000, *i.e.*, $18,000 − $6,000). However, because of the limitations of this paragraph, the maximum reasonable addition to the reserve for losses on loans under the percentage method is $6,000 which is an amount equal to 0.6 percent of the eligible loans outstanding at the close of the taxable year. This amount consists of net bad debts of $1,000 and $5,000 attributable to a portion of the increase in eligible loans in 1974 with respect to which no reasonable addition was allowable for 1974. Assuming that Y makes an addition to the reserve for losses on loans of $6,000 for the year, the balance of the reserve as of December 31, 1975, is $11,000 ($6,000 − $1,000 + $6,000).

(c) During 1976, Y has net bad debts charged to the reserve for losses on loans of $1,000. On December 31, 1976, Y has $1,000,000 in outstanding eligible loans. At the close of 1975 (Y's base year for 1976), the amount of outstanding eligible loans was also $1,000,000. Consequently, there is a reserve deficiency of $1,000 ((1.2%×$1,000,000)−$11,000). The maximum reasonable addition to the reserve for losses under subparagraph (1)(ii)(A) of this paragraph is $1,200 which consists of one-fifth of the reserve deficiency ($1,000×⅕=$200) and the net bad debts charged to the reserve for losses on loans for the year ($1,000). Because that amount is less than 0.6 percent of the eligible loans outstanding at the close of the taxable year (0.6%×$1,000,000=$6,000), the limitations of this subparagraph do not apply. Assuming that Y makes an addition to the reserve for losses on loans of $1,200 for the year, the balance of the reserve as of December 31, 1976, is $11,200 ($11,000 − $1,000 + $1,200).

(c) *Experience method*—(1) *In general*—(i) *Maximum addition.* The amount determined under this paragraph for a taxable year is the amount necessary to increase the balance of the reserve for losses on loans (as of the close of the taxable year) to the greater of the amount determined under subdivision (ii) or (iii) of this subparagraph. For special rules for a new financial institution, see subparagraph (2) of this paragraph.

(ii) *Six-year moving average amount.* The amount determined under this subdivision is the amount which bears the same ratio to loans outstanding at the close of the taxable year as (A) the total bad debts sustained during the taxable year and the 5 preceding taxable years (or, with the approval of the Commissioner, a shorter period), adjusted for recoveries of bad debts during such period, bears to (B) the sum of the loans outstanding at the close of such 6 (or fewer) taxable years. For purposes of applying this subdivision, a period shorter than 6 years generally would be appropriate only where there is a change in the type of a substantial portion of the loans outstanding such that the risk of loss is substantially increased. For example, if the major portion of a bank's portfolio of loans changes from agricultural loans to industrial loans which results in a substantial increase in the risk of loss, a period shorter than 6 years may be appropriate. Similarly, a bank which has recently altered its lending practices to include in its portfolio of loans consumer-installment loans, when it had previously made only commercial loans, may also qualify to use a period shorter than six years. A decline in the general economic conditions in the area, which substantially increase the risk of loss, is a relevant factor which may be considered. In any case, however, approval to use a shorter period will not be granted unless the taxpayer supplies specific evidence that the loans outstanding at the close of the taxable years for the shorter period requested are not comparable in nature and risk to loans outstanding at the close of the six taxable years. The fact that a bank's bad debt experience has shown a substantial increase is not, by itself, sufficient to justify use of a shorter period. If approval is granted to use a shorter period, the experience for those taxable years which are excluded shall not be used for any subsequent year. A request for approval to exclude the experience of a prior taxable year shall not be considered unless it is sent to the Commissioner at least 30 days before the close of the first taxable year for which such approval is requested.

(iii) *Base year amount.* The amount determined under this subdivision is the lower of (A) the balance of the re-

serve as of the close of the base year, or (B) if the amount of loans outstanding at the close of the taxable year is less than the amount of loans outstanding at the close of the base year, the amount which bears the same ratio to loans outstanding at the close of the taxable year as the balance of the reserve as of the close of the base year bears to the amount of loans outstanding at the close of the base year.

(2) *Special rules for new financial institutions*—(i) *In general.* In the case of any taxable year preceded by less than 5 authorization years (as defined in paragraph (e)(5) of this section), subparagraph (1) of this paragraph shall be applied with the adjustments provided by subdivision (ii) of this subparagraph.

(ii) *Adjustments.* (A) The total bad debts for the 6-year period computed under subparagraph (1)(ii)(A) of this paragraph shall be the sum of:

(1) The bad debts sustained by the taxpayer during its authorization years, adjusted for recoveries of bad debts for such years, and

(2) That fraction of the total bad debts sustained by a comparable bank (as defined in paragraph (e)(7) of this section) during the comparison years (as defined in paragraph (e)(6) of this section), adjusted for recoveries of bad debts for such years, which bears the same ratio to such total as the average loans outstanding of the taxpayer during the authorization years bears to the average loans outstanding of the comparable bank during the comparison years.

(B) The total amount of loans outstanding during the 6-year period computed under subparagraph (1)(ii)(B) of this paragraph shall be six times the average loans outstanding of the taxpayer during the authorization years.

(d) *Change in accounting method from specific charge-off method to reserve method of treating bad debts*—(1) *In general.* If a bank is granted permission in accordance with § 1.446-1(e)(3) to change its method of accounting for bad debts from a method under which specific bad debt items are deducted to the reserve method of treating bad debts, the taxpayer shall effect the change as provided in subparagraphs (2) and (3) of this paragraph.

(2) *Initial balance of the reserve.* The initial balance of the reserve at the close of the year of change shall be no less than the minimum addition as described in paragraph (a)(2) of this section and shall be no larger than the greater of—

(i) The allowable percentage of eligible loans outstanding at the close of the taxable year of change, or

(ii) The amount which bears the same ratio to loans outstanding at the close of the taxable year as the total bad debts sustained during the taxable year and the 5 preceding taxable years (or, with the approval of the Commissioner, a shorter period), adjusted for recoveries of bad debts during such period, bears to the sum of the loans outstanding at the close of such 6 or fewer taxable years.

In the case of taxable years beginning after 1987, the initial balance of the reserve at the end of the year of change shall be the amount specified in subdivision (ii) of this subparagraph.

(3) *Deduction with respect to initial balance.* The deduction with respect to the initial balance of the reserve at the close of the taxable year of change, determined under subparagraph (2) of this paragraph, is allowable ratably over a period of 10 years commencing with the taxable year of change (or a shorter period as may be approved by the Commissioner). Thus, the bad debt deduction under section 166 for the taxable year of change will consist of the amount of debts determined to be wholly or partially worthless and charged-off during such taxable year plus one-tenth (if a 10-year period is used) of the amount of the reserve determined under subparagraph (2) of this paragraph. For each of the 9 taxable years following the taxable year of change, the bad debt deduction will consist of the reasonable addition to the reserve for bad debts for each such year as provided by section 585, as otherwise determined, plus one-tenth of the amount determined to be the initial balance of the reserve under subparagraph (2) of this paragraph. The amount established as a bad debt reserve for the taxable year of change under subparagraph (2) of this paragraph shall be considered as the balance of the reserve for purposes of determining the amount of subsequent additions to such reserve, even though the entire amount of the reserve may not have been deducted under section 166(c) because of the requirement that it be deducted over a number of years.

(e) *Definitions*—(1) *Base year*—(i) *Percentage method.* For purposes of paragraph (b) of this section (relating to the percentage method), the term "base year" means: For years beginning before 1976, the last taxable year beginning on or before July 11, 1969; for taxable years beginning after 1975 but before 1982, the last taxable year beginning before 1976; and, for taxable years beginning after 1981, the last taxable year beginning before 1982. However, for purposes of section 585(b)(2)(A) the term "base year" means the last taxable year before the most recent adoption of the percentage method, if later than the base year as determined under the preceding sentence.

(ii) *Experience method.* For purposes of paragraph (c) of this section (relating to the experience method), the term "base year" means (A) the last taxable year before the most recent adoption of the experience method, or (B) the last taxable year beginning on or before July 11, 1969, which ever is later; and for taxable years beginning after 1987, the last taxable year beginning before 1988.

(iii) *Example.* The application of the rules provided by this subparagraph may be illustrated by the following example:

Example. The T Bank is a commercial bank which has a calendar year as its taxable year. T adopted the reserve method of accounting for bad debts in 1950. On December 31, 1969, T has $1,000,000 of outstanding eligible loans and a balance of $19,300 in its reserve for losses on loans.

(a) During 1970, T has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1970, T has $1,050,000 of outstanding eligible loans. T elects the percentage method. The base year is 1969. The maximum reasonable addition under the percentage method of $1,000 which is the amount sufficient to increase the balance of the reserve as of the close of the taxable year to the balance of the reserve as of the close of the base year 1969 ($19.300). Assuming that T makes an addition to the reserve for losses on loans of $1,000 for the year, the balance of the reserve for losses on loans as of December 31, 1970, is $19,300 ($19,300 − $1,000 + $1,000).

(b) During 1971, T has net bad debts of $8,000 charged to the reserve for losses on loans. On December 31, 1971, T has $1,100,000 of outstanding eligible loans. T elects the experience method. The base year is 1970. The maximum reasonable addition under the experience method is $8,000 which is the amount sufficient to increase the balance of the reserve as of the close of the taxable year to the balance of the reserve as of the close of the 1970 base year ($19,300). Assuming that T makes an addition to the reserve for losses on loans of $8,000 for the year, the balance of the reserve for losses on loans as of December 31, 1971, is $19,300, ($19,300 − $8,000 + $8,000).

(c) During 1972, T has net bad debts of $1,000 charged to the reserve for losses on loans. On December 31, 1972, T has $1,200,000 of outstanding eligible loans. T elects the percentage method. The base year is 1971 and there is a reserve deficiency of $500 ((1.8% × $1,100,000) − $19,300). The maximum reasonable addition under the percentage method is $2,900 which consists of $100 of reserve deficiency (⅛ × $500), the $1,000 in net bad debts charged to the reserve for losses on loans, and $1,800 attributable to the increase in the balance of eligible loans (1.8% × ($1,200,000 − $1,100,000)). Assuming that T makes an addition to the reserve for losses on loans of $2,900 for the year, the balance of the reserve for losses on loans as of December 31, 1972, is $21,200 ($19,300 − $1,000 + $2,900).

(2) *Loan*—(i) *General rule.* For purposes of this section and §§ 1.585-1, 1.585-3, and 1.585-4, the term "loan" means debt as the term "debt" is used in section 166 and the regulations thereunder. The term "loan" includes (but is not limited to) the following items:

(A) An overdraft in one or more deposit accounts by a customer in good

faith whether or not other deposit accounts of the same customer have balances in excess of the overdraft;

(B) A bankers acceptance purchased or discounted by a bank; and

(C) A loan participation to the extent that the taxpayer bears a risk of loss.

For purposes of (B) of this subdivision (i), a bankers acceptance shall be considered as a loan made by the bank which purchased or discounted the bankers acceptance and not a loan made by the originating bank.

(ii) *Exceptions.* Notwithstanding the provisions of subdivision (i) of this subparagraph, the term "loan" does not include the following items:

(A) Discount or interest receivable reflected in the face amount of an outstanding loan, which discount or interest has not been included in gross income;

(B) For taxable years beginning after December 31, 1976, commercial paper, however acquired by the bank, including, for example, short-term promissory notes which may be purchased on the open market;

(C) For taxable years beginning after December 31, 1976, a debt evidenced by a security (as defined in section 165(g)(2)(C) and the regulations thereunder);

(D) Any loan which is entered into or acquired for the primary purpose of enlarging the otherwise available bad debt deduction;

(E) Loans which have been contractually committed to the extent that funds have not been disbursed to the borrower or disbursed on behalf of the borrower; and

(F) Any transaction which is in violation of a Federal or State statute that governs the activities of the financial institution.

(3) *Eligible loan*—(i) *General rule.* For purposes of this section and §§ 1.585-3 and 1.585-4, the term "eligible loan" means a loan (as defined in subparagraph (2) of this paragraph) which is incurred in the course of the normal customer loan activities of a financial institution and which is not a loan described in subdivision (ii) of this subparagraph. Nothing within the preceding sentence will be construed to exclude from the term "eligible loan" a bona fide loan in a new market or under a novel repayment arrangement if the likelihood of nonrepayment is at least as great as that of other customer loans of the financial institution.

(ii) *Exceptions.* Loans which do not constitute eligible loans include:

(A) A loan to a bank (as defined in section 581 and the regulations thereunder) or to a domestic branch of a foreign corporation to which § 1.585-1 applies, including a repurchase transaction or other similar transaction;

(B) Bank funds on deposit in any bank (foreign or domestic) such as a deposit represented by a certificate of deposit or any other form of instrument evidencing the deposit of a sum of money with the issuing bank that will be available on or after a stated date or period of time;

(C) A sale or loan of Federal funds irrespective of the purchaser or borrower;

(D) A loan, to the extent that it is directly or indirectly made to, guaranteed by, or insured by the United States, a possession or instrumentality thereof, or a State or political subdivision thereof; and

(E) A loan which is secured by a deposit in the lending financial institution or in a bank as defined in section 581 or a domestic branch of a foreign corporation to which this section applies to the extent that the financial institution has control over withdrawal of such deposit.

(iii) *Definition of loan which is secured by a deposit.* For purposes of subdivision (ii)(E) of this subparagraph—

(A) A loan is considered secured if the loan is on the security of any instrument which makes the deposit specific security for the payment of the loan, provided that such instrument is of such a nature that in the event of default the deposit could be subjected to the satisfaction of the loan;

(B) A deposit includes a guarantee deposit in the form of a "holdback", pledged collateral that has been reduced to cash, and loan payments that are maintained in a separate account; and

(C) Control over the withdrawal of a deposit is evidenced by possession of a passbook, certificate of deposit, note, or other similar instrument the possession of which is normally required to permit withdrawal. The lending financial institution does not have control over withdrawal of the deposit if the deposit can be withdrawn without consent of the lending financial institution. Thus, the lending financial institution normally does not have control over the withdrawal of a deposit in an account merely because the borrower agrees to maintain a minimum, average, or compensating balance.

(4) *Predecessor.* For purposes of this section, the term "predecessor" means (i) any taxpayer which transferred more than 50 percent of the total amount of its assets to the taxpayer and is described in § 1.585-1, or (ii) any predecessor of such predecessor.

(5) *Authorization years.* For purposes of this section, the term "authorization years" means the number of years, containing 12 complete months, between (i) the first day of the first full taxable year of the taxpayer for which it (or any predecessor) was authorized to do business as a financial institution described in § 1.585-1, and (ii) the taxable year.

(6) *Comparison years.* For purposes of this section, the term "comparison years" means those consecutive taxable years containing 12 complete months of a comparable bank, the last of which ends within 12 months immediately preceding the beginning of the first taxable year of the taxpayer, which are equal in number to six minus the number of authorization years of the taxpayer.

(7) *Comparable bank.* For purposes of this section, the term "comparable bank" means all the financial institutions described in § 1.585-1 located within the same Federal Reserve district.

(8) *Average loans outstanding.* For purposes of this section, the term "average loans outstanding" means the sum of the loans outstanding at the close of each taxable year of a period divided by the number of taxable years in such period.

(9) *Adjusted for recoveries of bad debts.* For purposes of this section, the term "adjusted for recoveries of bad debts" means an adjustment for the full amount recovered with respect to bad debts previously charged to the reserve during any of the applicable taxable years.

§ 1.585-3 Special rules.

(a) *Treatment of reserve.* For taxable years beginning after July 11, 1969, if a financial institution to which section 585 and § 1.585-1 apply establishes a reserve pursuant to section 166(c), any bad debt in respect of a loan (whether or not such loan is an eligible loan) must be charged to the reserve for losses on loans provided for by § 1.585-1 for the taxable year in which the bad debt occurs. For such a year, any recovery of a bad debt previously charged to the reserve account in respect of a loan (whether or not such loan is an eligible loan) must be credited to such reserve in the taxable year of recovery regardless of whether such credit causes the reserve to exceed the permissible amount. If, as a result of net recoveries during the taxable year, the reserve balance exceeds the permissible amount, a taxpayer is not required to report the excess as taxable income. In such a case, the excess over the otherwise permissible amount in the reserve account precludes current reasonable additions to the reserve and may affect future reasonable additions. Recoveries of bad debts which were not charged to the reserve shall not be credited to such reserve, but shall be treated as taxable income subject to the provisions of § 1.111. No item other than a loan as defined in § 1.585-2 (e)(2) shall be charged to the reserve for losses on loans.

(b) *Accounting for reserve.* A financial institution to which section 585 and § 1.585-1 apply which establishes a

reserve pursuant to section 166(c) shall establish and maintain a permanent record of such reserve. Copies of Federal income tax returns and amended returns with attached schedules satisfy the requirements of this paragraph provided that such returns are permanently maintained by the financial institution and the balance of the reserve for losses on loans established pursuant to section 166(c) can be readily reconciled with the reserve for losses on loans maintained by the financial institution for financial statement purposes. The requirements of this paragraph would also be satisfied if a financial institution establishes and maintains a permanent subsidiary ledger reflecting an account for the reserve for losses on loans established pursuant to section 166(c) provided the balance in such account can be readily reconciled with the balance of the reserve for losses on loans for financial statement purposes maintained in any other ledger. The permanent records maintained pursuant to this section must reflect any changes in the amount initially added to the reserve for losses on loans and the amount finally determined by the taxpayer to be a reasonable addition to the reserve for losses on loans.

§ 1.585-4 Reorganizations and asset acquisitions.

(a) *In general.* In computing a reasonable addition to the reserve for losses on loans for the first taxable year ending after a transaction to which section 381(a) applies and for subsequent taxable years, the separate reserves for losses on loans, the amount of loans outstanding, the total bad debts sustained (adjusted for recoveries), and the amount of eligible loans outstanding of the distributor or transferor corporation and the acquiring corporation (or, in the case of a consolidation, the transferor corporations) shall be combined for all applicable years. Thus, for example, in applying § 1.585-2(c)(1)(i) for the first taxable year ending after the distribution or transfer, the total bad debts sustained during the 5 preceding taxable years are the sum of the bad debts sustained by the acquiring corporation for the 5 preceding taxable years and bad debts sustained by the distributor or transferor corporation for the taxable year ending on the date of distribution or transfer and the 4 preceding taxable years.

(b) *Base year and base year amounts of acquiring corporation*—(1) *Base year.* For transactions to which section 381(a) applies, the base year of the acquiring corporation for the first taxable year ending after the date of distribution or transfer shall be the last taxable year ending on or before the date of distribution or transfer. The balance of the reserve, the amount of loans outstanding, and the amount of eligible loans outstanding at the close of such base year shall be determined in accordance with the provisions of subparagraph (2)(i) of this paragraph. For taxable years subsequent to the first taxable year ending after the date of distribution or transfer, the base year of the acquiring corporation shall be the more recent of the base year provided by the first sentence of this subparagraph or the base year provided by § 1.585-2(e)(1). If § 1.585-2(e)(1) provides the more recent base year, the balance of the reserve for losses on loans, the amount of loans outstanding, and the amount of eligible loans outstanding shall be determined at the close of such base year without regard to this paragraph.

(2) *Base year amounts*—(i) *Method of determination.* The balance of the reserve for losses on loans, the amount of loans outstanding, and the amount of eligible loans outstanding at the close of the base year provided by the first sentence of subparagraph (1) of this paragraph shall be the total of such amounts of the distributor or transferor corporation and the acquiring corporation (or, in the case of a consolidation, the transferor corporations) at the close of what would have been their respective base years determined under § 1.585-2(e)(1) if the distribution or transfer to which section 381(a) applies had not occurred, except that the method (experience or percentage) used or adopted by the acquiring corporation to determine its reasonable addition to a reserve for losses on loans for the first taxable year ending after the date of the distribution or transfer shall be considered to be the method that the distributor or transferor corporation (or, in the case of a consolidation, that the transferor corporation) would have used or adopted for its first taxable year ending after the date of distribution or transfer if the distribution or transfer had not occurred.

(ii) *Examples.* The application of the rule provided by this subparagraph may be illustrated by the following examples:

Example (1). The X Corporation and the Y Corporation are commercial banks both of which have a calendar year as a taxable year. Both X and Y adopted the reserve method of accounting for bad debts prior to July 11, 1969. For the taxable year 1970 through 1973, X and Y determined their reasonable additions to a reserve for losses on loans as defined in § 1.585-2(e)(2) under the percentage method. On June 30, 1974, the X Bank is merged into the Y Bank; for its short taxable year ending on June 30, 1974, X determines its reasonable addition under the percentage method. If, for the taxable year ending on December 31, 1974 (the first taxable year ending after the date of distribution or transfer), Y determines its reasonable addition to a reserve for losses on loans under the percentage method, then at the close of the base year the reserve balance, the amount of outstanding loans, and the amount of eligible loans outstanding are the sum of X's and Y's respective amounts at the close of the taxable year ending December 31, 1969 (the base year of both X and Y determined under § 1.585-2(e)(1) as if the distribution or transfer had not taken place). If, instead of the above, Y adopts the experience method of determining its reasonable addition to a reserve for losses for the taxable year 1974, than at the close of the base year (1973) the reserve balances, the amount of loans outstanding, and the amount of eligible loans outstanding are the sum of X's respective amounts at the close of its short taxable year ending on June 30, 1974 (X's last taxable year before its (Y's) most recent adoption of the experience method) and of Y's respective amounts at the close of its taxable year 1973 (Y's last taxable year before its most recent adoption of the experience method).

Example (2). The M Corporation and the N Corporation are commercial banks. M has a fiscal year ending September 30, as its taxable year and N has a calendar year as its taxable year. Both M and N adopted the reserve method of accounting for bad debts prior to July 11, 1969. For the taxable years ending in 1970, 1971, and 1972, M determined its reasonable addition to a reserve for losses under the percentage method; for the taxable year ending in 1973 M adopted the experience method. For the taxable years 1970 through 1973 N determined its reasonable addition under the percentage method. M is merged into N on June 30, 1974, and for its short taxable year ending on June 30, 1974, M determines its reasonable addition under the experience method. If, for the taxable year ending on December 31, 1974 (the first taxable year ending after the date of distribution or transfer), N determines its reasonable addition to a reserve for losses under the percentage method, then at the close of the base year (1973) the reserve balance, the amount of loans outstanding, and the amount of eligible loans outstanding are the sum of M's respective amounts at the close of (a) if M had a reserve deficiency as of June 30, 1974, its short taxable year ending on June 30, 1974 (M's last taxable year before its (N's) most recent adoption of the percentage method), or (b) if M did not have a reserve deficiency, the taxable year ending on September 30, 1969, and N's respective amounts at the close of its taxable year 1979. If, instead of the above, N adopts the experience method for the taxable year 1974, then at the close of the base year the reserve balance, the amount of outstanding loans, and the amount of eligible loans outstanding are the sum of M's respective amounts at the close of its taxable year ending on September 30, 1972 (the last taxable year before M's most recent adoption of the experience method), and N's respective amounts at the close of the taxable year 1973 (the last taxable year ending before N's most recent adoption of the experience method).

[FR Doc. 78-1704 Filed 1-18-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 764-78]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Litigation Involving Environmental Protection

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: In a Memorandum of Understanding between the Department of Justice and the Environmental Protection Agency concerning the conduct of litigation in which EPA is a party, the Attorney General has undertaken certain administrative functions and responsibilities which, by express provision in that Memorandum, may be delegated to other officials of the Department of Justice. This order delegates to the Assistant Attorney General in charge of the Land and Natural Resources Division and the Assistant Attorney General in charge of the Civil Division functions and responsibilities of the Attorney General under the Memorandum of Understanding relating to litigation for which their respective Divisions are responsible. The order also amends the regulations assigning functions to the Land and Natural Resources Division to reflect additional matters now being handled by that Division as a result of recent legislation and transfers of responsibility within the Department.

EFFECTIVE DATE: January 11, 1978.

FOR FURTHER INFORMATION CONTACT:

James W. Moorman, Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, 202-739-2701.

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

1. Subpart I, which assigns functions to the Civil Division, is amended by adding a new § 0.45a immediately after § 0.45, to read as follows:

§ 0.45a Litigation involving Environmental Protection Agency.

With respect to any matter assigned to the Civil Division in which the Environmental Protection Agency is a party, the Assistant Attorney General in charge of the Civil Division, and such members of his staff as he may specifically designate in writing, are authorized to exercise the functions and responsibilities undertaken by the Attorney General in the Memorandum of Understanding between the Department of Justice and the Environmental Protection Agency (42 FR 48942), except that Subpart Y of this part shall continue to govern as authority to compromise and close civil claims in such matters.

2. Section 0.65 of Subpart M, which assigns functions to the Land and Natural Resources Division, is amended by revising paragraphs (d) and (e) and adding new paragraphs (f) and (g), to read as follows:

§ 0.65 General functions.

* * * * *

(d) Civil and criminal suits and matters involving air, water, noise, and other types of pollution, the regulation of solid wastes, toxic substances, pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act, and the control of the environmental impacts of surface coal mining.

(e) Civil and criminal suits and matters involving obstructions to navigation, and dredging or filling (33 U.S.C. 403).

(f) Civil and criminal suits and matters arising under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.) insofar as it relates to the prosecution of violations committed by a company in matters involving the licensing and operation of nuclear power plants.

(g) Civil and criminal suits and matters relating to the natural and biological resources of the coastal and marine environments, the outer continental shelf, the fishery conservation zone and, where permitted by law, the high seas.

3. Subpart M is further amended by adding a new § 0.65a immediately after § 0.65, to read as follows:

§ 0.65a Litigation involving Environmental Protection Agency.

With respect to any matter assigned to the Land and Natural Resources Division in which the Environmental Protection Agency is a party, the Assistant Attorney General in charge of the Land and Natural Resources Division, and such members of his staff as he may specifically designate in writing, are authorized to exercise the functions and responsibilities undertaken by the Attorney General in the Memorandum of Understanding between the Department of Justice and the Environmental Protection Agency (42 FR 48942), except that Subpart Y of this part shall continue to govern as authority to compromise and close civil claims in such matters.

Dated: January 11, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-1809 Filed 1-20-78; 8:45 am]

[3710-92]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Navigation Locks and Approach Channels, Columbia and Snake Rivers

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final Rule.

SUMMARY: This rule amends regulations which govern the use, administration and navigation of the locks and approach channels on the Columbia and Snake Rivers, Oregon and Washington. The amendment is necessary because of operation of the recently completed Lower Granite Lock and Dam on the Lower Snake River and to provide additional safety requirements for controlling passage of vessels through the eight locks.

DATE: Effective on February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard, 202-693-5070.

or write:

Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, ATTN: DAEN-CWO-N.

SUPPLEMENTARY INFORMATION: The proposed revision was published in the FEDERAL REGISTER, (42 FR 58960) with the comment period expiring on December 15, 1977. We received no comments and accordingly, pursuant to the provisions of Section 7 of the River and Harbor Act approved 8 August 1917 (40 Stat. 266; 33 U.S.C. 1) we are hereby amending the regulations in 33 CFR 207.718 as set forth below:

(40 Stat. 266; 33 U.S.C. 1.)

Date: January 10, 1978.

CHARLES R. FORD,
Acting Assistant Secretary of the Army (Civil Works).

§ 207.718 Navigation Locks and Approach Channels, Columbia and Snake Rivers, Oregon and Washington.

(a) *General.* All locks, approach channels, and all lock appurtenances, shall be under the jurisdiction of the District Engineer, Corps of Engineers, U.S. Army, in charge of the locality. His representative at the locks shall be the Project Engineer, who shall issue orders and instructions to the Lock Master in charge of the lock. Hereinafter, the term "Lock Master" shall be used to designate the person in immediate charge of the lock at any given time. In case of emergency and on all routine work in connection with the

operation of the lock, the Lock Master shall have authority to take action without waiting for instructions from the Project Engineer.

(b) *Lockage Control.* The Lock Master shall be charged with immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. Upstream and downstream approach channels extend to the end of the wing or the guide wall, whichever is longer. At Bonneville lock the upstream approach channel extends to the upstream end of Bradford Island and the downstream approach channel extends to the downstream end of the lower moorage. The Lock Master shall demand compliance with all laws, rules and regulations for the use of the lock and lock area and is authorized to issue necessary orders and directions, both to employees of the Government or to other persons within the limits of the lock or lock area, whether navigating the lock or not. Use of lock facilities is contingent upon compliance with regulations, Lock Master instructions and the safety of people and property.

(c) *Authority of Lock Master.* No one shall initiate any movement of any vessel in the lock or approaches except by or under the direction of the Lock Master. ("Vessel" as used herein includes all connected units, tugs, barges, tows, boats or other floating objects.)

(d) *Signals*—(1) *Radio.* All locks are equipped with two-way FM radio operating on channel 14, frequency of 156.700 MHz, for both the calling channel and the working channel. Vessels equipped with two-way radio desiring a lockage shall call WUJ 33 Bonneville, WUJ 34 The Dalles, WUJ 35 John Day, WUJ 41 McNary, WUJ 42 Ice Harbor, WUJ 43 Lower Monumental, WUJ 44 Little Goose, or WUJ 45 Lower Granite, at least one-half hour in advance of arrival since the Lock Master is not in constant attendance of the locks. Channel 14 shall be monitored constantly in the vessel pilot house from the time the vessel enters the approach channel until its completion of exit. Prior to entering the lock chamber, the commercial freight or log-tow vessel operator shall report the nature of any cargo, the maximum length, width and draft of the vessel and whether the vessel is in any way hazardous because of its condition or the cargo it carries or has carried.

(2) *Pull-cord signal stations.* Pull-cord signal stations marked by large instructional signs and located near the end of the upstream and downstream lock entrance walls may be used in place of radios to signal the Lock Master for a lockage.

(3) *Entering and exit signals.* Signal lights are located outside each lock gate. When the green (go) light is on, all vessels will enter in the sequence prescribed by the Lock Master except at Bonneville where freight and log-tow vessels only will enter on the amber light. When the red (stop) light is on, the lock is not ready for entrance and vessels shall stand clear. In addition to the above visual signals, the Lock Master will signal that the lock is ready for entrance by sounding one long blast on the lock air horn. The Lock Master will signal that the lock is ready for exit by lighting the green exit light and sounding one short blast on the air horn.

(4) *Craft lockage-readiness signal.* Upon query from Lock Master, a vessel operator will signal when he is properly moored and ready for the lockage to begin.

(e) *Permissible dimensions of vessels.* Nominal overall dimensions of vessels allowed in the lock chamber are 84 feet wide and 650 feet long, except at Bonneville where these dimensions are 74 feet wide and 500 feet long. Depth of water in the lock depends upon river levels which may vary from day to day. Staff gauges showing the minimum water level depth over gate sills are located inside the lock chamber near each lock gate and outside the lock chamber near the end of both upstream and downstream guide walls. Vessels which do not have a draft of at least one foot less than an gauge reading shall not pass that gauge. Information concerning allowable draft for vessel passage through the locks may be obtained from the Lock Master. Minimum lock chamber water level depth is 15 feet except at Ice Harbor where it is 14 feet and at Bonneville where it is 24.2 feet. When the river flow at Lower Granite exceeds 330,000 cubic feet per second the normal minimum 15-foot depth may be decreased to as little as eight feet. At Bonneville, a tow may be rearranged to less than clear lock dimensions (74 feet by 500 feet) prior to entering the lock, and be passed in one lockage. Such rearrangements at Bonneville May be done at the moorage in the downstream lock approach channel or above the upstream guide wall and with the Lock Master's permission at the upstream guide wall. In consideration of river and swing bridge traffic at Bonneville the Lock Master may authorize rearrangement of vessels within the lock chamber only when both miter gates at the open end of the lock are in their recesses in the lock walls and rearrangement will not be hazardous to them. Vessels wider than 50 feet will not be permitted to enter the Bonneville Lock during extreme high water when tailwater at the lock is higher than 35 feet above m.s.l. since the downstream guide wall will be inundated.

(f) *Precedence at Lock.* Ordinarily, the vessel or tow arriving first at the lock will be locked through first; however, depending upon whether the lock is full or empty this precedence may be modified at the discretion of the Lock Master. When several vessels are waiting for a lockage, precedence shall be given as follows:

First: Vessels owned or operated by the United States whose mission requires immediate passage.

Second: Commercial freight and log-tow vessels.

Third: All other vessels.

(g) *Loss of turn.* Vessels that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(h) *Lockage.*—(1) *Multiple lockage.* The Lock Master shall decide whether one or more vessels or tows may be locked through at the same time. Vessels with flammable or highly hazardous cargo will be passed separately from all other vessels. Hazardous materials are described in Part 171, Title 49, Code of Federal Regulations. Flammable materials are defined in the National Fire Code of the National Fire Protection Association.

(2) *Small Craft.* At the discretion of the Lock Master, the lockage of pleasure, fishing, and other small vessels may be coordinated with the lockage of commercial vessels. If no commercial craft is scheduled to be locked through within a reasonable time, not to exceed one (1) hour after arrival of the small craft at the lock, separate lockage will be made for such small craft.

(i) *Mooring in approaches prohibited.* Mooring or anchoring in the approaches to the lock is prohibited where such mooring will interfere with navigation.

(j) *Waiting for Lockage.* Vessels waiting for lockage shall wait in the clear outside of the lock approach channel, or contingent upon permission by the Lock Master, may at their own risk, lie inside the approach channel at a place specified by the Lock Master. At Bonneville, vessels may at their own risk, lay-to at the downstream moorage facility on the south shore downstream from the guide wall: *Provided,* That a 100-foot-wide open channel is maintained and vessels upstream may lay-to against the guide wall, at their own risk, provided they remain not less than 400 feet upstream of the upstream lock gate; or contingent upon prior radio clearance by the Lock Master they may, at their own risk, tie to the upstream guide wall.

(k) *Mooring in lock.* All vessels must be moored within the lock chamber so that no portion of any vessel extends beyond the lines painted on the lock walls. Moorage within the lock chamber will be to floating mooring bits only and will be accomplished in a proper no-slip manner. Small vessels will not be locked with a large vessel

unless the large vessel is so moored (two mooring bits) that no lateral movement is possible. The vessel operator will constantly monitor the position of his vessel and his mooring bit ties to assure that there is no fore or aft movement of his vessel and lateral movement is minimized. Propulsion by vessels within the lock chamber will not be permitted during closure operation of a lock chamber gate or as otherwise directed by the Lock Master.

(l) *Crew to move craft.* During the entire lockage, the vessel operator shall constantly attend the wheelhouse, be aware of the vessel's position, and monitor radio channel 14 on frequency 156.700 MHz, or otherwise be constantly able to communicate with the Lock Master. At a minimum, vessels shall be as vigilantly manned as if underway.

(m) *Speed.* Vessels shall be adequately powered to maintain a safe speed and be under control at all times. Vessels shall not be raced or crowded alongside another in the approach channels. When entering the lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead.

(n) *Delay in lock.* Vessels shall not unnecessarily delay any operation of the locks.

(o) *Landing of freight.* No freight, baggage, personnel, or passengers shall be landed on or over the walls of the lock, except by permission and direction of the Lock Master.

(p) *Damage to lock or other structures.* The regulations in this section shall not relieve owners and/or operators of vessels from liability for any damage to the lock or other structures or for the immediate removal of any obstruction. No vessel in less than stable floating condition or having unusual sinking potential shall enter the locks or its approaches. Vessels must use great care not to strike any part of the lock, any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the approach channels. All vessels with projecting irons, or rough surfaces which may damage the gates or lock walls, shall not enter the lock unless provided with suitable buffers and fenders. Vessels having chains, lines, or drags either hanging over the sides or ends or dragging on the bottom for steering or other purposes will not be permitted to pass.

(q) *Tows.* Prior to a lockage, the person in charge of a vessel towing a second vessel by lines shall, at a safe distance outside of the incoming approach channel, secure the second vessel to the towing vessel and keep it secured during the entire course of a lockage and until safely clear of the outgoing approach channel.

(r) *Violation of regulations.* Any violation of these regulations may subject the owner or master of any vessel to any or all of the following: (1) Penalties prescribed by law of the United States Government (33 U.S.C. 1); (2) Report of violation to the titled owner of the vessel; (3) Report of violation to the U.S. Coast Guard; (4) Refusal of lockage at the time of violation.

(s) *Refuse in locks.* No material of any kind shall be thrown or discharged into the lock, or be deposited in the lock area. Vessels leaking or spilling cargo will be refused lockage and suitable reports will be made to the U.S. Coast Guard. Deck cargo will be so positioned so as not to be subject to falling overboard.

(t) *Handling valves, gates, bridges, and machinery.* No person, unless authorized by the Lock Master, shall open or close any bridge, gate, valve, or operate any machinery in connection with the lock. However, the Lock Master may call for assistance from the master of any vessel using the lock, should such aid be necessary; and when rendering such assistance, the person so employed shall be directly under the orders of the Lock Master. Masters of vessels refusing to provide such assistance when it is requested of them may be denied the use of the lock by the Lock Master.

(u) *Statistics.* On each passage through the lock, masters or pursers of vessels shall furnish to the Lock Master, a written statement of passengers, freight, and other information as indicated on forms furnished boat operators by the Lock Master.

(v) *Hazardous areas.* At McNary, Ice Harbor, Lower Monumental, Little Goose, and Lower Granite Dams, all water from the downstream face of the dam to a line straight across the river at the downstream end of the downstream lock guide wall is considered hazardous and vessels may enter only at their own risk.

(w) *Restricted areas.* No vessel shall enter or remain in any restricted area at any time without first obtaining permission from the District Engineer, Corps of Engineers, U.S. Army, or his duly authorized representative.

(1) *At Bonneville Dam.* The waters restricted to only Government vessels are described as all waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the powerhouse. The restricted areas will be designated by signs.

(2) *At the Dalles Dam.* The waters restricted to only Government vessels are described as all downstream waters other than those of the navigation lock downstream approach channel which lie between the Wasco County Bridge and the project axis including those waters between the powerhouse and the Oregon shore and all upstream waters other than those of the navigation lock upstream approach channel which lie between the project axis and a line projected from the upstream end of the navigation lock guide wall to the junction of the concrete structure with the earth fill section of the dam near the upstream end of the powerhouse.

(3) *At the John Day Dam.* The waters restricted to only Government vessels are described as all of the waters within a distance of about 1,000 yards above the dam lying south of the navigation channel leading to the lock and bounded by a line commencing at the upstream end of the guide wall, and running in a direction 54°01'37" true for a distance of 771 yards, thence 144°01'37" true across the river to the south shoreline. The downstream limit is marked by orange and white striped monuments on the north and south shores.

(4) *At McNary Dam.* The waters restricted to only Government vessels are described as all waters within a distance of about 1,000 yards above the dam lying south of the guide wall and bounded by a line commencing at the upstream end of the guide wall and running in a direction 93°30' true for a distance of 495 yards, thence 175°15' true for 707 yards, thence 179°00' true for 441 yards, thence 235°00' true for 585 yards, thence 268°00' true for 146 yards to the head of the fishladder.

(5) *At Ice Harbor Dam.* The waters restricted to only Government vessels are described as the waters within a distance of about 800 yards upstream of the dam lying south of the navigation channel leading to the lock and bounded by a line commencing at the upstream end of the guide wall, and running a direction 83°00' true for a distance of 600 yards, thence 175°00' true for a distance of 250 yards, thence 241°00' true to the upstream face of the dam.

(6) *At Lower Monumental Dam.* The waters restricted to only Government vessels are described as the waters within a distance of about 1,200 yards upstream of the dam lying north of the navigation channel leading to the lock and bounded by a line commencing at the upstream end of the fixed guide wall and running in a direction 48°00' true for a distance of 340 yards, thence 326°00' true for a distance of 366 yards, thence 260°00' true for a distance of 160 yards, thence 270°00' true to the north shore.

(7) *At Little Goose Dam.* The waters restricted to only Government vessels are described as those within a distance of 800 yards above the dam lying north of the guide wall and bounded by a line commencing at the upstream end of the guide wall and running in a direction 64°13' true for a distance of 567 yards, thence 349°03' true for a distance of 610 yards to the north shoreline.

(8) *At Lower Granite Dam.* The waters restricted to only Government vessels are described as those within a distance of 800 yards above the dam lying south of the guide wall and bounded by a line commencing at the upstream end of the guide wall and running in a direction 136° true for a distance of 586 yards±; thence 214° true for a distance of 250 yards to the south shoreline.

Drawings which depict the hazardous and restricted areas in paragraphs (v) and (w) of this section are available from the District Engineers for areas within their respective jurisdictions.

NOTE.—The Department of the Army 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. (40 Stat. 266; (33 U.S.C. 1).)

[FR Doc. 78-1878 Filed 1-20-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Use of Labels on Second-Class and Third-Class Packages

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Postal regulations are hereby revised to permit mailers the option of using either a Red Label D or no label to show the destination of direct bundles of second-class and third-class mail. In addition, the requirement that facing slips (nonstandard package labels) cover the entire address portion of the top mail piece is deleted. These changes in the regulations are being made to avoid further misinterpretation of the Postal Service's package-labeling requirements and to respond to the difficulty of compliance with existing regulations pointed out by a mailer.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Harvey Altergott, 202-245-4353.

SUPPLEMENTAL INFORMATION: On August 12, 1977, the Postal Service published for comment in the FEDERAL REGISTER a proposal on pressure sensitive package labels (42 FR 40922). Two comments were received, one of which recommended that mailers be required to prepare bundles even when there is only one piece of mail for a state, for a split within a state, or for a foreign country. We believe that it would be excessive to require mailers to make up packages even when there is only one piece of mail being handled. Accordingly, we are not adopting the suggestion.

The other commenter demonstrated that it would be difficult for a mailer to cover with a facing slip (nonstandard label) the entire address portion of the top mail piece of a bundle when a facing slip is used to indicate the level of presort for pieces that are larger than a business size envelope. He argued that we should delete the requirement. We agree with the commenter and have therefore deleted it.

It may be noted that the phrase "nonstandard package labels" is being dropped in favor of the older and better understood phrase "facing slips". Also, we have revised, for the sake of clarity, subsection b of 125.321 and 134.431 and thereby completely eliminated subparagraphs (1) and (2).

In view of the considerations discussed above, the Postal Service revises its proposal and adopts the following revision of the Postal Service Manual:

PART 125—SECOND-CLASS BULK MAILINGS

1. In 125.32 revise .321 and .321a(1) and b to read as follows:

125.32 PREPARATION BY THE MAILER OF COPIES IN PACKAGES AND SACKS

.321 PACKAGE LABELS

Pressure sensitive labels are made available to mailers through local customer services representatives and postmasters and must be used to indicate the make-up and destination of all packages that require a package lable. All pieces in a packages that require a package label. All pieces in a package must be faced in one way and the top piece must be plainly addressed, including the ZIP Code.

a. *Use of package labels*

(1) Five-Digit Package—Place six or more pieces for the same ZIP Code area in a bundle. Use of a package label is optional. When such packages are labeled, Affix Red Label D.

* * * * *

b. *Package labels—general*

Pressure sensitive package labels shall be applied to the lower left corner of the address side of the top piece on letter size packages and next to the address on larger packages. Facing slips shall be placed on the face of mixed states and foreign packages. While the preparation of split state bundles is optional when such bundles are prepared, they must also be labeled with facing slips. Pressure sensitive labels and facing slips are available at post offices.

PART 134—THIRD CLASS

2. In 134.43 revise .431 and .431a(1) and b to read as follows:

134.43 PREPARATION BY THE MAILER OF PIECES IN PACKAGES AND SACKS

.431 PACKAGE LABELS

Pressure sensitive labels are made available to mailers through local customer services representatives and postmasters and must be used to indicate the make-up and destination of all packages that require a package label. All pieces in a package must be faced in one way and the top piece must be plainly addressed including the ZIP Code.

a. *Use of package labels*

(1) Five-Digit Package—Place ten or more pieces for the same ZIP Code area in a bundle. Use of a package label is optional. When such packages are labeled, Affix Red Label D.

* * * * *

b. *Package labels—general*

Pressure sensitive package labels shall be applied to the lower left corner of the address side of the top piece on letter size packages and next to the address on larger packages. Facing slips shall be placed on the face of mixed states and foreign packages. While the preparation of split state bundles is optional, when such bundles are prepared, they must also be labeled with facing slips. Pressure sensitive labels and facing slips are available at post offices.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-1885 Filed 1-20-78; 8:45 am]

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

State Medicaid Fraud Control Units

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final Rule.

SUMMARY: This regulation sets forth the terms and conditions under which State Medicaid Fraud Control Units can receive 90 percent Federal matching funds for investigations and prosecutions of fraud in State Medicaid programs. Because the Medicare-Medicaid Anti-Fraud and Abuse Amendments, Pub. L. 95-142, requires that a regulation be promulgated within 90 days of the enactment of the statute, it is adopted as a final rule

without notice and opportunity for comment.

The purpose is to implement this statute and thereby to prevent fraud and abuse in the State Medicaid programs funded under title XIX of the Social Security Act.

EFFECTIVE DATE: This regulation is effective on January 23, 1978.

Notice of Proposed Rulemaking has been waived because of the time limits imposed by the statute. Nevertheless, written comments or suggestions received by March 9, 1978, will be considered with a view to revising this regulation, and a response to comments will be published in the FEDERAL REGISTER by June 7, 1978.

In commenting please refer to PCO-183-RC. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m., 202-245-0950.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013.

FOR FURTHER INFORMATION, CONTACT:

Don E. Nicholson, Director, Office of Program Integrity, Health Care Financing Administration, U.S. Department of Health, Education, and Welfare, Room 500, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-8763.

SUPPLEMENTARY INFORMATION: Pub. L. 95-142, the Medicare-Medicaid Anti-Fraud and Abuse Amendments, contains several measures designed to prevent fraud and abuse in the provision of medical assistance and health services in programs authorized by the Social Security Act. Section 17 of Pub. L. 95-142 authorizes Federal funding for State Medicaid Fraud Control Units, to support the investigation and prosecution of fraud in State Medicaid programs administered under title XIX of the Social Security Act.

The authorizing legislation sets forth the basic organizational requirements, functions, and responsibilities for State Fraud Control Units and, as an incentive to States to create such units, authorizes the Secretary of HEW to reimburse units which qualify under these prerequisites for 90 percent of their costs during Fiscal Years 1978 through 1980. After Fiscal Year 1980, the activities of those units are expected to bring about sufficient savings in the Medicaid program to sustain their continued operation if they receive Federal funding at the normal rate for the administration of Medicaid programs.

This regulation sets forth the statutory requirements for State Fraud Control Units and establishes policies and procedures for applications, access to medical records, reporting, and cost reimbursement.

MAJOR PROVISIONS

1. LOCATION OF THE UNIT

The statute provides for three alternative organizational locations. The Fraud Control Unit can be a part of the State Attorney General's office (or another state agency having statewide prosecuting authority); it can be located outside the Office of the Attorney General (or other statewide prosecuting authority) if it has an effective working relationship with the Attorney General's Office for the referral and prosecution of alleged criminal violations; or, if there is no State agency with statewide authority for criminal fraud prosecution, the Unit may be located outside the Office of the Attorney General, provided it has effective procedures for referring cases of alleged fraud to all appropriate prosecuting authorities.

In promulgating the law, Congress emphasized its conclusion that strong leadership from the Office of the Attorney General greatly enhances the effectiveness of State efforts to detect and prosecute fraud in Medicaid. Congress also indicated that the primary purpose of the third alternative was to provide for those States whose constitutions prohibit prosecution by a statewide authority. (See Senate Report 95-453, page 36, and House Report 95-393, Part II, page 80.) The statute, however, states that this alternative is only available "in a State the constitution of which does not provide for the criminal prosecution of individuals by a statewide authority * * *"

This regulation interprets the statutory language to limit the third alternative to States where there is, in fact, no State agency with the authority and the capability for prosecuting fraud on a statewide basis. Thus, for example, if the State Attorney General exercises statewide prosecuting authority with respect to criminal fraud, even though the State constitution does not expressly provide for him to do so, the Fraud Control Unit would have to be a part of his Office or have an effective working relationship with it. The regulation also interprets the statutory language to consider unexercised common-law authority for statewide prosecution as not being sufficient to preclude a State from establishing a unit under this third alternative.

This regulation requires that when some prosecuting authority other than the Attorney General is to prosecute a case, the Unit will insure that those responsible for the prosecutive decision and the preparation of the case for trial have the fullest possible opportunity to participate in the investigation from its inception and will provide all necessary assistance to the prosecuting authority throughout all resulting prosecutions.

2. SEPARATION FROM THE MEDICAID AGENCY

The statute also requires that the Fraud Control Unit be "separate and distinct" from the State Medicaid agency. Consequently, these regulations, in paragraph (e), preclude the State Medicaid agency from monitoring the Fraud Control Unit or interfering with its referral of cases to the prosecuting authority. The regulations also prohibit HEW payments to the Fraud Control Unit from being channelled through the State Medicaid agency. They do not preclude HEW's approving a Fraud Control Unit located in a larger State agency, of which the redesignated State Medicaid agency is also a part, so long as the Fraud Control Unit and the Medicaid agency operate independently of each other. If the larger agency is designated as the Medicaid agency, it would not be an acceptable location for the Unit unless the designation is changed.

3. COOPERATION BETWEEN THE UNIT AND THE MEDICAID AGENCY

It is evident that a comprehensive, effective fraud-control program can be achieved only through close cooperation between the Fraud Control Unit and the Medicaid agency. The Unit must have access to information in the possession of, or available to, the Medicaid agency. A Unit may not qualify unless the State permits access by the Unit to medical records of Medicaid patients, in order to determine the extent of the care provided. These records must be made available regardless of whether the patient or any other person consents. In amendments to existing regulations (42 CFR 450.21) made necessary by sec. 9 of Pub. L. 95-142, the Secretary will consider making direct access by a Unit to patient records a condition of participation by providers.

It is necessary that the Medicaid agency use its administrative authority or available judicial remedies to follow up on improprieties discovered by the Unit. In order to assure cooperation, a companion regulation at § 450.80(a)(8) imposes State plan requirements on the State Medicaid agency to cover these points. The statute envisions that the Unit will have full responsibility for all Medicaid fraud investigations and must have the capability to perform adequately this responsibility. Therefore, the

companion regulation requires the Medicaid agency to agree to refer all suspected cases of Medicaid fraud to the Unit which will then have full responsibility for each case.

Medicaid regulations in 42 CFR 450.80 impose certain fraud control requirements on State Medicaid agencies. Another companion regulation at § 450.80(d) makes conforming amendments to the existing regulations so that the Medicaid agency's responsibility under them will be met by the Fraud Control Unit to the extent of the Unit's responsibilities under this regulation.

4. STAFFING REQUIREMENTS

The statute requires that the Unit employ the staff necessary for effective and efficient performance of its responsibilities. The regulation sets forth some minimum staffing requirements, with respect to attorneys, auditors, and investigators. Although the regulation uses the term "employ", if the Fraud Control Unit is not part of the Attorney General's Office, it may receive Federal reimbursement for attorneys who are not directly employed by the Unit, but are assigned to it by the Attorney General or other appropriate State agency, to provide legal service on a full-time basis.

5. FEDERAL PAYMENTS

HEW will reimburse the Fraud Control Unit for 90 percent of the costs of getting established and for training necessary personnel, as well as for its ongoing operations. However, because of statutory limitations, HEW will reimburse only for activities which pertain directly to the investigation, prosecution, and recovery efforts directed to health care providers for Medicaid fraud and the review of complaints alleging abuse or neglect of patients in health care facilities. If, in the course of its activities, the Fraud Control Unit comes upon instances or allegations of non-fraudulent program abuse or non-fraudulent violations of programmatic requirements, it must refer such matters to another appropriate agency or unit for proper follow-through. Moreover, payments from HEW under this section shall not be used to reimburse the State Medicaid agency for the management functions and initial screening responsibilities currently required of that agency under 42 CFR 450.80.

If the Unit finds instances of possible conspiracy among providers and recipients to defraud Medicaid, an investigation and possible prosecution of the conspiracy, including the recipient's part, would be reimbursable since this is a case of possible fraud in "the provision of medical assistance * * *." (Section 1903(q)(3) of the Act). We do not believe that fraud in a recipient's application for AFDC or SSI, which then entitled the person to free medical care, can properly be construed as fraud in "the provision of medical assistance", since only providers may thus defraud the Medicaid program.

The Unit may be reimbursed for all approved expenditures during the quarter in which the Unit is certified and, upon a finding that the Unit met all requirements as of a given date, the Secretary may retroactively certify the Unit effective on that date. Establishment costs are limited to clearly identifiable costs of personnel devoted full-time to the establishment of a Unit which does achieve certification if such personnel are intended to, and in fact do, continue as full-time employees after the Unit is certified. All establishment costs are to be deemed made in the first quarter of certification.

WAIVER OF PROPOSED RULEMAKING

Section 17 of Pub. L. 95-142 requires that HEW promulgate regulations necessary to implement that section within 90 days of enactment. The statute was enacted on October 25, 1977, so the 90 days expire on January 23, 1978. Moreover, it is important and desirable that these State Fraud Control Units be established and begin operating as soon as possible. For these reasons, the Secretary has determined that there is good cause to waive Notice of Proposed Rulemaking and opportunity for public comment prior to implementing Section 17.

DEMONSTRATION PROJECTS

Section 17 also authorizes funding for projects "to develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services under the health programs established by the Social Security Act". This provision is not covered in these regulations, but information about such projects may be obtained from:

James M. Kaple, Acting Assistant Administrator for Demonstrations and Evaluations, Health Care Financing Administration, Department of Health, Education, and Welfare, Room 5074, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-245-0697.

42 CFR Part 450 is amended as set forth below:

1. Section 450.80 is amended by adding new paragraphs (a)(8) and (d) to read as follows:

§ 450.80 Fraud in the medical assistance programs.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * * * *

(8) In a State with a State Medicaid Fraud Control Unit established and certified under § 450.310, provide that the State agency will:

(i) Refer all cases of suspected fraud to the Unit;

(ii) Comply promptly with a request from the Unit for access to, and free copies of, any records or information in the possession of the Medicaid agency or its contractors, if the Unit determines that it may be useful in carrying out its responsibilities under this section;

(iii) Comply promptly, and without charge, with a request from the unit for computerized data stored by the Medicaid agency or its contractors in such form as the Unit may request, if the Unit determines that this data may be useful in carrying out its responsibilities;

(iv) On appropriate referral, initiate any appropriate administrative or judicial actions available to recover sums identified by the Unit as improperly paid to a provider under the State Medicaid plan; and

(v) Arrange for the Unit to have access to any records or information kept by a provider of services under the State Medicaid plan which the Medicaid agency is authorized access by sec. 1902(a)(27) of the Act, if the Unit determines that this access may be necessary in carrying out its responsibilities under this section. In using such records and information, the Unit must protect the privacy rights of individual patients.

(Sec. 1902(a)(7) of the Act.)

* * * * *

(d) *Coordination of responsibility.* In a State with a State Medicaid Fraud Control Unit established and certified under § 450.310, the State plan requirements on the Medicaid agency under this section shall be considered satisfied to the extent that they are the same as the responsibilities placed on the Unit under § 450.310.

2. A new Subpart D, Program Integrity is added as follows:

Subpart D—Program Integrity

§ 450.310 State Medicaid fraud control units.

(a) *Definitions.* As used in this section, unless otherwise indicated by the context:

(1) *"Act"* means the Social Security Act and references to titles are to titles of that Act.

(2) *"FFP"* stands for Federal financial participation.

(3) *"Medicaid agency"* means the single State agency designated to administer or supervise the administration of the State plan under title XIX of the Act. (Section 1902(a)(5).)

(4) *"Unit"* means the State Medicaid Fraud Control Unit.

(b) *Scope and Purpose.* This section implements section 1903(a)(6), 1903(b)(3) and 1903(q) of the Social Security Act, as amended by the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142 of October 25, 1977). The statute authorizes the Secretary to pay a State 90 percent of the costs of establishing and operating a State Medicaid Fraud Control Unit, as defined by the statute, for the purpose of eliminating fraud in the State Medicaid program.

(c) *Basic requirement.* A State Medicaid Fraud Control Unit must be certified by the Secretary as meeting the requirements of paragraphs (d) through (g) of this section.

(d) *Organization and location requirements.* Any of the following three alternatives is acceptable:

(1) The Unit is located in the Office of the State Attorney General or another Department of State Government which has statewide authority to prosecute individuals for violations of criminal laws with respect to fraud in the provision or administration of medical assistance under a State plan implementing title XIX of the Act; or

(2) If there is no State agency with statewide authority and capability for criminal fraud prosecutions, the Unit has established formal procedures which assure that the Unit refers suspected cases of criminal fraud in the State Medicaid program to the appropriate State prosecuting authority or authorities, and provides assistance and coordination to such authority or authorities in the prosecution of such cases; or

(3) The Unit has a formal working relationship with the Office of the State Attorney General and has formal procedures for referring to the Attorney General suspected criminal violations occurring in the State Medicaid program and for effective coordination of the activities of both entities relating to the detection, investigation and prosecution of those violations. Under this requirement, the Office of the State Attorney General must agree to assume responsibility for prosecuting alleged criminal violations referred to it by the Unit: *Provided, however,* That if the Attorney General finds that another prosecuting authority has the demonstrated capacity, experience and willingness to prosecute an alleged violation, he may refer a case to that prosecuting authority, as long as his office maintains oversight responsibility for the prosecution and for coordination between the Unit and the prosecuting authority.

(e) *Relationship to, and agreement with, the Medicaid agency.* (1) The Unit must be separate and distinct from the Medicaid agency.

(2) No official of the Medicaid agency shall have authority to review the activities of the Unit or to review or overrule the referral of a suspected criminal violation to an appropriate prosecuting authority.

(3) The Unit shall not receive funds paid under this section either from or through the Medicaid agency.

(4) The Unit shall enter into an agreement with the Medicaid agency under which the Medicaid agency will agree to comply with all requirements of § 450.80(a)(8) (ii), (iii), and (v).

(f) *Duties and responsibilities of the Unit.* (1) The Unit shall conduct a statewide program for investigating and prosecuting (or referring for prosecution) violations of all applicable State laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid plan.

(2) The Unit shall also review complaints alleging abuse or neglect of patients in health care facilities receiving payments under the State Medicaid plan.

(i) If the initial review indicates substantial potential for criminal prosecution, the Unit shall investigate the complaint.

(ii) If the initial review does not indicate a substantial potential for criminal prosecution, the Unit shall refer the complaint to an appropriate State agency.

(3) If the Unit, in carrying out its duties and responsibilities under paragraphs (f)(1) and (2) of this section, discovers that overpayments have been made to a health care facility or other provider of medical assistance under the State Medicaid plan, the Unit shall either attempt to collect such overpayment or refer the matter to an appropriate State agency for collection.

(4) Where a prosecuting authority other than the Unit is to assume responsibility for the prosecution of a case investigated by the Unit, the Unit shall ensure that those responsible for the prosecutive decision and the preparation of the case for trial have the fullest possible opportunity to participate in the investigation from its inception and will provide all necessary assistance to the prosecuting authority throughout all resulting prosecutions.

(g) *Staffing requirements.* (1) The unit shall employ sufficient professional, administrative and support staff to carry out its duties and responsibilities in an effective and efficient manner. The staff must include:

(i) One or more attorneys experienced in the investigation or prosecution of civil fraud or criminal cases, who are capable of giving informed advice on applicable law and procedures and providing effective prosecution or liaison with other prosecutors;

(ii) One or more experienced auditors capable of supervising the review of financial records and advising or assisting in the investigation of alleged fraud;

(iii) A senior investigator with substantial experience in commerical or financial investigations who is capable of supervising and directing the investigative activities of the unit.

(2) The unit shall employ, or have available to it, professional staff who are knowledgeable about the provision of medical assistance under title XIX and about the operation of health care providers.

(h) *Application, certification, and recertification.*—(1) *Initial application.* In order to receive FFP under this section, the Unit must submit to the Secretary, an application approved by the Governor, containing the following information and documentation.

(i) A description of the applicant's organization, structure, and location within State government, and an indication of whether it seeks certification under paragraph (d)(1), (d)(2), or (d)(3) of this section;

(ii) A statement from the State attorney general that the applicant has authority to carry out the functions and responsibilities set forth in this section. If the applicant seeks certification under paragraph (d)(2) of this section, the statement must also specify either that there is no State agency with the authority to exercise statewide prosecuting authority for the violations with which the Unit is concerned, or that, although the State Attorney General may have common law authority for statewide criminal prosecutions, he has not exercised that authority.

(iii) A copy of whatever memorandum of agreement, regulation, or other document sets forth the formal procedures required under paragraph (d)(2) of this section or the formal working relationship and procedures required under paragraph (d)(3) of this section;

(iv) A copy of the agreement with the Medicaid agency required under paragraph (e) of this section;

(v) A statement of the procedures to be followed in carrying out the functions and responsibilities of this section;

(vi) A projection of the caseload and a proposed budget for the 12-month period for which certification is sought; and

(vii) Current and projected staffing, including the names, education, and experience of all senior professional staff already employed.

(2) *Conditions for, and notification of, certification.* (i) The Secretary will approve an application only if he has specifically approved the applicant's formal procedures under paragraph (d)(2) or (d)(3) of this section, if either of those provisions is applicable, and

has specifically certified that the applicant meets the requirements of paragraph (d) of this section.

(ii) The Secretary will promptly notify the applicant whether the application meets the requirements of this section and is approved. If the application is not approved, the applicant may submit an amended application at any time. Approval and certification will be for a period of one year.

(3) *Conditions for recertification.* In order to continue receiving payments under this section, a unit must submit a reapplication to the Secretary at least 60 days prior to the expiration of the 12-month certification period. A reapplication must:

(i) Advise the Secretary of any changes in the information or documentation required under paragraph (h)(1)(i) through (v) of this section.

(ii) Provide projected caseload and proposed budget for the recertification period; and

(iii) Include or incorporate by reference the annual report required under paragraph (i) of this section.

(4) *Basis for recertification.* (i) The Secretary will consider the unit's reapplication, the reports required under paragraph (i) of this section, and any other reviews or information he deems necessary or warranted, and will promptly notify the unit whether he has approved the reapplication and recertified the unit.

(ii) In reviewing the reapplication, the Secretary will give special attention to whether the unit has used its resources effectively in investigating cases of possible fraud, in preparing cases for prosecution, and in prosecuting cases or cooperating with the prosecuting authorities.

(i) *Reporting requirements.*—(1) *Annual report.* At least 60 days prior to the expiration of the certification period, the unit shall submit to the Secretary a report covering the last 12 months (the first 9 months of the certification period for the first annual report), and containing the following information:

(i) The number of investigations initiated and the number completed or closed, categorized by type of provider;

(ii) The number of cases prosecuted or referred for prosecution; the number of cases finally resolved and their outcomes; and the number of cases investigated but not prosecuted or referred for prosecution because of insufficient evidence;

(iii) The number of complaints received regarding abuse and neglect of patients in health care facilities; the number of such complaints investigated by the unit; and the number referred to other identified State agencies;

(iv) The number of overpayments to providers of medical assistance for which collection was initiated; the number of overpayments referred to another agency for collection; and the total amount collected;

(v) The number of recovery actions initiated by the medicaid agency under its agreement with the unit, the number of successful recovery action, and the total amount recovered;

(vi) Projections for the succeeding 12 months for items listed in paragraphs (i)(1) (i) through (v) of this section;

(vii) The costs incurred by the unit, by major budget category; and

(viii) A narrative that evaluates the unit's performance; describes any specific problems it has had in connection with the procedures and agreements required under this section; and discusses any other matters that have impaired its effectiveness.

(2) The unit shall also provide any additional reports that the Secretary requests, and shall comply with any measures the Secretary deems necessary to assure the accuracy and completeness of all reports required under this paragraph (i).

(j) *Federal financial participation (FFP).*—(1) *Rate of FFP.* Subject to the limitations specified in this paragraph, the Secretary will reimburse each certified State medicaid fraud control unit, by an amount equal to 90 percent of the costs incurred by that unit which are attributable to carrying out its functions and responsibilities under this section.

(2) *Basis and period of payment.* (i) Payment will be made for each quarter, based on quarterly reports submitted by the unit in the format and containing the information requested by the Secretary.

(ii) Payments are available for each quarter during fiscal years 1978, 1979, and 1980.

(iii) For any quarter during which the unit is certified, the Secretary will provide reimbursement for the entire quarter.

(3) *Amount of FFP.* The amount paid during any quarter shall not exceed the higher of $125,000 or one-quarter of one percent of the sums expended by the Federal, State, and local governments during the previous quarter in carrying out the State medicaid program.

(4) *Costs subject to FFP.* FFP is available under this section for the expenditures attributable to the establishment and operation of the unit, including the cost of training personnel employed by the unit. Reimbursement shall be limited to costs attributable to the specific responsibilities and functions set forth in this section in connection with the investigation and prosecution of suspected fraudulent activities and the review of complaints of alleged abuse or neglect of patients in health care facilities. Establishment costs are limited to clearly identifiable costs of personnel that:

(i) Devote full-time to the establishment of the unit which does achieve certification; and

(ii) Continue as full-time employees after the Unit is certified.

All establishment costs will be deemed made in the first quarter of certification.

(5) *Costs not subject to FFP.* FFP is not available under this section for expenditures attributable to:

(i) Investigation of nonfraudulent abuse or of failure to comply with applicable laws and regulations; or

(ii) Programmatic screening and early detection activities required of the Medicaid agency under § 450.80 (a)(1)(i), (a)(5), (a)(6), and (a)(7).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Programs No. 13.775, State Medicaid Fraud Control Units.)

Dated: January 6, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: January 17, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-1914 Filed 1-20-78; 8:45 am]

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HS-3, Notice No. 1]

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Amendments to Implementing Regulations

AGENCY: Federal Railroad Administration, DOT.

ACTION: Final rule.

SUMMARY: This document amends the Federal Railroad Administration (FRA) Hours of Service Act record keeping and reporting regulations, which are designed to facilitate the administration and enforcement of the Act. In 1976, the Act was amended to cover new groups of railroad employees. These changes to the regulations address the new types of covered service in response to the statutory amendments and make several other technical adjustments.

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONCERNING THIS RULEMAKING CONTACT:

John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-9178.

FOR FURTHER INFORMATION CONCERNING APPLICATION OF THE REGULATIONS AMENDED HEREIN CONTACT:

G. R. Eberz, Federal Railroad Administration, Room 1020, Independence Building, 434 Walnut Street, Philadelphia, Pa. 19106, 215-597-0750.

J. J. Egan, Federal Railroad Administration, 1307 Analex Building, 150 Causeway Street, Boston, Mass. 02114, 617-223-2775.

W. A. Rogers, Federal Railroad Administration, Suite 216-B, 1568 Willingham Drive, College Park, Ga. 30337, 404-763-7801.

R. J. Galvin, Federal Railroad Administration, Room 210, 536 South Clark Street, Chicago, Ill. 60605, 312-353-6203.

L. A. Straight, Federal Railroad Administration, Room 1807, 911 Walnut Street, Kansas City, Mo. 64106, 816-374-2497.

C. N. Johnston, Federal Railroad Administration, Room 11A23, 819 Taylor Street, Fort Worth, Tex. 76102, 817-334-3601.

J. D. Commons, Federal Railroad Administration, Suite 630, Two Embarcadero Center, San Francisco, Calif. 94111, 415-556-6411.

W. B. Ingham, Federal Railroad Administration, Georgia Pacific Building, Suite 450, 900 S.W. Fifth Avenue, Portland, Oreg. 97204, 503-221-3011.

SUPPLEMENTARY INFORMATION: The Federal Railroad Administration (FRA) has determined that it is necessary to issue amendments to its regulations implementing the Hours of Service Act (45 U.S.C. 61-64b) (hereafter "Act"). The amendments are responsive to section 4 of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 818, which made several important additions to the requirements of the Hours of Service Act.

The new amendments to the Act, which were signed into law on July 8, 1976, added to the categories of employees covered by the Act "hostlers" and individuals "engaged in installing, repairing or maintaining signal systems". These particular provisions are the focus of this rulemaking.

In addition, the amendments repealed the blanket exemption for crews of wreck and relief trains and substituted a provision permitting those crews to work a maximum of 4 additional hours beyond the 12 hours normally allowed when "an actual emergency exists". For the first time, carriers were prohibited from providing "sleeping quarters for employees (including crew quarters, camp or bunk cars, and trailers) which do not afford such employees an opportunity for rest, free from interruptions caused by noise under the control of the railroad, in clean, safe, and sanitary quarters. . . ." Finally, carriers were prohibited from beginning to construct or reconstruct any employee sleeping quarters in the immediate vicinity of any area where railroad switching or humping operations are performed. (See 41 FR 53028; December 3, 1976.)

The amendments to Part 228 set forth below are primarily technical in nature, reflecting the addition of hostlers and individuals engaged in signal work to those covered by the Act. The revisions impose the additional responsibility of keeping hours of duty records with respect to the new categories of employees (individuals who work on signal systems and so-called "inside" hostlers; the duties of "outside" hostlers had been covered previously). That action is directly necessitated by Congressional action in expanding the scope of the Act, since, without adequate records, enforcement of the Act would be impossible. Similarly, carriers will be required to report instances of excess service involving the new groups of employees, as they had with respect to train crews, operators, and others in the past. Finally, carriers will be required to record (1) the time spent by a train or engine service employee or a signal employee in transportation to or from a work location, other than personal commuting, and (2) the mode of such transportation. This information should normally be recorded by the carrier in any event, either for purposes of compensation or to assure compliance with the Act. (See FRA Interim Interpretations on signal service at 42 FR 4464; January 25, 1977.)

Specifically, Section 228.5 is amended to include any "hostler" or any "individual engaged in installing, repairing or maintaining signal systems" within the term "employee".

Section 228.7 is amended to emphasize that (1) all hostlers are now covered by the Act and (2) signal employees, like other covered employees, are subject to the principle of commingled service. A "hostler" within the Act and these regulations is one who performs the duties of "hostling" locomotives.

Section 228.11 is amended by adding to the information required to be kept concerning the service of covered employees (1) beginning and ending time of periods spent in transportation, other than personal commuting, to or from a duty assignment and (2) the mode of transportation (train, carrier motor vehicle, personal automobile, etc.). This information is necessary to compute the service and off-duty periods of train and engine service employees subject to the provisions of the Act on deadheading and to compute the service and off-duty time of persons engaged in signal service. The computation of transportation time for signal service is made more critical to the administration of the Act by the FRA interpretations of section 3A which seek, at the instance of the carriers and covered employees, to achieve a balanced application of the statutory language (42 FR 4464; January 25, 1977).

Section 228.19 is revised to make clear that reports of excess service should be directed to the Associate Administrator for Safety. The reporting requirements for train or engine service ((a)(1)-(4)) are amended to note that those provisions apply to the excess service of all hostlers. New provisions ((a) (7)-(10)) require the reporting of excess service on the part of signal employees paralleling the existing requirements related to train or engine service.

Section 228.21 is corrected to reflect the two-tier penalty provision of section 20 of the Interstate Commerce Act. That is, the penalty for failing to file required reports is $100 for each day the failure or refusal continues, rather than $500.

It should be noted that every instance of service in excess of the statutory limit (or in contravention of the requirements for release) must be reported, even though the service may be justified by an emergency or act of God, etc. In other words, the carrier is responsible for reporting all instances of excess service, not merely all violations or conceded violations. Each instance of excess service reported to FRA must be accompanied by an explanation on the prescribed form.

It should also be noted that section 228.11, discussed above, is broadened in its coverage by the expanded definition of "employee" in section 228.5. Therefore, time records will now be required for inside hostlers and individuals engaged in installing, repairing or maintaining signal systems, in addition to employees for whom records are already kept.

The regulations do not prescribe an approved form for keeping time records. Presumably many carriers will elect to maintain daily time returns for inside hostlers similar to those utilized for train crews.

With respect to signal service, FRA recognizes that the record-keeping task will be more difficult. It may be useful to note that some carriers utilize single-employee, bi-weekly sheets for operators which provide a simple display of time on duty, time off duty, meal periods, length of time on duty, assigned hours, name of place, and columns for calls outside assigned hours. This kind of format may be helpful in keeping the hours of employees in signal service. However, some modifications will be necessary to record the information required by section 228.11

on transportation. FRA Operating Practices Specialists in each of the eight FRA safety regions can provide a suggested format for time records of persons in signal service and provide helpful comments on formats developed by individual carriers. (See listing above.) Under the Department of Transportation statement of regulatory reform published April 15, 1976 (41 FR 16200), no regulatory evaluation is required to be made in connection with these rules since they merely implement requirements expressly mandated by statute.

Since the revisions to Part 228 flow directly from the recent statute and constitute an adaptation of previously existing regulations to meet the requirements of a broadened statutory purview, FRA finds, pursuant to section 4 of the Administrative Procedure Act (4 U.S.C. 553), that public procedure on these revisions is unnecessary. Moreover, since the delay incident to public procedure would inhibit effective enforcement of provisions of law which became effective on July 8, 1976, FRA finds that public procedure on these revisions would be contrary to the public interest. However, the agency will consider any petition for reconsideration submitted under the FRA Rules of Practice (49 CFR Part 211).

The principal program draftsman of this document was Wallace F. Holl, Director of Railroad Safety, Region I. The principal legal draftsman was Grady Cothen, Jr., Office of Chief Counsel.

In consideration of the foregoing, Part 228 of Chapter II, Title 49, Code of Federal Regulations, is amended as follows:

1. By revising the authority citation following the table of contents to read as follows:

AUTHORITY: Sec. 12, 24 Stat. 383, as amended, sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 12, 20; sec. 6, 80 Stat. 937, 49 U.S.C. 1655; sec. 1-4, 34 Stat. 1415, as amended, 45 U.S.C. 61-64b; and sec. 1.49(d) of the regulations of the Office of the Secretary of Transportation, 49 CFR 149(d).

2. By revising the definition of "employee" in § 228.5 to read as follows:

§ 228.5 Definitions.

In this part—

* * * * *

"Employee" means an individual employed by the common carrier who (1) is actually engaged in or connected with the movement of any train, including a person who performs the duties of a hostler, (2) dispatches, reports, transmits, receives, or delivers orders pertaining to train movements by the use of telegraph, telephone, radio, or any other electrical or mechanical device, or (3) is engaged in installing, repairing or maintaining signal systems.

* * * * *

3. By revising the introductory portion of § 228.7(a) and adding a new paragraph (c) to § 228.7 to read as follows:

§ 228.7 Hours of Service.

(a) For purposes of this part, time on duty of an employee actually engaged in or connected with the movement of any train, including a hostler, begins when he reports for duty and ends when he is finally released from duty, and includes—

* * * * *

(c) For purposes of this part, time on duty of an employee who is engaged in installing, repairing or maintaining signal systems includes all time on duty in other service performed for a common carrier during the 24-hour period involved.

4. By adding a new § 228.11(a)(5) to read as follows:

§ 228.11 Hours of duty records.

(a) * * *

(5) Beginning and ending times of periods spent in transportation, other than personal commuting, to or from a duty assignment and mode of transportation (train, track car, carrier motor vehicle, personal automobile, etc.).

5. By revising § 228.19(a) to read as follows:

§ 228.19 Monthly reports of excess service.

(a) Each carrier shall report to the Associate Administrator for Safety, (RRS-1), Federal Railroad Administration, Washington, D.C. 20590, each of the following instances within 30 days after the calendar month in which the instance occurs:

(1) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, is on duty for more than 12 consecutive hours.

(2) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, returns to duty after 12 hours of continuous service without at least 10 consecutive hours off duty.

(3) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, continues on duty without at least 8 consecutive hours off duty during the preceding 24 hours.[1]

(4) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, returns to duty without at least 8 consecutive hours off duty during the preceding 24 hours.[1]

(5) An employee who transmits, receives, or delivers orders affecting train movements is on duty for more than 9 hours in any 24-hour period at an office where two or more shifts are employed.

(6) An employee who transmits, receives, or delivers orders affecting train movements is on duty for more than 12 hours in any 24-hour period at any office where one shift is employed.

(7) An employee engaged in installing, repairing or maintaining signal systems is on duty for more than 12 hours in a twenty-four hour period.

(8) An employee engaged in installing, repairing or maintaining signal systems returns to duty after 12 hours of continuous service without at least 10 consecutive hours off duty.

(9) An employee engaged in installing, repairing or maintaining signal systems continues on duty without at least 8 consecutive hours off duty during the preceding 24 hours.

(10) An employee engaged in installing, repairing or maintaining signal systems returns to duty without at least 8 consecutive hours off duty during the preceding 24 hours.

* * * * *

6. By revising § 228.21 to read as follows:

§ 228.21 Civil penalty.

(a) A carrier which fails or refuses to keep a record as required by this part or refuses to make such a record available to the Administrator or any authorized agent of the Administrator for inspection or copying is liable for a civil penalty of $500 for each such offense and for each day during which such failure or refusal continues, as prescribed by section 20, par. (7)(a) of the Interstate Commerce Act (49 U.S.C. § 20, par. (7)(a)).

(b) A carrier which fails or refuses to report an instance of excess service as required by this part is liable for a civil penalty of $100 for each such offense and for every day such failure or refusal continues, as prescribed by section 20, par. (7)(d) of the Interstate Commerce Act (49 U.S.C. § 20, par. (7)(d)).

---

[1] Instances involving tours of duty that are broken by four or more consecutive hours off duty time at a designated terminal which do not constitute more than a total of 12 hours time on duty are not required to be reported, provided such tours of duty are immediately preceded by 8 or more consecutive hours off-duty time. Instances involving tours of duty that are broken by less than 8 consecutive hours off duty which constitute more than a total of 12 hours time on duty must be reported.

Issued in Washington, D.C. on January 17, 1978.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 70-1894 Filed 1-20-78; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1296]

PART 1033—CAR SERVICE

Substitution of Refrigerator Cars for Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (S.O. No. 1296).

SUMMARY: There is a substantial shortage of boxcars on the Atchison, Topeka & Santa Fe Railway for shipments of cotton. the ATSF has an available supply of certain refrigerator cars that may be substituted for this traffic at the ratio of two refrigerator cars for each boxcar. Service Order No. 1296 authorizes ATSF, with consent of the shipper, to substitute two refrigerator cars for each boxcar ordered for shipments of cottom from any station on ATSF in Texas or New Mexico and destined to any other station on ATSF.

DATES: Effective 12:01 a.m., January 18, 1978. Expires 11:59 p.m., April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of January 1978.

An acute shortage of boxcars for transporting shipments of cotton exists on the Atchison, Topeka & Santa Fe Railway Co. (ATSF) at stations on its lines in Texas and New Mexico. The ATSF has an available supply of certain refrigerator cars that may be substituted for this traffic at the ratio of two refrigerator cars for each boxcar, and use of these refrigerator cars for the transportation of cotton is precluded by certain tariff provisions, thus curtailing shipments of cotton. There is a need for the use of these refrigerator cars to supplement the supplies of plain boxcars for transporting shipments of cotton. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1296 Service Order No. 1296.

(a) *Substitution of refrigerator cars for boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars.* The Atchison, Topeka & Santa Fe Railway Co. (ATSF) may substitute two refrigerator cars as described in subparagraph (2) of this paragraph for each boxcar ordered for shipments of cotton from any station on the ATSF in Texas or New Mexico and destined to any other station on the ATSF, subject to the conditions provided in subparagraphs (2) through (6) of this paragraph.

(2) *List of refrigerator cars to be applied:*

SFRC 1000-1899
SFRC 2300-2799
SFRC 50000-50199
SFRP 1972-2287

(3) *Concurrence of shipper required.* The concurrence of the shipper must be obtained before two refrigerator cars are substituted for each boxcar ordered.

(4) *Exclusive ATSF movement required.* Shipments of cotton for which two refrigerator cars are substituted for one boxcar must originate and terminate at stations on the ATSF and must not be routed over any other carrier; except that shipments may originate or terminate in terminal switching service on connecting lines which do not participate in the line-haul.

(5) *Minimum weights.* The minimum weight per shipment of cotton for which two refrigerator cars have been substituted for one boxcar shall be that specified in the applicable tariff for the car ordered.

(6) *Endorsement of billing.* Bills of lading and waybills covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1296.

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 18, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1903 Filed 1-20-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-19 (Sub-No. 32)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods (Modification of Performance Report Requirements)

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has modified its household goods transportation regulations by deleting the requirement that household goods carriers file copies of their annual performance reports with the Commission's regional offices. Since this information is accessible to the regional offices through computers, this report requirement is unnecessary and the expense incurred by the carriers in filing and the Commission in processing the reports will be eliminated.

EFFECTIVE DATE: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy

Director, Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTAL INFORMATION: As a result of the installation of computer terminals in the Commission's regional offices, the information placed in the computer relating to each carrier's performance report by the staff in the headquarters' office is available to each regional office. No further purpose would be served by continuing to require carriers to file copies of their performance reports with both the regional offices and the Commission's headquarters in Washington, D.C. Elimination of the requirement that these reports be filed with the regional offices will eliminate the expense incurred by the carriers to file these reports and by the Commission to process these reports at the regional offices. Section 1056.7(b) will be modified as set forth below.

By making this action effective February 15, 1978, the Commission intends to eliminate the requirement that carriers meet the March 31, 1978, deadline for filing performance reports covering their 1977 operations with its regional offices.

Because this action will eliminate filing requirements which were intended solely to aid the Commission in its attempt to monitor the perform- ance of motor common carriers of household goods, will clearly benefit the household goods transportation industry be eliminating needless paperwork, and will not affect the shipping public in any manner, public input in this matter is not deemed necessary. Accordingly, the Commission finds that notice and public procedure in this matter are unnecessary.

These rules are promulgated under authority of Part II of the Interstate Commerce Act and section 553 of the Administrative Procedure Act.

Decided: January 10, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

NOTE.—This action modifies the Commission's household goods transportation regulations (49 CFR 1056) by deleting from § 1056.7(b) of those regulations the phrase "and each of the Commission's regional offices."

[FR Doc. 78-1812 Filed 1-20-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 36730]

PART 1201—RAILROAD COMPANIES

PART 1240—CLASSES OF CARRIERS

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

PART 1243—QUARTERLY OPERATING REPORTS—RAILROADS

Uniform System of Accounts for Railroads; Stay of Effectiveness; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction (stay of effective date of regulations).

SUMMARY: In the above-captioned proceeding published at 43 FR 1799, January 12, 1978, the title inadvertently referred to Class II Railroads. This correction is to correct the title from Class II Railroads to Class III Railroads.

FOR FURTHER INFORMATION CONTACT:

EFFECTIVE DATE: January 1, 1978.

Mr. James B. Thomas, Jr., Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone No. 202-275-7565.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1901 Filed 1-20-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

[Docket No. AO-14-A57]

MILK IN THE NEW ENGLAND MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider changes in the order that have been proposed by milk distributors and dairy farmer cooperatives. The proposals would adjust the prices for milk throughout the production area. Proponents contend that the proposals are needed to more nearly reflect the costs of transporting milk from farms and supply plants to city bottling plants and to provide better alignment of prices among markets.

DATE: February 14, 1978.

ADDRESS: Sheraton Inn and Conference Center, Junction Routes 495 (Exit 16) and 111, Boxborough, Mass. 01719, 617-263-8701.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6273.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Sheraton Inn and Conference Center, Junction Routes 495 (Exit 16) and 111, Boxborough, Mass. 01719, 617-263-8701 beginning at 9:30 a.m. on February 14, 1978, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New England marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY THE CONNECTICUT MILK DEALERS ASSOCIATION

PROPOSAL NO. 1

Revise paragraph (a) § 1001.50 to read as follows:

§ 1001.50 Class prices.

* * * * *

(a) *Class I price.* The class I price shall be the basic formula price for the second preceding month plus $2.28.

* * * * *

PROPOSED BY YANKEE MILK, INC.:

PROPOSAL NO. 2

Revise the pricing structure of the New England market in the following manner:

(a) Establish an Eastern City Plant Location Zone within which the class I price would be the basic formula price for the second preceding month plus $2.90. Class I and blended prices would be 52 cents per hundredweight over Zone 21 prices. The Eastern City Zone would be comprised of the following area:

Massachusetts (counties of) Barnstable, Bristol, Dukes, Essex, Middlesex (except the townships of Ashby, Groton, Pepperell, Shirley and Townsend), Norfolk, Plymouth, Suffolk, Worcester (only the townships of Berlin, Blackstone, Bolton, Harvard, Hopedale, Mencon, Milford, Millville, Northboro, Southboro, Upton, and Westboro).

Rhode Island (all counties).

(b) Establish a Western City Plant Location Zone within which the Class I price would be the basic formula price for the second preceding month plus $2.774. Class I and blended prices would be 39.4 cents per hundredweight over Zone 21 prices. The Western City Zone would be comprised of the following area:

Connecticut (counties of), Fairfield, Hartford, Litchfield, New Haven, Tolland (only the townships of Ellington and Somers).

Massachusetts (counties of) Hamden (except the townships of Brimfield, Holland, Monson, Palmer, and Wales) Hampshire (except the township of Ware).

(c) Reduce the class I price at Zone 21 (currently between 201 and 210 miles from Boston) from $2.58 to $2.38 over the basic formula price for the second preceding month.

(d) Adjust class I and blended prices at all plants (other than those in the Eastern and Western Zones) on the basis of highway mileage from the nearer of Boston or Providence. Prices at plants would be increased by 1.8 cents for each zone (10-mile increments) closer to a basing point than the 21st zone. Prices at plants would be decreased by 1.5 cents per zone beyond the 21st zone. Currently prices are increased by 1.2 cents per zone nearer to Boston than the 21st zone and decreased by 1.0 cent per zone beyond the 21st zone.

(e) In addition to increasing class I and blended prices by 1.8 cents per zone nearer than the 21st zone, such prices would be increased by an additional 16 cents per hundredweight between the 15th and 14th zones as is currently provided in the order.

PROPOSED BY CABOT FARMERS COOPERATIVE CREAMERY, INC.; CONNECTICUT VALLEY DAIRY INC.; MASSACHUSETTS COOPERATIVE MILK PRODUCERS FEDERATION INC.; RICHMOND COOPERATIVE ASSOCIATION, INC.; AND ST. ALBANS COOPERATIVE CREAMERY, INC.

PROPOSAL NO. 3

Revise the class I price differential and location adjustments to the class I and blended prices as follows:

(a) In § 1001.50 change the Zone 21 (201-210 miles from Boston) class I price differential from $2.58 to $2.38 above the basic formula price for the second preceding month.

(b) In § 1001.52 increase the class I and blended price location adjustments from 1.2 cents to 1.8 cents per 10-mile zone within 200 miles of Boston and from 1 cent to 1.5 cents per 10-mile zone beyond 210 miles from Boston. Also reduce the additional location adjustment of 16 cents between zones 15 and 14 to 8 cents.

(c) In § 1001.52 divide the "nearby plant" zone into an Eastern Market Zone (class I differential—$2.82), a Western Market Zone (class I differential—$2.694) and an area of buffer zones. At plants located in the buffer zones provide location adjustments to

reduce the class I and blended prices below the Eastern Market Zone prices at the rate of 1.8 cents per 10 miles from the closer of Boston, Mass., or Providence, R.I., using the Household Goods Carrier Guide No. 10 to establish mileage. The territory included in the Eastern and Western Market Zones are the same as in Proposal No. 2.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 4

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 230 Congress Street, Room 403, Boston, Mass. 02110 or from the Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing Service (Washington office only).
Office of the Market Administrator, New England Marketing Area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on January 18, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-1881 Filed 1-20-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

[10 CFR Part 1002]

OFFICIAL SEAL AND DISTINGUISHING FLAG

Description and Use

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed rulemaking and request for public comment.

SUMMARY: The DOE hereby proposes rules specifying the description and authorized uses of its official seal and distinguishing flag.

DATES: Comments must be received on or before February 22, 1978.

ADDRESSES: Comments should be sent to George W. Barrow, Office of Administrative Services, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

George W. Barrow, Director, Office of Administrative Services, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4400.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

On October 1, 1977, DOE was activated pursuant to the Department of Energy Organization Act of 1977, Pub. L. 95-91. That Act provides at section 654 (42 U.S.C. 7264) that the Secretary of DOE may prescribe an official seal, which shall be noticed judicially. In accordance with that provision, the Secretary hereby proposes to adopt a seal, which shall also be displayed on the Department's distinguishing flag. These proposed regulations describe the seal and flag, and provide for their use and display.

B. COMMENT PROCEDURE

Interested persons are invited to submit written comments with respect to the proposed regulations to the address provided above. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Official Seal and Flag." Fifteen (15) copies should be received by DOE by the deadline specified, in order to ensure consideration.

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses. Accordingly, no public hearing is required.

C. MISCELLANEOUS

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, does not apply.

DOE 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.

(The Department of Energy Organization Act, Pub. L. 95-91.)

In accordance with the foregoing, it is proposed that Part 1002 of Chapter 10, Title 10 of the Code of Federal Regulations, be adopted as set forth below.

Issued in Washington, D.C., January 17, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

10 CFR, Chapter X is amended by adding a new Part 1002, to read as follows:

PART 1002—THE SEAL AND FLAG OF THE DEPARTMENT OF ENERGY

Subpart A—General

Sec.
1002.1 Purpose.
1002.2 Definitions.
1002.3 Custody of official seal and distinguishing flag.

Subpart B—Official Seal

1002.11 Description of official seal.
1002.12 Use of Replicas, reproductions, and embossing seals.

Subpart C—Distinguishing Flag

1002.21 Description of distinguishing flag.
1002.22 Use of distinguishing flag.

Subpart A—General

§ 1002.1 Purpose.

The purpose of this Part is to describe the official seal and distinguishing flag of the Department of Energy, and to prescribe rules for their custody and use.

§ 1002.2 Definitions.

For purposes of this Part—

(a) "DOE" means all organizational units of the Department of Energy.

(b) "Embossing seal" means a display of the form and content of the official seal made on a die so that the seal can be embossed on paper or other medium.

(c) "Official seal" means the original(s) of the seal showing the exact form, content, and colors thereof.

(d) "Replica" means a copy of the official seal displaying the identical form, content, and colors thereof.

(e) "Reproduction" means a copy of the official seal displaying the form and content thereof, reproduced in only one color.

(f) "Secretary" means the Secretary of DOE.

§ 1002.3 Custody of official seal and distinguishing flags.

The secretary or his designee shall—

(a) Have custody of:

(1) The official seal and prototypes thereof, and masters, molds, dies, and all other means of producing replicas, reproductions, and embossing seals; and

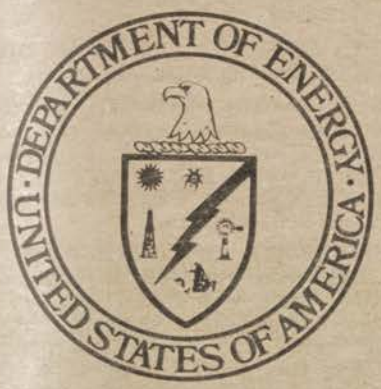
(2) Production, inventory, and loan records relating to items specified in subparagraph (1); and

(b) Have custody of distinguishing flags, and be responsible for production, inventory, and loan records thereof.

Subpart B—Official Seal

§ 1002.11 Description of official seal.

The Department of Energy hereby prescribes as its offical seal, of which judicial notice shall be taken pursuant to section 654 of the Department of Energy Organization Act of 1977, 42 U.S.C. 7264, the imprint illustrated below and described as follows:



(a)(1) The official seal includes a green shield bisected by a gold-colored lightning bolt, on which is emblazoned a gold-colored symbolic sun, atom, oil derrick, windmill, and dynamo. It is crested by the white head of an eagle, atop a white rope. Both appear on a blue field surrounded by concentric circles in which the name of agency, in gold, appears on the green background. Detailing is in black.

(2) The colors used in the configuration are dark green, dark blue, gold, and black and white.

(3) The eagle represents the care in planning and the purposefulness of the efforts required to respond to the Nation's increasing demands for energy. The sun, atom, oil derrick, windmill, and dynamo serve as representative technologies whose enhanced development can help meet these demands. The rope represents the cohesiveness in the development of the technologies and their link to our future capabilities. The lightning bolt represents the power of the natural forces from which energy is derived and the Nation's challenge in harnessing the forces.

(4) The color scheme is derivied from nature, symbolizing both the source of energy and the support of man's existence. The blue field represents air and water, green represents mineral resources and the earth itself, and gold represents the creation of energy in the release of the natural forces. By invoking this symbolism, the color scheme represents the Nation's commitment to meet our energy needs in a manner consistent with the preservation of the natural environment.

§ 1002.12 Use of replicas, reproductions, and embossing seals.

(a) The Secretary and his designees are authorized to affix replicas, reproductions, and embossing seals to appropriate documents, certifications, and other material for all purposes.

(b) Replicas may be used only for:

(1) Display in or adjacent to DOE facilities, in Department auditorium, presentation rooms, hearing rooms, lobbies, public document rooms.

(2) Office of senior officials.

(3) Official DOE distinguishing flags, adopted and utilized pursuant to Subpart C.

(4) Official awards, certificates, medals, and palques.

(5) Motion picture film, video tape, and other audiovisual media prepared by or for DOE and attributed thereto.

(6) Official prestige publications which represent the achievements or mission of DOE as a whole.

(7) Non-DOE facilities in connection with events and displays sponsored by DOE, and public appearances of the Secretary or other designated senior DOE Officials.

(8) For other such purposes as determined by the Director of the Office Administrative Services.

(c) Reproductions may be used only on:

(1) DOE letterhead stationery.

(2) Official DOE identification cards and security credentials.

(3) Business cards for designated senior DOE officials.

(4) Official DOE signs.

(5) Official publications or graphics issued by and attributed to DOE, or joint statements of DOE with one or more Federal agencies, State or local governments, or foreign governments.

(6) Official awards, certificates, medals.

(7) Motion picture film, video tape, and other audiovisual media prepared by or for DOE and attributed thereto.

(8) For other such purposes as determined by the Director of the Office of Administrative Services.

(d) Embossing seals may be used only on:

(1) DOE legal documents, including interagency or intergovernmental agreements, agreements with State, foreign patent applications, and similar documents.

(2) For other such purposes as determined by the General Counsel.

(e) Any person who uses the official seal, replicas, reproductions, or embossing seals in a manner inconsistent with this Part shall be subject to the provisions of 18 U.S.C 1017, providing penalties for the wrongful use of an official seal, and to other provisions of law as applicable.

(f) The official seal is being registered with the World Intellectual Property Organization through the U.S. Patent and Trademark Office.

Subpart C—Distinguishing Flag

§ 1022.21 Description of distinguishing flag

(a) The base or field of the flag shall be white, and a replica of the official seal shall appear on both sides thereof.

(b) (1) The indoor flag shall be of rayon banner, measure 4'4" on the hoist by 5'6" on the fly, exclusive of heading and hems, and be fringed on three edges with yellow rayon fringe, 2½" wide.

(2) The outdoor flag shall be of heavy weight nylon, and measure either 3' on the hoist by 5' on the fly or 5' on the hoist by 8' on the fly, exclusive of heading and hems.

(c) Each flag shall be manufactured in accordance with U.S. Department of Defense Military Specification Mil-F-2692. The official seal shall be screen printed on both sides, and on each side, the lettering shall read from left to right. Headings shall be Type II in accordance with the Institute of Heraldry Drawing No. 5-1-45E.

§ 1002.22 Use of distinguishing flag.

(a) DOE distinguishing flags may be used only:

(1) In the offices of the Secretarial officers, Chairman of the FERC, and heads of field locations designated below:

Power Administrations
Regional Offices
Operations Offices
Certain Field Offices and other locations as designated by the Director of Administration

(2) At official DOE ceremonies.

(3) In Department auditoriums, official presentation rooms, hearing rooms, lobbies, public document rooms, and in non-DOE facilities in connection with events or displays sponsored by DOE, and public appearances of the Secretary or other designated DOE officials.

(4) On or in front of DOE installation buildings.

(5) Other such purposes as determined by the Director of Administration.

[FR Doc. 78-1923 Filed 1-20-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 Part 108]

[Rev. 4, Amdt. 6]

LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Loans—Administrative Limits and Waivers thereof

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize SBA to establish administrative ceilings on dollar amounts of section 502 Local Development Company Loans, and to waive them in exceptional cases. These administrative ceilings are established to comply with the intent of Congress as expressed in the conference report on Public Law 94-305 which increased the statutory limits on such loans. The intent of this proposed rule is that, while SBA will continue to make most of its loans below the administrative ceiling, it will have authority in exceptional cases to make loans up to the statutory limit.

DATES: Comments must be received by February 22, 1978.

ADDRESS: Comments, submitted in duplicate, are to be addressed to Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

William B. Dean; Chief, Development Company Loan Division; Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6842.

SUPPLEMENTARY INFORMATION: Section 502 of the Small Business Investment Act, as amended by Public Law 94-305 authorizes SBA to guarantee up to $500,000 on a loan or to make direct or immediate participation loans up to $500,000.

Since Congress intended that loans in the amount of the statutory limit should be made only in exceptional cases, administrative ceilings are proposed. In the case of section 502 "Local Development Company Loans" the administrative ceiling is proposed at $350,000, the prior statutory limitation.

It is the intent of this proposed rule that the administrative ceiling may be waived upon determination that a particular loan furthers a National, Agency or Regional Program objective. Standards or examples of such objectives will be published from time to time. A notice listing National, Agency or Regional program objectives for the loan programs administered under Parts 118 and 122 of this Chapter was published in 42 FR 61906 (FR Doc. 77-34941, December 7, 1977) and is proposed to be used also in waiving the administrative limits established by this regulation.

Accordingly, pursuant to authority contained in Section 308(c) of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 687, as amended, notice is hereby given that SBA proposes to amend § 108.502-1 by adding to paragraph (d) two subparagraphs (3) and (4) as follows:

§ 108.502-1 Section 502 loans.

* * * * *

(d) Loan amount.

(1) * * *

(2) * * *

(3) The administrative ceiling on loans to assist each identifiable small business concern shall be $350,000 on loans made directly, or on immediate participation basis, or on SBA's share of guaranteed loans. However, in circumstances determined by SBA to constitute an exceptional situation the loan may be extended to the statutory limit of $500,000.

(4) Exceptional situations. An exceptional situation will be deemed to exist where SBA determines that the particular loan furthers a National, Agency, or Regional program objective. SBA may from time to time publish in the FEDERAL REGISTER, on the basis of developing experience, standards or examples illustrating National, Agency and Regional objectives. SBA will not recognize any such objective until it has first been so published either under this part or other parts of this Chapter which establish loan policy.

(Catalog of Domestic Assistance Programs No. 59.013 State and Local Development Company Loans.)

Dated: January 16, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-1919 Filed 1-20-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NW-1 AD]

AIRWORTHINESS DIRECTIVES

Boeing 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This amendment requires a one-time inspection panels in the forward, aft, and bulk cargo compartment for any adhesive material between the vent panel and supporting structure to assure effectiveness of the vent panels installed to comply with AD 75-15-05. Any adhesive material must be removed from the panel and structure. The vent panel seals would be inspected and repaired as required.

DATES: Comments must be received on or before March 15, 1978.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 78-NW-1 AD, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Iven Connally, ANW-212, Airframe Section, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: It has been reported that double-backed tape was found between a cargo compartment depressurization vent panel and adjacent structure, causing the panel to adhere to the structure and significantly increase the force required to disengage the panel. Any increase in the force required to disengage the vent panel will reduce the effectiveness of the depressurization venting system which was installed to comply with the requirements of AD 75-15-05.

DRAFTING INFORMATION

The principal authors of this document are Iven Connally, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulation (14 CFR 39.13) by adding the following new Airworthiness Directive:

BOEING: Applies to Model 747 series airplanes certificated in all categories. Compliance required as indicated. To assure proper operation of the depressurization vent modification required by AD 75-15-5, inspect the cargo compartment lining depressurization vent panel for evidence of double-back tape between the vent panel and supporting structure. On or before June 30, 1978, inspect and repair vent panel seals in accordance with Boeing Service Bulletin 747-25-2418, dated December 27, 1977, or later FAA approved revision.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a),

1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

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

Issued in Seattle, Wash., on January 13, 1978.

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

[FR Doc. 78-1577 Filed 1-20-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 78-WE-1-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a modification on DC-10 Series airplanes equipped with Litton inertial systems. The proposed AD is needed to prevent simultaneous loss of both pilots primary attitude and heading indicators. Loss of the primary attitude indicators at a critical point in the takeoff flight path could result in the loss of control of the aircraft.

DATES: Comments must be received on or before February 21, 1978.

ADDRESSES: Send comments on the proposal in duplicate to Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The applicable DC-10 service bulletin may be obtained from McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention: L. A. Eisenberg, CI-750, 54-60.

Also, a copy of the service bulletins may be reviewed at or copies obtained from Rules Docket, in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket, in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Administration, at the address given in the opening section of this AD. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA public contact, concerned with the substance of the proposed AD, will be filed in the rules docket.

There have been two reported incidents of simultaneous loss of the primary attitude and heading reference sources on DC-10 Series 30 airplanes. Both incidents were precipitated by severe vibrations as a result of nose tire tread separation. The incidents occurred above the abort speed so that the pilots completed their takeoff roll, rotation, and climb-out with the primary attitude and heading instruments inoperative. Both incidents occurred during VFR conditions. The simultaneous loss of both primary attitude indicators during this critical point in the takeoff flight path could result in the loss of control of the aircraft. Since this situation is likely to exist or develop on other airplanes of the same type design the proposed AD would require modification of the avionics compartment navigation rack to strengthen and improve its dynamic response characteristics on DC-10 Series airplanes equipped with Litton inertial systems.

DRAFTING INFORMATION

The principal authors of this document are Herbert G. Peters, Aircraft Engineering Division, and Frederick C. Woodruff, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

MCDONNELL DOUGLAS: Applies to DC-10 -10, -10F, -30, -30F, and -40 Series airplanes certificated in all categories, that are equipped with Litton -51 or Litton -72 Inertial Navigation Systems or Litton -58 Inertial Sensor Systems. Airplanes to be equipped with Litton Inertial Systems after the closing date of this AD must be modified as defined herein prior to installation of the inertial systems.

Compliance is required as indicated unless already accomplished.

To prevent simultaneous loss of primary attitude and heading information during takeoff roll accomplish the following:

(a) On or before January 31, 1979, unless already accomplished, or unless incorporated in production, modify the airplane's navigation rack in accordance with McDonnell Douglas DC-10 Service Bulletin 25-251, dated August 26, 1977, or later FAA approved revisions.

(b) Equivalent modifications, procedures, or revisions may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Special flight permits may be issued in accordance with FAR's §§ 21.197 and 21.199 to operate airplanes to a base for accomplishment of the modification required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

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

Issued in Los Angeles, Calif., on January 10, 1978.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc. 78-1576 Filed 1-20-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 17550]

AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., DH-104 "Dove" Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspections for cracks and replacement, as necessary, of the Pre-Modification 779 center section main spar lower booms on Hawker Siddeley Aviation Ltd., Model DH-104 "Dove" airplanes. The proposed AD is directed at ensuring continued wing to fuselage attachment integrity.

DATES: Comments must be received on or before March 9, 1978.

ADDRESS: Send comments on the proposal in duplicate to: Federal Avi-

ation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 17550, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable technical news sheet may be obtained from: Hawker Siddeley Aviation Ltd., Hatfield Hertfordshire, England, Product Support Department, Telephone: Hatfield 62345.

A copy of the technical news sheet is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D.C. Jacobson, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The FAA has determined that cracking due to stress corrosion could occur in the wing to fuselage attachment lugs of pre-modification 779 center section main spar lower booms on Hawker Siddeley Aviation Ltd., Model DH-104 "Dove" aircraft. This determination is based on reports of cracking in the lugs of the center section main spar upper boom of Hawker Siddeley Model DH-114 aircraft which are of the same design and material as the lugs of the pre-modification 779 lower boom. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspections of the lugs and replacement of the boom, as necessary, on Hawker Siddeley Aviation, Ltd., Model DH-104 "Dove" airplanes.

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 3913) by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LTD. Applies to Model DH-104 "Dove" airplanes, all Series, certificated in all categories, except those airplanes incorporating Hawker Siddeley Model DH-104 Modification 779.

Compliance is required as indicated.

To detect cracking and prevent possible failure of the lugs of the lower center section main spar wing to fuselage attachment, accomplish the following:

(a) Within one month after the effective date of this AD, unless already accomplished within the last month, and thereafter at intervals not to exceed two months from the last inspection, remove the lower wing to fuselage fairings and inspect the center section main spar bottom boom lugs for cracks using an ultrasonic inspection method in accordance with appendix 1 of Hawker Siddeley Aviation, Limited Technical News Sheet (TNS) 238, issue 2, dated January 24, 1977, or an FAA-approved equivalent.

(b) The repetitive inspections required by paragraph (a) of this AD may be terminated upon incorporation of a steel lower boom in accordance with Hawker Siddeley Model DH-104 Modification 779, or an FAA-approved equivalent.

(c) Within two months after accomplishing six repetitive inspections under paragraph (a) of this AD, a steel lower boom must be incorporated in accordance with Hawker Siddeley Model DH-104 Modification 779, or an FAA-approved equivalent.

(d) If any crack is found during an inspection required by paragraph (a) of this AD, before further flight, replace the boom with a steel boom in accordance with Hawker Siddeley Model DH-104 Modification 779, or an FAA-approved equivalent.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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

Issued in Washington, D.C., on January 13, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-1587 Filed 1-20-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 17549]

AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., DH/BH/HS-125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require replacement of the existing radome lightning diverter strips with new externally mounted light alloy strips on Hawker Siddeley Aviation, Ltd., Model DH/BH/HS-125 airplanes. The proposed AD is needed to prevent serious damage to the radome from lightning strikes which could result in a loss of a radome and a possible hazard to persons and property on the ground.

DATES: Comments must be received on or before March 9, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 17549, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: Hawker Siddeley Aviation Inc., Suite 206, Blake Building, 1025 Connecticut Avenue NW., Washington, D.C. 20036, telephone 202-223-9350.

A copy of the Service Bulletin is contained in the Rules Docket Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules

Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of serious damage to the radome from lightning strike on Hawker Siddeley Aviation, Ltd., Model DH/BH/HS-125 airplanes which in two reported cases resulted in loss of the radome. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being proposed which would provide added lighting strike protection to the radome by requiring the replacement of the existing internal lightning diverter strips with external strips of new design on Hawker Siddeley Aviation, Ltd., Model DH/BH/HS-125 airplanes.

DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelly, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LIMITED. Applies to Model DH/BH/HS-125 airplanes, certificated in all categories, all series, up to and including the 700A series, but excluding all 700A series airplanes except S/N 0201, 0202, 0203, and 0204, and also excluding S/N 25/025.

Compliance is required as indicated, unless already accomplished.

To prevent possible lightning strike damage to the radome which could result in loss of the radome, within the next 150 hours time in service after the effective date of this AD, remove the lightning diverter strips from the radome and install new diverter strips in accordance with the section entitled "Accomplishment Instructions" and associated drawings of Hawker Siddeley Aviation, Ltd., Modification Service Bulletin 53-50(2626), dated August 26, 1977, including Revision 1 (pages 1, 5, 6, and 8), dated October 4, 1977, or an FAA-approved equivalent.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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

Issued in Washington, D.C., on January 13, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-1588 Filed 1-20-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-NW-5]

MOSES LAKE, WASH.

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Moses Lake, Wash., 700 foot transition area. The proposal is necessary to provide controlled airspace for a standard instrument approach procedure.

DATES: Comments must be received on or before March 3, 1978.

ADDRESSES: Send comments on the proposal, in triplicate, to Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Dale C. Jepsen, Airspace Specialist, Operations, Procedures and Airspace Branch (ANW-533), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108; telephone 206-767-2610.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 3, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the official docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, ANW-530, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108, or by calling 206-767-2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 700 foot transition area at Moses Lake, Wash. The present 700 foot transition area was found to be inadequate to contain the VOR RWY 14L standard instrument approach to Grant County Airport. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

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

MOSES LAKE, WASH.

"That airspace extending upward from 700 feet above the surface within a 19-mile radius of Grant County Airport (latitude 47°12'29" N., longitude 119°19'05" W.), within a 19-mile radius of the Ephrata VORTAC, (latitude 47°22'41" N., longitude 119°25'22" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 47°45'00" N., on the east by the arc of a 52-mile radius circle centered on Fairchild Air Force Base, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.), on the southeast by V-112W, on the south by V-298 and on the west by longitude 120°00'00" W."

DRAFTING INFORMATION

The principal authors of this document are Dale C. Jepsen, Air Traffic Division, and Jonathan Howe, Regional Counsel, Northwest Region, Federal Aviation Administration.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Seattle, Wash., on January 13, 1978.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc. 78-1578 Filed 1-20-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-RM-17]

ALTERATION OF TRANSITION AREA

San Luis Valley Airport, Colo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to alter the Alamosa, Colo., 700 foot and 1,200 foot transition areas to provide controlled airspace for aircraft executing the new VOR/DME-C standard instrument approach procedure developed for the San Luis Valley Airport, Monte Vista, Colo.

DATE: Comments must be received on or before February 24, 1978.

ADDRESS: Send comments on the proposal to: Chief, Air Traffic Division, Attention: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph T. Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-537), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition areas at Alamosa, Colo. The present transition areas are inadequate to contain the new VOR/DME-C instrument approach to the San Luis Valley Airport, Monte Vista, Colo. It is proposed to make the transition areas' alteration effective coincident with the effective date of the new standard instrument approach. Accordingly, the Federal Aviation Administration proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.181 so as to alter the following transition areas to read:

ALAMOSA, COLO.

That airspace extending upward from 700 feet above the surface within 10 miles northeast and 12 miles southwest of the Alamosa VORTAC 335° and 155° radials extending from 23 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC, and that airspace extending upward from 1200 feet above the surface within 13 miles northeast of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the VORTAC; within 12 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 38 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 1.3 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC. That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

DRAFTING INFORMATION

The principal authors of this document are Mr. Joseph T. Taber, Air Traffic Division, and Mr. Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Aurora, Colo., on January 11, 1978.

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

[FR Doc. 78-1586 Filed 1-20-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

[15 CFR Part 377]

SHORT SUPPLY CONTROLS

Exemption of Agricultural Commodities From Quantitative Limitations on Export

AGENCY: Department of Commerce, Industry and Trade Administration, Bureau of Trade Regulation, Office of Export Administration.

ACTION: Proposed rule.

SUMMARY: These proposed regulations would establish a procedure under which agricultural commodities purchased by or for use in a foreign country may be stored in, and exported from, the United States free from any quantitative restrictions on export which may subsequently be imposed for reasons of short supply. This serves to implement section 105 of the Export Administration Amendments of 1977 (Pub. L. 95-52), amended section 4(f) of the Export Administration Act of 1969, as amended.

DATE: Close of comment period February 28, 1978.

ADDRESS: Send comments to the Office of Export Administration, Attention: Short Supply Division, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

Mr. Rauer H. Meyer, Director, Office of Export Administration or Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230, telephone 202-377-3795.

SUPPLEMENTARY INFORMATION: Section 105 of the Export Administration Amendments of 1977 (Pub. L. 95-52) amended section 4(f) of the Export Administration Act of 1969, as amended, by adding the following new paragraph:

Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.

These regulations propose to (a) establish a procedure under which agricultural commodities may be registered with the Department of Commerce for exemption from future quantitative limitations on export for reasons of short supply; (b) prescribe the documentation which must accompany applications to register such commodities for exemption from export restrictions; and (c) state the conditions under which such applications may be approved.

The regulations are promulgated in proposed form to provide interested parties an opportunity to comment and, thus, assist the Department in developing final regulations on the subject. Interested parties should submit their comments, views or data concerning these regulations, in written form (5 copies), to the Office of Export Administration, Attention: Short Supply Division, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. written public comments which are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the regulations. All other submissions received before the close of the comment period on February 28, 1978, will be considered prior to the promulgation of final regulations and will be available to the public for inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or foreign governments.

Accordingly, the Export Administration Regulations (15 CFR 368 et seq.) are proposed to be amended by adding a new § 377.4 to read as follows:

§ 377.4 Registration of U.S. agricultural commodities for exemption from short supply limitations on export

(a) *General.* Agricultural commodities of U.S. origin purchased by or for use in a foreign country and stored in the United States for export at a later date may be registered with the Department of Commerce under the provisions of this section for exemption from any quantitative limitations on export which may subsequently be imposed under section 3(2)(A) of the Export Administration Act for reasons of short supply.

(b) *Definitions.* For the purpose of this § 377.4 the following definitions will apply:

(1) Agricultural commodities are deemed "purchased" by or for use in a foreign country if:

(i) Such commodities are in being and title thereto has been transferred to a foreign purchaser, or they are the subject of a binding contract for sale to a foreign purchaser and such contract describes the commodities by kind, grade and quantity, contains a fixed price or basis for calculating price, and requires the commodities to be exported or delivered for export within a specified time; and

(ii) The purpose of the transaction is the creation of a reserve for later export to and use in a particular foreign country.

(2) The term "stored in the United States" means that the commodities are in storage, either on an identity preserved or commingled basis, in a particular storage facility in the United States.

(c) *Findings necessary for approval.* Applications to register such commodities may be approved by the Office of Export Administration if that Office receives adequate assurances and in conjunction with the Department of Agriculture determines:

(1) That such commodities will eventually be exported;

(2) That neither the sale nor the export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact;

(3) That storage of such commodities in the United States will not unduly limit the space available for storage of domestically-owned commodities; and

(4) That the purpose of such storage is to establish a reserve of such commodities for later use within a specified foreign country, not including resale to or use by or within another country.

(d) *Procedures for filing registration applications.* (1) Applications to register agricultural commodities must be submitted by a person or firm subject to the jurisdiction of the United States acting as a duly authorized agent for the foreign purchaser. Such applications shall be submitted, in duplicate, by letter addressed to the Office of Export Administration, Attention: Short Supply Division, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. The letter shall:

(i) Describe the commodities to be registered by kind, grade and quantity;

(ii) Identify the specific storage facility where they are or will be stored and indicate whether they are or will be stored on an identity preserved or commingled basis;

(iii) State the length of time during which it is proposed to keep the commodities in storage in the United States;

(iv) Identify the foreign purchaser of the commodities and the foreign country in which they will ultimately be used;

(v) Set forth any other details that the applicant considers to be relevant to the proposed storage and export transactions; and

(vi) Contain the following certification: "I certify that the commodities described herein have been purchased as a reserve for export to (country) and use therein (not including resale to, or use by or within another country); that they will be stored in the facility identified herein; and that they will be exported to that country prior to the expiration of such period as may be approved by the Office of Export Administration or, in the absence of quantitative limitations on export, within 60 days thereafter. I understand that, if the commodities have not been exported within the registration period approved by the Office of Export Administration, they will be subject to any quantitative limitations on export that may be in effect at the time of proposed export; and that failure to export the commodities in accordance with the terms of the registration approval, or failure to comply with any other conditions of approval, may result in compliance action pursuant to Section 387 of the Export Administration Regulations or any other applicable law."

(2) The following documents shall be submitted with the letter:

(i) Two copies of the contract of sale to the foreign buyer;

(ii) A statement, in duplicate, from an appropriate official representative

of the government of the country in which the commodities are ultimately to be used, identifying the specific transaction to which the statement relates and describing the commodities by kind, grade and quantity; stating that the commodities are considered part of that country's agricultural commodity reserve for use in that country; and further stating that any necessary import authorizations or other documentation have been or will be issued for the entry of the commodities into that country;

(iii) An affidavit, in duplicate, from the operator of the facility where the commodities are to be stored, stating that storage in that facility of the commodities proposed to be registered will not limit his ability to meet anticipated storage needs of the facility's traditional customers, or if it will limit such ability, the extent of such limitation.

(e) *Preliminary advice.* Before submitting a formal application for registration, the applicant may consult with the Office of Export Administration in person or by letter as to the likelihood of approval of an application for registration. The Office of Export Administration will try to respond promptly and fully to such inquiries. However, a definitive determination on approval of an application can be made only on the basis of a fully documented application in light of all the facts and circumstances at the time of its filing.

(f) *Commerce Action on registration applications.* Upon receipt by the Office of Export Administration, a copy of each request and accompanying documentation will be forwarded to the Department of Agriculture for that Department's determination of whether the application meets each of the criteria for approval and its recommendation on whether the application should be approved. No application will be approved unless the Department of Agriculture determines that the criteria for approval have been met. If the application is approved, the applicant will be informed of such approval by letter, identifying the commodities, storage facility and country of destination; stating the period for which the registration is effective; and setting forth any other conditions of approval. The period for which storage is approved will not necessarily equal the period requested in the application. The following general conditions are applicable to *all* approved registrations.

(1) The applicant will be required to: (i) have the operator of the storage facility place on the original warehouse receipt a legend reading: "These commodities have been registered with the Department of Commerce for export to (country) and may be removed from storage only for purposes of export to that country, unless other disposal is permitted pursuant to advance written authorization from the Office of Export Administration", and (ii) within ten days of receipt of the notification of registration approval, provide Commerce with two certified copies of the original warehouse receipt bearing such legend.

(2) Registration approvals will be effective for a specified period, and the registered commodities will be exempt from quantitative limitations on export for reasons of short supply only during such period.

(3) Commodities which are or have been registered must be exported within the period of such registration or, in the absence of quantitative limitations on export, with 60 days thereafter. Should the foreign purchaser, for reasons beyond his control, be prevented from exporting such commodities within the specified period, the Department will consider a request for extension of such period. Such requests should be submitted in writing within the specified period, describe the circumstances which prevent the timely export of such commodities, and state when such commodities will be exported.

(4) Unless otherwise permitted by the Department of Commerce, commodities which are or have been at any time registered may be disposed of only by exporting to the country stated in the registration for use in that country.

(5) Failure to export commodities which are or have been registered as required by this section, the export or reexport of such commodities to a country other than that approved in the registration, or failure to comply with any other condition attached to the registration of these commodities by the Department of Commerce may result in compliance action pursuant to Part 387 of the Export Administration Regulations or any other applicable law.

(g) *Application for extension of registration.* An application for extension of the period for which registered storage approval was initially granted shall be made at least 30 days prior to expiration of that period. Such application shall be made by letter, in duplicate, and shall make reference to the original storage approval and state the reason or reasons why the extension is requested. Accompanying documentation, in duplicate, shall be submitted as necessary to update that submitted with the original application.

The mere filing of an application for extension will not extend the original period, and if approval of extension is not granted before expiration of the original period, such period shall lapse in accordance with the terms of the original registration.

(h) *Export of registered commodities.* Upon export of commodities which are or have been registered, the person receiving registered storage approval shall report the export to the Office of Export Administration, Attention: Short Supply Division, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230.

(1) Such report shall be by letter citing the storage approval and date issued and certifying that such commodities have been withdrawn from registered storage and exported. The report shall also transmit (i) a copy of the on board bill of lading and (ii) an independent inspector's certificate of analysis at the port of export attesting to the quantity and grade of the commodity being exported. If the quantity (less normal shrinkage) and grade do not conform to that shown on the warehouse receipt and the registered storage approval, appropriate documentation establishing the continuity of movement from warehouse to exporting carrier must also be transmitted.

(2) Such report shall be submitted within 15 calendar days of export except that if partial shipments are made the report and accompanying documentation may be held until final shipment has been made and then submitted within 15 calendar days of the final shipment.

(i) *Procedure for exporting registered commodities during a period when short supply controls are in effect.* (1) Should short supply export controls be imposed for a commodity being stored in the United States under a valid registered storage approval, the person to whom such approval was granted shall file an Application for Export License, Form DIB 622—P, in accordance with the procedure set forth in Part 372, except that no accompanying documentation shall be required. The application shall cite in Item 12 the relevant registered storage approval issued by the Office of Export Administration and shall state the quantity of the commodities covered by the registered storage approval already exported or which will be exported pursuant to the terms of any Saving Clause contained in the announcement imposing short supply export controls. Upon verification that the registered storage approval is valid, the Office of Export Adminstration will issue a validated export license for the quantity authorized in the registered storage approval, less any quantites previously exported or in process of being exported under any Saving Clause, without regard to any quantitative short supply export limitations which are then in effect. The license shall be valid through the date specified thereon.

(2) In addition to the report required under paragraph (h) above, the person

to whom an export license has been issued under this provision shall report each export pursuant to such license, within 60 days of the final shipment under the license, to the Office of Export Administration, Attention: Short Supply Divison, Room 1617M, Washington, D.C. 20230, by letter citing the applicable registered storage approval and enclosing: (i) a statement from an appropriate official of the government of the importing country attesting to the fact that the commodities—which must be identified by kind, grade and quantity—have been imported into that country for use therein and (ii) the validated export license with the reverse side completed so as to record the shipment data and signature of the licensee or his duly authorized agent.

(j) *Effect of other provisions.* Unless inconsistent with the provisions of this § 377.4, all the provisions of the Export Administration Regulations, including Parts 387 and 388, apply equally to the procedure set forth in this Section. Attention is called particularly to the provisions of § 387.11 under which pertinent records must be kept and made available for inspection and to the administrative and criminal sanctions in § 387.1 for violation of the Export Adminstration Act of 1969, as amended, or any order, regulation or license issued thereunder.

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization order 10-3, dated Nov. 17, 1975, 40 FR 56876 (1975), as amended; and Domestic and International Business Administration Organization and Function Orders 46-1, dated November 17, 1975, 40 FR 59764 (1975), as amended and 46-2, dated November 17, 1975, 40 FR 59761 (1975), as amended.)

NOTE.—The Office of Export Administration has determined that this document does not contain a major action which would require the preparation of an economic impact statement (see Executive Order 11949 and OMB Circular A-107).

STANLEY J. MARCUSS,
Deputy Assistant Secretary
Bureau of Trade Regulation.

[FR Doc. 78-1882 Filed 1-18-78; 2:52 pm]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 18, 194, 250, 251]

[Notice No. 317]

PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES, LIQUOR DEALERS, LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS AND IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Record Retention Requirements

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms proposes to increase the required time period for retention of records prescribed by the regulations listed above. The new time period would be three years (rather than the present two years), and the regional regulatory administrator would be given discretionary authority to prescribe an additional retention period of not more than three years. The purpose of the change is to insure that records will be available long enough to support any action that might be taken within the applicable statutes of limitation.

COMMENT DATE: Comments must be received on or before March 24, 1978.

ADDRESSES: Comments must be submitted, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT:

Steven C. Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Room 6226B, 1200 Pennsylvania Avenue NW., Washington DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION: The statute of limitations in 26 U.S.C. 6531 is three years (six years for some offenses). In 27 U.S.C. 204(i) there is a statute of limitations of 18 months following a criminal conviction, or three years from the violation if there is no criminal conviction. In the light of these statutes, the present two-year record retention requirements of 27 CFR 18.141, 194.242, 250.276, and 251.137 are considered to be inadequate. As these regulations are presently worded, evidence may be destroyed before the statute of limitations has expired. Under the proposed three-year retention period this potential problem should not normally arise. However, to cover unusual situations, such as when administrative action in accordance with 27 U.S.C. 204(i) is contemplated following criminal action, or when there is suspicion of a violation listed in 26 U.S.C. 6531 (1) through (8), the additional discretionary retention period (not more than three additional years) is proposed.

Other proposed amendments merely make conforming changes; instructions relating only to ATF personnel are deleted; and changes are made whigh reflect the creation and reorganization of the Bureau of Alcohol, Tobacco and Firearms.

Interested persons who wish to participate in the making of the proposed rules are invited to submit written comments or suggestions, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before March 24, 1978. Copies of the proposed changes and any comments received are available for public inspection from 8:30 a.m. to 5 p.m. in Room 4408, Federal Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C.

Any person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his/her request, in writing, to the Director within the 60-day period. Howevery, the Bureau reserves the right to determine, in the light of all the circumstances, whether a public hearing should be held.

DRAFTING INFORMATION

The original drafter of this document was Steven C. Simon of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, supervisors and reviewers from both the Bureau and the Department of the Treaury exercised control over the development of the regulations, both as to matters of substance and style.

AUTHORITY

Accordingly, it is proposed to amend the regulations in 27 CFR 18.11, 18.141, 194.11, 194.222, 194.242, 250.11, 250.276, 251.11, 251.137. The proposed regulations are to be issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

PARAGRAPH A. The regulations in 27 CFR Part 18 are proposed to be amended as follows:

1. Section 18.11 is amended to add, in alphabetical order, a definition of "regional regulatory administrator," and to revise the definition of "regional director." As amended, the affected portions of § 18.11 read as follows:

§ 18.11 Meaning of terms.

* * * * *

Regional director. A regional regulatory administrator as defined in this section.

Regional regulatory administrator. The principal regional official responsible for administering regulations in this part.

* * * * *

2. Section 18.141 is amended to increase the records retention period to three years (rather than two years, as it currently is), and to provide that the regional regulatory administrator may prescribe an additional retention period of up to three years in certain circumstances. (Currently, the regula-

tions have only a two-year discretionary additional period.) The amendment also reflects the change in title from "regional director" to "regional regulatory administrator," and it includes clarifying and stylistic changes. As amended, § 18.141 reads as follows:

§ 18.141 Records and reports.

Each proprietor shall keep records and submit reports (including applications and notices) as required by this part. These records, and copies of applications, notices, and reports, shall be maintained on or convenient to the concentrate plant, and be available for inspection by ATF officers during business hours. The records and copies of applications, notices and reports shall be retained for not less than three years from the date they were made, or the date of the last entry required to be made in them, whichever is the later. Furthermore, the regional regulatory administrator may require these records and copies of applications, notices, and reports to be kept for an additional period of not more than three years in any case where he determines retention necessary or advisable.

PART 194 LIQUOR DEALERS

PAR. B. The regulations in 27 CFR Part 194 are proposed to be amended as follows:

1. Section 194.11 is amended to provide, in alphabetical order, definitions of "ATF officer" and "regional regulatory administrator"; to revise the definitions of "assistant regional commissioner", "internal revenue officer", and "regional director"; and to delete the definition of "regional commissioner". As amended, the affected portions of § 194.11 read as follows:

§ 194.11 Meaning of terms.

* * * * *

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) duly authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Internal revenue officer. An ATF officer as defined in this section.

* * * * *

Place, or place of business. * * *

Regional director. A regional regulatory administrator as defined in this section.

Regional regulatory administrator. The principal regional official responsible for administering regulations in this part.

Sale at retail or retail sale. * * *

* * * * *

2. Section 194.222 is amended to change the reference to the records retention period from "not less than two years" to "not less than three years", to substitute "regional regulatory administrators" for "assistant regional commissioners", and to make stylistic changes. As amended, § 194.222 reads as follows:

§ 194.222 Requirements as to wines and beer.

Each wholesale dealer in liquors who receives wines, or wines and beer, and each wholesale dealer in beer shall keep at his place of business a complete record of all wines and beer received, showing (a) the quantities thereof, (b) from whom received, and (c) the receiving dates. This record, which must be kept for a period of not less than three years as prescribed in § 194.242, shall consist of all purchase invoices or bills covering wines and beer received or, at the option of the dealer, a book record containing all of the required information. Wholesale dealers are not required to prepare or submit reports to regional regulatory administrators of transactions relating to wines and beer.

(68A Stat. 731 (26 U.S.C. 6001); Sec. 201, Pub. L. 85-859, 72 Stat. 1342, 1345, 1348, 1395 (26 U.S.C. 5114, 5124, 5146, 5555).)

3. Section 194.242 is amended to change the records retention period from "not less than 2 years" to "not less than three years", to change "internal revenue officers" to "ATF officers", to add a provision that the regional regulatory administrator may require records to be kept for an additional period of not more than three years, and to make stylistic changes. As amended, § 194.242 reads as follows:

§ 194.242 Retention of records and files.

All records prescribed by this part, documents or copies of documents supporting these records, and file copies of reports submitted, shall be retained by the person required to keep the documents for a period of not less than three years, and during this period shall be available, during business hours, for inspection and copying by ATF officers. Furthermore, the regional regulatory administrator may require these records to be kept for an additional period of not more than three years in any case where he determines retention necessary or advisable. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for inspection and copying.

(68A Stat. 731 (26 U.S.C. 6001); Sec. 201, Pub. L. 85-859, 72 Stat. 1342, 1345, 1348, 1395 (26 U.S.C. 5114, 5124, 5146, 5555).)

PART 250—LIQUOR AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PARAGRAPH C. The regulations in 27 CFR Part 250 are proposed to be amended as follows:

1. Section 250.11 is amended to provide, in alphabetical order, definitions of "ATF officer" and "regional regulatory administrator"; and to revise the definitions of "assistant regional commissioner," "Director, alcohol, tobacco and firearms division", "region" and "regional director." As amended, the affected portions of § 250.11 read as follows:

§ 250.11 Meaning of terms.

* * * * *

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) duly authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Director, Alcohol, Tobacco and Firearms Division. The Director, Bureau of Alcohol, Tobacco and Firearms as defined in this section.

* * * * *

Region. A geographical region of the Bureau of Alcohol, Tobacco and Firearms.

Regional director. A regional regulatory administrator as defined in this section.

Regional regulatory administrator. The principal regional official responsible for administering regulations in this part.

* * * * *

2. Paragraph (b) of § 250.143 is amended to delete instructions that apply only to ATF personnel. As amended, § 250.143 reads as follows:

§ 250.143 Procurement and custody of red strip stamps.

* * * * *

(b) *Alternative method.* When the Chief, Puerto Rican Operations, determines that the interest of the government will be best served thereby, the stamps may be shipped directly to the Commonwealth revenue agent at the plant from the Bureau of Engraving and Printing. In this case, orders on Form 428 for standard size red strip stamps shall be in multiples of 100,000

stamps, and orders for small size shall be in multiples of 50 stamps (one sheet).

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358 (26 U.S.C. 5205).)

3. Section 250.276 is amended to replace "assistant regional commissioner" with "regional regulatory administrator"; "internal revenue officers" is replaced with "ATF officers"; and "director of customs" is replaced with "district director of customs." The retention period is changed from "not less than two years" to "not less than three years"; a provision is added that the regional regulatory administrator may require records to be kept for an additional period of not more than three years; and minor stylistic changed are made. As amended, § 250.276 reads as follows:

§ 250.276 Retention.

All records required by this part, documents or copies of documents supporting these records, and file copies of reports required by this part to be submitted to the regional regulatory administrator or to the district director of customs shall be retained for not less than three years, and during this period shall be available, during business hours, for inspection and copying by ATF or customs officers. Furthermore, the regional regulatory administrator may require these records to be kept for an additional period of not more than three years in any case where he determines retention necessary or advisable. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for inspection and copying.

(68A Stat. 731 (26 U.S.C. 6001); Sec. 201, Pub. L. 85-859, 72 Stat. 1342, 1345, 1348, 1361, 1395 (26 U.S.C. 5114, 5124, 5146, 5207, 5555).)

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

Par. D. The regulations in 27 CFR Part 251 are proposed to be amended as follows:

1. Section 251.11 is amended to revise the definitions of "alcohol, tobacco and firearms officer", "assistant regional commissioner", "Director, alcohol, tobacco and firearms division", "internal revenue officer", "region", and "regional director." A new definition of "regional regulatory administrator" is added in alphabetical order. As amended, the affected portions of § 251.11 read as follows:

§ 251.11 Meaning of terms.

* * * * *

Alcohol, tobacco and firearms officer, or *ATF officer.* An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) duly authorized to perform any function relating to the administration or enforcement of this part.

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

* * * * *

Director, Alcohol, Tobacco and Firearms Division. The Director, Bureau of Alcohol, Tobacco and Firearms, as defined in this section.

* * * * *

Internal revenue officer. An ATF officer as defined in this section.

* * * * *

Region. A geographical region of the Bureau of Alcohol, Tobacco and Firearms.

Regional director. A regional regulatory administrator as defined in this section.

Regional regulatory administrator. The principal regional official responsible for administering regulations in this part.

* * * * *

2. Section 251.137 is amended to replace "assistant regional commissioner" with "regional regulatory administrator," to change the retention period from "not less than two years" to "not less than three years", to replace "internal revenue officers" with "ATF officers", to replace "director of customs" with "district director of customs," to add a provision that the regional regulatory administrator may require records to be kept for an additional period of not more than three years, and to make minor stylistic changes. As amended, § 251.137 reads as follows:

§ 251.137 Retention.

All records required by this part, documents or copies of documents supporting these records, and file copies of reports required by this part to be submitted to the regional regulatory administrator or to the district director of customs, shall be retained for not less than three years, and during this period shall be available, during business hours, for inspection and copying by ATF or customs officers. Furthermore, the regional regulatory administrator may require these records to be kept for an additional period of not more than three years in any case where he determines retention necessary or advisable. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for inspection and copying.

(68A Stat. 731 (26 U.S.C. 6001); Sec. 201, Pub. L. 85-859, 72 Stat. 1342, 1345, 1348, 1361, 1395 (26 U.S.C. 5114, 5146, 5207, 5555).)

Signed: January 3, 1978.

REX D. DAVIS,
Director.

Approved: January 12, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 78-1915 Filed 1-20-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

[32 CFR Part 553]

NATIONAL CEMETERIES

Army National Cemeteries

AGENCY: Department of the Army.

ACTION: Proposed rule.

SUMMARY: The Department of the Army is proposing to amend its regulations to include specific policy regarding the use of the parking lot in Arlington National Cemetery by the general public. This proposed rule informs the public that it is unlawful for vehicles to remain in the parking lot beyond the currently posted 2-hour limit. The 2-hour limitation is adequate for those visiting the cemetery. It has been noted, however, that many vehicles remain parked in the lot from early morning through most of the day. The prolonged parking of those vehicles interferes with the parking of bona fide visitors to the cemetery.

DATES: Comments must be received on or before February 28, 1978.

ADDRESS: Comments should be submitted to HQDA (DAAG-PED), Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

LTC Ellsworth S. Clarke, (area code 202-693-0882).

SUPPLEMENTARY INFORMATION: On July 8, 1968, the Administrator of General Services delegated to the Secretary of Defense (with authority to redelegate to any officer or employee of the Department of Defense) the power to appoint uniformed guards as special policemen and to make needful rules and regulations for Arlington National Cemetery (Fed. Prop. Man. Reg. D-9, 33 FR 10035). On July 16, 1968, all authority vested in the Secretary of Defense, by delegation from GSA, was redelegated to the Secretary of the Army. The regulatory authority of the GSA delegation was used to promulgate the current Arlington Visitors' Rules.

NOTE.—The Department of the Army has determined that this document does not

contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 13, 1978.

W. J. WINTER, Jr.,
Colonel, U.S. Army, Director, Personal Affairs, TAGCEN.

By authority of the Secretary of the Army.

Accordingly, it is proposed to amend 32 CFR § 553.22 by adding a reference to paragraph (g) in the 14th line of § 553.22(b) and by adding a new paragraph (g) to the section as follows:

§ 553.22 Visitors' Rules for the Arlington National Cemetery.

(a) * * *

(b) Scope. * * * in paragraphs (c), (d), (e), (f), and (g) of * * *

* * * * *

(g) Parking limitation. There is a 2-hour parking limit in the Visitors' Center Parking Lot at Arlington National Cemetery, and it is unlawful for vehicles to remain in the parking lot beyond the 2-hour limit.

[FR Doc. 78-1879 Filed 1-20-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201, 1240, 1241]

[No. 36730]

CLASS III RAILROADS FOR ACCOUNTING AND REPORTING PURPOSES

Proposed Designation

AGENCY: Interstate Commerce Commission.

ACTION: Revised Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing the designation of a Class III railroad classification for accounting and reporting purposes, originally published at 42 FR 56347, October 25, 1977. The purpose of revision is to reduce the accounting and reporting burden of smaller railroads subject to Commission regulations.

Initially, railroads with annual operating revenues of $1 million or less were proposed to be Class III railroads. The Commission is now considering revising this revenue guideline. Railroads with $10 million of annual operating revenues will be exempt from implementing the Revised Uniform System of Accounts which becomes effective January 1, 1978, until further ordered.

DATES: Effective January 1, 1978. Written comments must be received on or before February 15, 1978.

ADDRESS: Send comments to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald Young, Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7448.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1902 Filed 1-20-78; 8:45 am]

[3410-37]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 2853]

MEATS, PREPARED MEATS, AND MEAT PRODUCTS

Grading Certification and Standards

AGENCY: Food Safety and Quality Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule will revise certain official U.S. standards for grades of meat and the related meat grading regulations and a companion rule proposed under 9 CFR Parts 316 and 317 will revise Federal meat inspection regulations pertaining to marking and labeling requirements. The proposed changes provide that meat will be graded only in the form of carcasses or sides and in the plant in which the animals were slaughtered. Also, certain trimming procedures and chilling conditions necessary for carcasses to be graded are clarified. The changes proposed in meat inspection regulations specify that all carcasses, parts, and meat of cattle and sheep must be identified by USDA quality grade or as ungraded. The proposed changes are designed to make grade determinations more accurate and uniform and less subject to fraud and to provide more complete grade information to consumers.

DATE: Comments must be received on or before May 1, 1978.

ADDRESS: Written comments to Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR ADDITIONAL INFORMATION ON COMMENTS, SEE SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Jerry Goodall, Acting Director, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4727.

SUPPLEMENTARY INFORMATION: The proposal under this part defines a beef carcass more precisely than formerly; specifies that meat from cattle and sheep will be graded only as carcasses or sides and only in establishments in which the animals are slaughtered; specifies that a beef carcass shall be presented for grading only after it has been sufficiently chilled so that its physical attributes (intramuscular fat or marbling; color, texture, and firmness of the lean; etc.) are developed adequately to permit an accurate grade determination; clarifies the conditions under which quality and yield grade designation marks may be removed from officialy graded beef; specifies that to be eligible for grading, a beef carcass shall have the kidneys and the kidney, pelvic, and heart fat removed from it prior to presentation for grading; and lastly, specifies that a beef carcass shall have been ribbed for at least 30 minutes prior to the time it is presented for grading.

In addition, this proposal, in several of its parts, solicits specific comments and facts from all interested and affected parties on additional conditions that could be imposed upon the meat grading system but which the Department desires further information as to their beneficial and/or adverse affects upon producers, packers, and consumers.

The changes proposed in this document, as well as those for which additional information is being sought, are intended to: (a) Assist producers of meat animals in receiving a price for live animals that is commensurate with the retail value of the meat that an accurate grade designation predicts; (b) assist consumers in making informed value judgments in the marketplace so as to avoid having to pay more for meat than the true value of the meat purchased; (c) assist Federal graders in making more accurate grade determinations by better controlling those factors that contribute to variation in the present system; (d) assist supervisors and managers of Federal meat grading service to operate the service more efficiently; and (e) minimize the opportunity to defeat or circumvent the grading system by providing greater specificity and delineation to the system.

The change in meat inspection regulations requires that carcasses, parts, and meat of cattle and sheep that have been USDA graded must retain the grademarks until sold to the consumer and meat that has not been USDA graded must be marked or labeled "U.S. Ungraded." The specific changes in inspection regulations (9 CFR Parts 316 and 317) appear else-

where in this issue of the FEDERAL REGISTER.

COMMENTS

Changes proposed in meat grade standards and meat grading and labeling regulations are expected to have a significant impact on all parts of the livestock and meat industry and on the consuming public. It is anticipated that there may be widespread interest in the proposed changes. In order that all those affected have ample opportunity to comment, oral as well as written views, data, or arguments will be received on the proposal. In this regard, a public hearing will be held on the proposed changes contained in this notice and those concerning inspection regulations appearing elsewhere in this issue of the FEDERAL REGISTER. Hearing sessions will be held at locations beginning on the dates listed below:

1. March 16, 1978—Washington, D.C. 20250, Jefferson Auditorium, South Agriculture Building, 14th and Independence SW.
2. March 21, 1978—San Francisco, Calif. 94111, Custom's House, 555 Battery Street, Room 503.
3. March 23, 1978—Omaha, Nebr. 68102, Omaha Hilton Hotel, 1610 Dodge Street.
4. March 28, 1978—Atlanta, Ga. 30303, Federal Office Building, Room 556, 275 Peachtree Street NE.

Each day's session of the hearing will commence at 9:30 a.m., local time, unless the presiding offical otherwise specifies during the course of the hearing. Any of the sessions may be continued beyond 1 day if necessary. Persons who wish to be heard are requested to notify the Administrator, Food Safety and Quality Service, Washington, D.C. 20250, on or before February 13, 1978, stating the session at which they wish to present a statement and how much time they will need to present the statement. However, any person who wishes to be heard at the hearing will be afforded opportunity to be heard, whether or not that person has given such advance notice.

In addition, all persons who desire to submit written data, views or arguments in connection with this proposal and/or the proposed changes in meat labeling regulations (9 CFR Parts 316 and 317) shown elsewhere in this issue of the FEDERAL REGISTER, are invited to file such material, in duplicate, with the Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250 on or before May 1, 1978. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Also, since the comments will be considered in the resolution of these proposals, they should include definitive information which explain and support the sender's views. All written submissions and transcripts of the comments at the public hearing will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

BACKGROUND

The USDA meat grading and inspection programs and the national meat marketing system have been plagued in recent years with bribery and corruption and with merchandising practices which may tend to mislead consumers and other purchasers of meats. The changes proposed by these revisions in grade standards and grading regulations (7 CFR part 2853) are a part of USDA's efforts to improve the integrity of the systems and to increase the dependence which the general public can place in the Federal grading and inspection programs. The changes are needed because of several instances of bribery and other corruptive practices which have occurred in recent years involving meatpackers and USDA meat graders and/or meat inspectors. In 1974-76, for example 17 firms, 36 meatpacking officials, and 17 USDA employees (who were relieved of official duties upon indictment and subsequently discharged from employment) were convicted of bribery and related offenses in California and Arizona. Since early 1975 it has been necessary to take administrative actions against packers in South Dakota, Iowa, Kansas, Texas, and California because of the illegal removal of grade stamps from meats. In this same period, another USDA agency, the packers and Stockyards Administration, issued four formal complaints and assisted State or local officials with 10 other complaints, many of which were related in whole or part to violations or misrepresentation of USDA meat grades.

Changes in marking and labeling requirements in meat inspection regulations (9 CFR Parts 316 and 317) appear to be necessary because of the widespread use of merchandising practices by retailers, home freezer purveyors, and others that can confuse consumers and other purchasers as to the quality or yield grade and true value of beef and other meats.

This proposed rule and the companion rule proposed in the Federal meat inspection regulations, also discussed in this section, would revise official U.S. standards for grades of meat and related meat grading regulations and would revise marking and labeling requirements for such meats so that the opportunities for actions and practices such as those outlined above would be minimized. These proposals, if adopted, could eliminate certain elements of subjectivity in meat grading and some possible causes of identifying cuts of meat with inappropriate grades; could increase the efficiency of marketing meat items; and would initiate new rules regarding identification of meat (except pork, which is not federally graded) and the retention of grade identification on all beef carcasses and cuts. In addition to the corrective measures, these changes could help make Federal grades more useful to and more easily understood by producers, processors, and particularly consumers.

The Federal grading of meat is a voluntary service which was originally designed to facilitate marketing. The cost of the service is paid for by fees collected from those who request that meat be graded.

During the 50 years that the service has been provided by the Federal Government, the demand for Federal meat grading has steadily increased. Based on estimates of the number of fed cattle produced in 1976 by USDA's Economics, Statistics, and Cooperatives Service and the quantities of beef graded by FSQS' meat grading service, it is estimated that nearly three-fourths of the fed beef produced is federally graded. Most of the fresh beef cuts reaching consumers through retail stores are from fed beef. Consumers have come to depend upon the Federal meat grade designation as the primary tool for making comparative cost and value judgments in the purchase of meat at the retail level.

This consumer dependence upon and desire for Federal grade designations of meat at the retail level has been largely responsible for the widespread use of the Federal meat grading service by the meatpacking and processing industries. This same consumer acceptance of and desire for grade designations on retail cuts of meat has led to the widespread and common use of meat grades in the promotion and advertising of meats at the retail level. Since Federal grades are used extensively as the basis for trading between meatpackers and others, and relatively wide spreads in price frequently result between grades, it is necessary that Federal meat grading be conducted as accurately and uniformly as possible in order to achieve equity among all persons affected by grades, from the producer to the consumer.

Because of the increased demand for Federal meat grading and its general acceptance by both industry and consumers, it has been necessary to make the meat grading service as widely available as possible while at the same time attempting to meet the needs of both industry and the consumer. In the past, meat has been graded for quality (a prediction of the palatability of the lean meat in a carcass) and for yield (a prediction of the amount

of retail cuts that may be expected from a carcass) in a number of forms and geographic locations other than as a carcass or at the establishment of slaughter, respectively. Under the current meat grading regulations, meat may be graded as carcasses, quarters, and wholesale cuts in the establishment of slaughter as well as in establishments that are further down the distribution and/or processing and marketing line. These practices were adopted for the reasons cited above but they have resulted in: (1) Inaccuracies in grading, (2) difficulties in supervising and managing the grading service, (3) increases in the cost of grading, (4) representations which may mislead or confuse consumers about the quality grade of meat, (5) producers of meat animals being paid a price which may not reflect the true value of their animals marketed for slaughter, and (6) bribery and fraudulent practices on the part of some Federal graders and/or operators of packing plants.

Presently, some beef is offered for grading when certain physical attributes of the carcass (grading factors) that are used for determining grade (e.g., marbling, color, texture, and firmness of the lean) are not developed to the extent necessary to permit an accurate grade determination to be made. This practice results in graders having to reevaluate many carcasses for grade with resultant increases in the cost of grading. The proposed procedures require that grade factors be developed to the extent that an accurate grade determination can be made. The development of these factors is a function of the conditions under which carcasses are chilled and the length of time between ribbing of the carcass and the presentation of the carcasses for grading. Therefore, it is proposed that a requirement of 30 minutes elapsed time between ribbing and presentation for grading be imposed as a means of assuring that grade factors are adequately developed in a carcass prior to its presentation for grading. This requirement should improve the condition of carcasses so that accurate grade designations can be made on increased numbers of carcasses when first offered for grading. The proposed requirement should: (1) Make the beef quality grades more accurate and uniform, (2) make it possible for supervisors to more effectively review graders' work, (3) expedite the handling of carcasses, and (4) decrease the overall cost of grading. However, also requiring that carcasses be chilled for no more than a specified time so as to attain adequate development of time and temperature dependent grade factors in the ribeye may serve to further reduce the variables that affect an accurate grade designation and could lead to considerable savings of energy. In connection with a possible chill time and temperature requirement, which is not specified in this proposal, the Department requests comments and facts from all interested and affected parties that would assist in making a decision relative to the merits of mandatory time and temperature requirements for grading.

The proposed requirement that the kidney and all kidney, pelvic, and heart fat be removed from carcasses before they are offered for grading should simplify the determination of yield grade and increase the uniformity of application of the yield grade standards, thereby making the yield grades a more useful means of assuring that producers of animals receive payment and consumers expend payment proportionate to the value offered or received.

Under the present regulations, carcasses can be graded with all of the kidney, pelvic, and heart fat left in place or with some or all of these fats removed. There is little difference in the accuracy of the yield grades for predicting the yield of retail cuts from carcasses in which the kidney, pelvic, and heart fat has been left in place or removed. However, removal of these fats can have a considerable effect on the yield of retail cuts from individual quarters and wholesale cuts. For example, consider two carcasses, both of Yield Grade 3.5, but with carcass No. 1 graded prior to removal of kidney, pelvic, and heart fat and carcass No. 2 graded after removal of these fats. The only reason that carcass No. 2 graded after removal of these fats. The only reason that carcass No. 2 would qualify as a Yield Grade 3.5 would be because of the removal of kidney, pelvic, and heart fat. Otherwise, carcass No. 2 would have been at least Yield Grade 4.0. Further, because the bulk of these fats are located in the hindquarter, the forequarters of the two carcasses would be very different in fatness and yield of retail cuts. The forequarter of carcass No. 2 is much more typical of a Yield Grade 4 than of Yield Grade 3. Requiring the kidney, pelvic, and heart fat to be removed will eliminate such variations in yields of trimmed retail cuts from individual quarters and wholesale cuts. In recognition of such differences, USDA now identifies carcasses graded after removal of kidney, pelvic, and heart fat differently than carcasses graded with these fats in place. However, the significance of this difference in identification is not fully understood by purchasers of beef, especially small retailers and consumers who buy quarters or wholesale cuts. Removal of these internal fats prior to grading should eliminate this source of confusion and make it possible to uniformly grade and mark beef for yield grade.

Since the emphasis placed on kidney, pelvic, and heart fat in determining yield grade essentially reflects the effect of the weight of this fat on the predicted yields of retail cuts from a carcass, the elimination of these fats as factors in the yield grade equation does not require any change in the emphasis placed on the three remaining grade factors. Also, in order that there will be a minimum of confusion to graders, producers, packers, retailers, and others in adapting to the revised standards, each proposed yield grade would continue to include carcasses with the same general combinations of external fat thickness, area of ribeye and carcass weight as now included in each of these grades.

The yield of retail cuts from a carcass of each yield grade should be substantially increased under the proposed standards. This is because the carcass weight would be decreased by the weight of the kidney and the kidney, pelvic, and heart fat that has been removed, but the weight of the retail cuts would remain the same. Consequently, carcasses of a given yield grade would be worth more per pound than carcasses of that yield grade under the present standards. However, the total value received by a producer is not expected to change significantly because the higher carcass price per pound would be largely offset by the lighter weight of the carcass. At the same time, it is reasonable to expect that certain advantages would accrue to consumers through these changes. For example, the kidney, pelvic, and heart fat would be used more efficiently at the point of slaughter; these fats would not have to be chilled, thus saving energy; and they would not be included as part of a carcass' shipping weight, thus decreasing shipping costs which should be reflected in somewhat lower retail prices. Also, it would be possible to utilize more of these fats for edible purposes than is permitted under present industry processing practices. All of these advantages should result in more efficient marketing of beef.

A change also is being proposed in the conditions under which the yield grade designations may be removed from grade-identified steer, heifer, cow, and bullock beef. Under the proposal, the yield grademark could not be removed from a carcass or its cuts when the natural fat cover is ½ inch or less thick any place on the carcass or cut. If the fat cover of the carcass is reduced to ½ inch or less by trimming, the yield grademarks could be removed. Thickness of natural or trimmed fat cover is easily determined by use of a calibrated probe. In that the original yield grade of a carcass was determined, in part, by the thickness of the natural fat cover, trimming of fat cover will significantly affect

the ratio of fat to lean in retail cuts obtained from trimmed carcasses. However, because the price paid for a carcass is most often determined by the yield grade assigned to that carcass and because yield grade is affected by fat cover, it does not appear to be in the best interests of either the producer or consumer to insist that the original yield grade of a carcass be maintained on all subsequent wholesale and retail cuts of meat from which substantial amounts of fat cover have been removed.

Concern also has been expressed to the Department that the value of meat to the consumer at retail is determined by the ratio of intermuscular fat to lean as well as by the ratio of fat on the exterior of the cut and the marbling or intramuscular fat. Because trimming of fat from carcasses and wholesale cuts may be expected to affect the price of meat at retail and may mislead consumers into believing that a trimmed retail cut was derived from a carcass of better yield grade than that from which it actually was derived, the Department is soliciting specific comments and facts on the effect of a requirement that the yield grade of meat be carried through all steps of processing and retailing and that the yield grade be that originally assigned to the carcass. The Department is particularly interested in learning of the benefits and/or adverse effects upon producers, packers, and consumers if such a requirement were imposed.

Changes in terms and definitions are offered in this proposal in order to enhance simplicity and to achieve more universal understanding of the grade standards. The term carcass has been defined in the beef carcass standards and this definition includes an explanation of the manner in which a carcass shall be dressed before it may be presented for grading. This definition also is intended to reduce subjectivity and to increase specificity of the grading process. Achievement of these ends will assure that all persons who are affected by grades are dealt with equitably. To further assure that both producers and consumers are receiving and paying fair market prices for the value delivered or received, the Department has been advised that certain additional requirements be included in the definition of a carcass. These requirements are not included in this proposed regulation, but the Department is requesting that specific comments and facts be provided on the advisability, the benefits, and the disadvantages of including a requirement that such items as the "hanging tender," the "cod" or "udder fat," and the "skirts" (diaphragm) be removed from the carcasses before carcasses are eligible for presentation for grading.

Because of the importance of USDA quality grade information to consumers, the Department is also proposing changes in meat inspection marking and labeling regulations (amendments to 9 CFR Parts 316 and 317 shown elsewhere in this issue of the FEDERAL REGISTER) that will require carcasses, parts, and meat of cattle and sheep sold at retail to be marked or labeled with quality grade information. Such meats would be identified with official USDA quality grades or be marked or labeled as "U.S. UNGRADED." (Other species of livestock which are inspected under the Federal Meat Inspection Act are not included in this rulemaking procedure since USDA does not apply consumer quality grades to such products.)

Accurate information with respect to grade is considered essential to achieving equity in pricing of producers' livestock and for the protection of consumers and other purchasers of meats. USDA grades have become the basis for pricing live slaughter cattle and sheep as well as carcasses and wholesale cuts. The use of such grade terms in advertising, promotion, and labeling of meats also has grown significantly in the retail trade. Consumers have responded with the result that leading retailers in most major market areas feature USDA Choice beef and lamb extensively in their advertising and merchandising programs. Frequently, other retailers in these market areas use ungraded meat and/or a mixture of graded and ungraded meat and advertise and merchandise it in such a manner that consumers could be misled and believe that all such meat is of the same quality as graded meat. In other instances, meat is merchandised and advertised in a way that causes consumers to confuse Federal inspection marks and USDA grademarks. These practices could misrepresent the quality of meat and permit such meats to compete unfairly with graded meats to the detriment of consumers and the public, generally. As a consequence of consumers not having accurate grade information, they often have to pay greater than the true value for meats they purchase. Therefore, because of the increased use of quality grades and because of the importance of such grades to consumers, it is proposed that carcasses, parts, and meat of cattle and sheep bear quality grade information to assure that their labeling will not be misleading.

Under the proposal to revise inspection regulations, such carcasses, parts, and meat will be required to bear, from the time they leave an official establishment and at all times thereafter, the appropriate USDA quality grade or the words "U.S. UNGRADED." Such carcasses, parts, or meat shall bear this information either thereon or on their containers, as is more specifically detailed in the proposed regulations. These requirements would also be applicable to imports. In addition, since this is a misbranding provision, such requirements would be applicable to retail establishments that are exempt from routine inspection under the Federal Meat Inspection Act.

For the reasons outlined, it is proposed that certain sections of the regulations and standards appearing in 7 CFR Part 2853 (formerly Part 53) as they relate to meats, prepared meats, and meat products be revised as set forth below.

Subpart A—Regulations

1. In § 2853.1, the definitions for "Quality grade" and "Yield grade" are revised to read as follows:

§ 2853.1 Meaning of words.

* * * * *

Quality grade. A designation based on those characteristics of meat which most appropriately predict the palatability characteristics of the lean.

* * * * *

Yield grade. A designation which best reflects the proportion of retail cuts that may be expected from a beef carcass; or which may be expected from a lamb, yearling mutton, or mutton carcass.

2. The second sentence of § 2853.4 is revised to read as follows:

§ 2853.4 Kind of service.

* * * Class, grade, and other quality may be determined under said standards for meat of cattle, sheep or swine in carcass form only. * * *

§ 2853.5 [Amended]

3. Except for the first four sentences, all of § 2853.5 is deleted.

4. Section 2853.13, paragraph (b) is revised as follows:

§ 2853.13 Accessibility and refrigeration of products; access to establishments.

* * * * *

(b) Grading will be furnished for meat only if it is properly chilled, that is, so that the grade factors are developed to the extent that an accurate grade determination can be made. Determination of class, grade, or other quality of meat under the standards in Subpart B of this part will not be made if such meat is in a frozen state. Carcasses of all species shall be graded only in the establishments where the animals are slaughtered. Also, to be eligible for grading, beef carcasses must be ribbed for a minimum of 30 minutes prior to being offered for grading.

§ 2853.17 [Amended]

5. In § 2853.17, paragraph (a), the words "and wholesale cuts" are deleted.

6. In § 2853.17, paragraph (c), second sentence, the phrase "and eligible cuts from bull and bullock carcasses" is deleted.

Subpart B—Standards

CARCASS BEEF

7. Section 2853.102 is revised as follows:

§ 2853.102 Scope.

These standards for grades of beef are written primarily in terms of carcasses. However, they also are applicable to the grading of sides. To simplify phrasing of the standards, the words "carcass" and "carcasses" are used to also mean "side" or "sides." For purposes of these standards, a carcass is defined as the two sides of a slaughtered animal which results from splitting it lengthwise through its approximate median plane and after removal of (a) the head, (b) the legs, (c) all viscera—including the kidneys and the thymus gland, (d) all kidney, pelvic, and heart fat, (e) all but two tail vertebrae, and (f) the spinal cord. The head shall be removed between the occipital bone and the first cervical vertebra, and the front and hind legs not below the knee and hock joints, respectively.

§ 2853.103 [Amended]

8. In § 2853.103, paragraph (b) (5), the last sentence is deleted.

9. In § 2853.104, paragraph (t) is deleted, paragraphs (u), (v), (w), and (x) are designated as (t) (u), (v), and (w), respectively; and paragraphs (a), (i), and (r) are revised as follows:

§ 2853.104 Application of standards for grades of carcass beef.

(a) The grade of a steer, heifer, cow, or bullock carcass consists of separate evaluations of two general considerations: (1) The indicated percent of closely trimmed, boneless retail cuts expected to be derived from the four major wholesale cuts of a carcass (round, loin, rib, and chuck) herein referred to as the "yield grade," and (2) the characteristics of the lean which most appropriately predict its palatability, herein referred to as the "quality grade." When officially graded, the grade of a steer, heifer, cow, or bullock carcass consists of both the quality grade and the yield grade. The yield grade designations must remain on all such grade-identified beef whose natural surface fat thickness is ½-inch thick or less at its thickest place on the carcass. Beef whose surface fat has been trimmed after grading to not more than ½-inch in thickness at any point may, as a result of such trimming, have the yield grademark removed. Retail beef cuts need not be yield grademarked. In those instances in which removal of the yield grade is permitted, the USDA grade shall consist of the quality grade designation only. The grade of a bull carcass consists of the yield grade only.

* * * * *

(i) To meet the demand of export trade, carcasses ribbed other than between the 12th and 13th ribs may be approved for grading by the Food Safety and Quality Service. In such cases, they shall be identified with the word "EXPORT" in such a manner that will clearly distinguish them from other officially graded beef.

* * * * *

(r) The yield grade of a beef carcass is determined by considering three characteristics: (1) The amount of external fat, (2) the area of the ribeye muscle, and (3) the hot carcass weight.

* * * * *

10. Section 2853.105 is revised as follows:

§ 2853.105 Specifications for official United States standards for grades of carcass beef (yield).

(a) The yield grade of a beef carcass is determined on the basis of the following equation: Yield grade = 3.40 + (2.50 × adjusted fat thickness, inches) + (0.0038 × hot carcass weight, pounds) − (0.32 × ribeye area, square inches). In the above equation, hot carcass weight is the hot weight of the carcass as described in § 2853.102.

(b) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grades.

(1) *Yield Grade 1.* (i) A carcass in Yield Grade 1 usually has only a thin layer of external fat over the ribs, loins, rumps, and clods, and slight deposits of fat in the flanks and cod or udder. There is usually a very thin layer of fat over the outside of the rounds and over the tops of the shoulders and necks. Muscles are usually visible through the fat in many areas of the carcass.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have twenty-five hundredths inch of fat over the ribeye and 12.0 square inches of ribeye.

(iii) A 775-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have thirty-five hundredths inch of fat over the ribeye and 16.5 square inches of ribeye.

(2) *Yield Grade 2.* (i) A carcass in Yield Grade 2 usually is nearly completely covered with fat but the lean is plainly visible through the fat over the outside of the rounds, the top of shoulders, and the necks. There usually is a slightly thin layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is slightly thick. There are usually small deposits of fat in the flanks and cod or udder.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have forty-five hundredths inch of fat over the ribeye and 10.5 square inches of ribeye.

(iii) A 775-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have fifty-five hundredths inch of fat over the ribeye and 15.0 square inches of ribeye.

(3) *Yield Grade 3.* (i) A carcass in Yield Grade 3 usually is completely covered with fat and the lean usually is visible through the fat only on the necks and the lower part of the outside of the rounds. There usually is a slightly thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is moderately thick. There usually are slightly large deposits of fat in the flanks and cod or udder.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have seven-tenths inch of fat over the ribeye and 9.5 square inches of ribeye.

(iii) a 775-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have eight-tenths inch of fat over the ribeye and 14.0 square inches of ribeye.

(4) *Yield Grade 4.* (i) A carcass in Yield Grade 4 usually is completely covered with fat. The only muscles usually visible are those on the shanks and over the outside of the plates and flanks. There usually is a moderately thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is thick. There are large deposits of fat in the flanks and cod or udder.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one and five-hundredths inch of fat over the ribeye and 9.0 square inches of ribeye.

(iii) a 775-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one and fifteen-hundredths inch of fat over the ribeye and 13.5 square inches of ribeye.

(5) *Yield Grade 5.* A carcass in Yield Grade 5 usually has more fat on all of the various parts and a smaller area of ribeye than a carcass in Yield Grade 4.

VEAL AND CALF CARCASSES

11. Section 2853.112 is revised as follows:

§ 2853.112 Scope.

These standards for grades of veal and calf are written primarily in terms of carcasses. However, they also are applicable to the grading of sides. To simplify the phrasing of the standards, the words "carcass" and "carcasses" are used also to mean "side" or "sides."

§ 2853.115 [Amended]

12. In § 2853.115, the first sentence in paragraph (d) is deleted; in the first sentence of paragraph (e), the words "or portions of such carcasses" are deleted; and in paragraph (g) the last sentence is deleted.

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

13. In § 2853.123, paragraph (c) (5) is revised as follows:

§ 2853.123 Application of standards.

* * * * *

(c) *Yield grade.* * * *

(5) The yield grade descriptions are defined primarily in terms of carcasses. However, the yield grade standards also are applicable to the grading of sides.

§ 2853.127 [Amended]

14. In § 2853.127, paragraph (b) is deleted and paragraph (c) is designated as paragraph (b).

NOTE.—A draft Impact Analysis of this proposal has been prepared in accordance with Federal Docket 77-33571 and is available from the Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., on this 19th day of January 1978.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc. 78-2065 Filed 1-20-78; 11:24 am]

[3410-37]

[9 CFR Parts 316 and 317]

CATTLE AND SHEEP'S CARCASSES, PARTS, AND MEAT

Grade Marking

AGENCY: Food Safety and Quality Service.

ACTION: Proposed Rule.

SUMMARY: This proposed rule will amend the Federal meat inspection regulations by adding marking and labeling requirements that all carcasses, parts, and meat of cattle and sheep be identified by USDA quality grade or as ungraded. There has been an ever increasing use of quality grades by industry and a dependence on quality grades by consumers. In conjunction with related changes proposed in grade standards and grading regulations in 7 CFR Part 2853, this proposal is intended to assure that consumers will not be misled when shopping for meat.

DATE: Comments must be received on or before May 1, 1978.

ADDRESS: Written comments to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR ADDITIONAL INFORMATION ON COMMENTS, SEE SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Fried, Acting Director, Product Labels and Standards Staff, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6042.

SUPPLEMENTARY INFORMATION:

COMMENTS

Interested persons are invited to submit written comments concerning this proposal. All comments must be sent in duplicate to the Hearing Clerk. Comments should show specific parts of the proposal(s) to which reference is intended. Also, views may be presented at four public hearing sessions to be held in March. Details are shown in a related proposal to change meat grading standards and regulations (7 CFR Part 2853) appearing elsewhere in this issue of the FEDERAL REGISTER. Comments on this proposal and the grading proposal may be combined. All written comments submitted pursuant to this notice and the transcript of the public hearing will be made available for public inspection in the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

BACKGROUND

A discussion of the background and reasons for these proposed amendments to the Federal meat inspection regulations is included in the Supplementary Information section of a proposal to amend the meat grading standards and regulations (7 CFR Part 2853) included elsewhere in this issue of the FEDERAL REGISTER.

Accordingly, it is proposed that Parts 316 and 317 of the Federal meat inspection regulations (9 CFR Parts 316 and 317) be amended as set forth below.

1. A new § 316.17 (9 CFR 316.17) is added to read as follows:

§ 316.17 Grade marking.

(a) Any carcass or part thereof of cattle or sheep required under the regulations in this Part 316 to be marked with the official inspection legend shall also be marked with the appropriate USDA quality grade, or, if ungraded, shall be marked "U.S. UNGRADED." A USDA grademark shall be applied only under the supervision of Food Safety and Quality Service employees and in the manner prescribed under the regulations in 7 CFR Part 2853. A "U.S. UNGRADED" statement shall be applied continuously and roller marked in letters not less than ¼ inch in height with the letters appearing in not less than 1 inch intervals. Any such carcass, part, or meat cut which has previously been marked with a USDA quality grade and from which said mark has been removed by trimming must either be remarked in accord with this section or labeled with the appropriate USDA quality grade in the type size required by § 317.20.

(b) The requirements of this section shall also be applicable to any such carcass, part, or meat in a retail store which is not required to be marked with the official inspection legend because it has been prepared in compliance with the retail exemptions in Part 303 of this subchapter.

2. A new § 317.20 (9 CFR 317.20) is added to read as follows:

§ 317.20 Grade labeling.

All immediate and shipping containers of any parts of cattle or sheep shall be labeled with the appropriate USDA quality grade, or, if ungraded, shall be labeled as "U.S. UNGRADED." The labeling required by this section shall appear on the principal display panel in type size not smaller than that required for the net weight declaration in § 317.2(h).

NOTE.—A DRAFT Impact Analysis of this proposal has been prepared in accordance with Federal Docket 77-33571 and is available from the Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., on this 19th day of January, 1978.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc. 78-2066 Filed 1-20-78; 11:24 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-05]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

INDUSTRIAL HYDROCARBONS PILOT PROGRAM

Extension of Time

The period for receipt of submissions pursuant to the notice published in the FEDERAL REGISTER on October 20, 1977, (42 FR 55904), is extended from February 1, 1978, to April 15, 1978.

Submissions under this notice subsequent to February 1 should be directed to Harry Brown, Energy Research Coordinator, Room 212-A, USDA Administration Building, Washington, D.C. 20250, 202-447-4515.

Items to be covered by tentative descriptions should include in part: proposed site location(s); conversion feedstock(s); boiler (process) fuel; end hydrocarbon product(s); basic information on costs, proposed financing and engineering; and supporting data on energy input/output ratio. Specific information should be included on marketing arrangements for proposed hydrocarbon products and process by-products.

Dated: January 18, 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-1895, Filed 1-20-78; 8:45 a.m.]

[3410-07]

Farmers Home Administration

[Designation No. A549]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Louisiana Parishes as a result of drought April 22, 1977, through June 11, 1977, and excessive rainfall and wind August 1, 1977, through September 20, 1977, in Lafayette Parish; drought April 15, 1977, through June 15, 1977, and excessive rainfall and insect infestation June 15, 1977, through November 28, 1977, in Rapides Parish; drought May 10, 1977, through June 20, 1977, and excessive rainfall and insect infestation August 8, 1977, through September 20, 1977, in St. Landry Parish.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V-B, including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than June 22, 1978, for physical losses and December 26, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 16th day of January 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-1840 Filed 1-20-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-1-31; Docket No. 31222; Agreement CAB 21715-A6]

ALLEGHENY AIRLINES, INC. AND SOUTHERN JERSEY AIRWAYS, INC.

Order; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of January 1978.

In the matter of application of Allegheny Airlines, Inc., for an exemption pursuant to sections 408(a)(5) and 416(b) of the Federal Aviation Act of 1958, as amended. Docket 31222.

Agreement between Allegheny Airlines, Inc. and Southern Jersey Airways, Inc. Agreement C.A.B. 21715-A6.

In the order published at 43 FR 2418, January 17, 1978, Line 30 of the second full paragraph, first column, page 2419, should read as follows: "of arrangements and factual situations we".

Dated: January 12, 1978.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1888 Filed 1-20-78; 8:45 am]

[6320-01]

[Order 78-1-67; Docket 30332; Agreement C.A.B. 27095]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority January 17, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement would add a specific commodity rate, under an existing commodity description as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated January 5, 1978.

Agreement CAB	Specific commodity item No.	Description and rate[1]
27095	4431	Resistors and/or rheostats 236 cents per kg.,[2] minimum weight 250 kgs., from Bombay to New York.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires June 30, 1978.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the agreement is adverse to the public interest or in violation of the Act provided that approval is subject to the conditions ordered.

Accordingly, *it is ordered*, That:

Agreement CAB 27095 be approved, *provided*, That: (a) Approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 60 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1889 Filed 1-20-78; 8:45 am]

[6320-01]

[Docket No. 31955]

TWIN CITIES-LAS VEGAS/PHOENIX/SAN DIEGO ROUTE PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 14, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 31, 1978, and the other parties on or before February 9, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 18, 1978.

HENRY M. SWITKAY,
Administrative Law Judge.

[FR Doc. 78-1887 Filed 1-20-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 4:30 p.m. on February 16, 1978 and will end at 12:30 p.m. on February 18, 1978, at the Stanley Hotel Box 1767, Estes Park, Colo. 80517.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colo. 80202.

The purpose of this meeting is for the newly chartered Rocky Mountain RAC will hold its first meeting to discuss its function and to select future projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 18, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-1916 Filed 1-20-78; 8:45 am]

[6335-01]

NEW JERSEY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) of the Commission will convene at 6:30 p.m. and will end at 9:30 p.m. on February 8, 1978, at the Sheraton Regal Inn, Kingsbridge Road, Piscataway, N.J.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss transitional steps and projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 18, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-1917 Filed 1-20-78; 8:45 am]

[6335-01]

UTAH ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:30 p.m. on February 9, 1978 at 440 East 1st South Library, Salt Lake City Board of Education, Salt Lake City, Utah.

Persons wishing to attend this open meeting should contact the Committee chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colo. 80202.

The purpose of this meeting is for the SAC to review final report of their study on employment practices at criminal justice agencies in the state.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 18, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-1918 Filed 1-20-78; 8:45 am]

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-589]

COVE TRADING, INC.

Application

Notice is hereby given that an application has been filed by Cove Trading, Inc. (Trading), under the Merchant Marine Act, 1936, as amended, (the Act) for operating-differential subsidy (ODS) on the SS *Cove Trader* (former-

ly the *Transeastern*) with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1978, unless extended.

Inasmuch as Trading and/or related persons or firms employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if Trading's application for ODS is to be granted.

Trading is affiliated with Cove Tankers Corp. (Tankers), a subsidized operator in the grain trade to Russia. Tankers has been granted the following written permissions under section 805(a):

1. For Cove Shipping, Inc. (formerly known as Mount Shipping, Inc.), an affiliate, to operate the USNS's *Susquehanna, Neches, Columbia,* and *Hudson* in domestic service under MSC or private charters.

2. For Tankers' owned vessel, *Mount Explorer,* and its bareboat chartered vessels, *Mount Navigator* and *Cove Communicator,* to engage in the domestic service under MSC or private charterers.

3. For Trading to own the *Cove Trader* for worldwide operation (including domestic operation), and Cove Shipping, Inc., to operate the *Cove Trader* and *Stuyvesant* in the carriage of Alaskan oil in the domestic trade.

4. The right to move the foregoing vessels from one domestic trade to another, and/or from a foreign trade to a domestic trade.

It will be necessary to extend to Trading the foregoing written permissions previously granted to Tankers.

Such written permission is required under section 805(a) notwithstanding the fact that a voyage of the *Cove Trader* in the proposed service for which subsidy is sought on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on February 6, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations: (a) Could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: January 17, 1978.

By order of the Assistant Secretary for Maritime Affairs/Maritime Subsidy Board.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc. 78-1926 Filed 1-20-78; 8:45 am]

[3510-17]

National Fire Prevention and Control Administration

ADVISORY COMMITTEE ON FIRE TRAINING AND EDUCATION FOR THE NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Renewal

AGENCY: National Fire Prevention and Control Administration.

SUMMARY: This is a notice of renewal of the Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Moreland, Chief Counsel, National Fire Prevention and Control Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036, telephone 202-632-9685.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, it has been determined that the renewal of the Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in January 1976, and it was to terminate on January 14, 1978. Its original purpose was to inquire into and make recommendations regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role the Academy should play if such a mechanism is recommended, and to submit to the Administrator of the National Fire Prevention and Control Administration, within two years after its appointment, a full and complete report of its findings and recommendations. This objective has not been achieved. While the duration of the charter was for two years, the Committee was not fully appointed until January 1977, the charter year. There have been no interim reports issued nor are any anticipated since the Committee effort has been dedicated to the formation of a single final report.

As initially established, the Committee will continue with a balanced representation with the Superintendent of the National Fire Academy serving as Chairman, and 18 other members, selected from among individuals and organizations possessing special knowledge and experience in the field of fire training and education or related fields. The Committee will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress.

Dated: January 11, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-1832 Filed 1-20-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

RECEIPT OF APPLICATION FOR PERMIT

Notice is hereby given that an applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the regulations governing the taking and importing of marine mammals (50 CFR Part 216).

I. Applicant: (a) Name: Marineland S.A., Mr. Edward Hugh Thomas, President; (b) Address: Costa D'en Blanes, Palma Nova, Mallorca, Spain.

2. Type of permit: Public display.

3. Name and number of animals: California sea lions (*Zalophus californianus*), 4; bottlenosed dolphins (*Tursiops truncatus*), 4.

4. Type of activity: to take by capture.

5. Location of activities: Sea lions—Channel Islands, Santa Barbara, Calif.; dolphins—Copano Bay, Rockport, Tex.

6. Period of activities: 2 years.

The arrangements and facilities for transporting and maintaining the

marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

As a request for a permit to take a living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Department of the Ministry of Agriculture, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes:

(i) A verification from the Ministry of Agriculture of the information set forth in the application.

(ii) A certification from the Department of the Ministry of Agriculture that the Government of Spain is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

(iii) A statement that the Ministry of Agriculture will have no objection to a NMFS decision to amend, suspend or revoke a permit.

In accordance with the above-cited policy, the certification and statements of the Ministry of Agriculture of Spain have been found appropriate and sufficient to allow consideration of this permit application.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 22, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

The Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702;

Regional Director, National Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: January 16, 1978.

ROLAND FINCH,
Acting Deputy Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-1925 Filed 1-20-78; 8:45 am]

[78-1831]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974) notice is hereby given that the Travel Advisory Board of the U.S. Department of Commerce will meet on February 24, 1978, at 10:00 a.m., in Room 4830, of the main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purpose of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended. A detailed agenda for the meeting will be published in the FEDERAL REGISTER in advance of the meeting.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available the presentation of oral statements will be allowed.

Sue Barbour, Travel Advisory Board Liaison Officer, the United States Travel Service, Room 1860, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4752 will respond to public requests for information about the meeting.

FABIAN CHAVEZ, Jr.,
Assistant Secretary for Tourism, Department of Commerce.

[FR Doc 78-1831 Filed 1-20-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 75-25 and CP 76-21]

HAND-HELD HAIRDRYERS AND SIMILAR PRODUCTS

Denial of Petitions

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petitions.

SUMMARY: The Commission announces the denial of two petitions to develop a mandatory safety standard for hand-held hairdryers and similar hair care products to address the hazards of flaming and overheating. The petitions were denied because these hazards appear to be adequately addressed in a voluntary standard to which there is a high degree of adherence.

FOR FURTHER INFORMATION CONTACT:

Mark Gulak, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6754.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act ("the CPSA"), 15 U.S.C. 2059, provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

On April 12, 1975, Esther Peterson, then Vice President for Consumer Programs at Giant Food Inc., petitioned the Commission to develop uniform safety standards for all brands and types of hand-held hair stylers and similar products such as hand-held curlers, dryers, mini-dryers, and electric combs (Petition CP75-25). On July 5, 1975, Georgiann Hawrysz petitioned the Commission to develop a safety standard for mini-hairdryers (Petition CP 76-2). The hazards the petitioners alleged to be associated with hand-held hairdryers and similar hair care products were overheating and flaming.

Giant Food petitioned the Commission (CP 75-25) after receiving several consumer complaints stating that certain units of a particular hair styler either overheated or caught on fire. The petition stated that uniform safety standards were necessary to help retailers determine the safety of the products on the market and to adequately protect the public. The second petition (CP 76-2) described an incident of a mini-hairdryer bursting into flames while in use. The petition

stated that this mini-hairdryer was identical to other mini-dryers marketed under different names which were still available to consumers.

In investigating these petitions, the Commission staff researched injury information on hand-held hairstylers, curlers, dryers, mini-dryers, electic combs, and the like. The National Electronic Injury Surveillance System data showed that the majority of injuries associated with the subject products were burns. Electric shock accounted for a small percentage of hair dryer incidents. However, most of the victims of burn and shock were treated and released from emergency rooms. The incidence of all kinds of injuries associated with these hand-held hair products decreased by 20 percent from 1975 to 1976. At the same time, there was an increase in sales of approximately 50 percent.

The Commission's staff reviewed 100 in-depth investigations of injuries associated with these products. There were a number of hazard patterns identified with hand-held hairdryers. The three most frequent patterns (dryer emitted sparks, flames, or pieces of molten metal or plastic; dryer burst into flames or exploded; and dryer overheated and/or plastic case melted) did not usually result in injury, and, where injury did occur, in most cases they were minor burns which did not require medical attention. The hazard pattern which accounted for the most severe injury occurred when hairdryers fell into filled bathtubs, resulting in the electrocution of 26 victims.

The most frequent hazard pattern associated with curling irons was a child coming into contact with a hot iron. In these cases, the victims sustained burns and were treated and released from the hospital.

There is a voluntary standard, Underwriters Laboratories Standard for Electrical Personal Grooming Appliances (UL 859), that applies to all products within the scope of these two petitions. Since 1975, the UL standard has undergone a number of revisions and amendments, all of which were directed toward providing increased safety for the user. The hazards alleged in both petitions have been addressed in sections of the latest proposed UL requirements. The Commission therefore concludes that UL has made significant improvements in the petitioners' areas of concern and that the tests in the revised voluntary standard are likely to reduce or avoid the overheating and other hazards that have been associated with previously manufactured hairdryers.

Information available to the Commission indicates that there is a high degree of conformance to the presently existing voluntary standard. In view of this voluntary standard, and the continuing effort by Underwriters Laboratories to address the risks of injury associated with overheating and flaming alleged by petitioners to be associated with hand-held hair dryers and similar products, the Commission is unable to find, at the present time, that a mandatory federal standard is reasonably necessary in order to reduce or eliminate the risks alleged by petitioners. Therefore, the Commission has denied the petitions.

Although the hazard of electrocution is outside the scope of these petitions, the Commission is concerned about the number of electrocutions caused by these products while the victim was in a filled bathtub. The Commission believes that these deaths show that a conspicuous and effective warning label should be placed on these products to warn consumers of this hazard. Since the Commission believes that existing labels, where utilized, are inadequate in these regards, the Commission has directed its staff to strongly encourage UL to develop a voluntary standard that would provide for a conspicuous and effective warning label and that would be adhered to by industry.

Copies of the petitions and the staff's briefing package to the Commission concerning the petitions may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Dated: January 17, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-1839 Filed 1-20-78; 8:45 am]

[6355-01]

[Petition CP 76-18]

OFF-ROAD MOTORIZED RECREATIONAL VEHICLES

Denial

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission has denied a petition to develop a consumer product safety standard for off-road recreational vehicles containing accelerator-throttle control and carburetor systems. Currently-available information is insufficient to determine that such vehicles present an unreasonable risk of injury to consumers or that a mandatory standard is reasonably necessary.

FOR FURTHER INFORMATION CONTACT:

William Kitzes, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-492-6557.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to begin a proceeding to issue a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish in the FEDERAL REGISTER its reasons for denial.

In a petition dated July 28, 1976, Mr. and Mrs. Michael E. Pawlak asked the Commission to develop a consumer product safety standard to address a risk of injury presented by the accelerator-throttle control and carburetor systems of motorized off-road recreational vehicles. The petition describes an incident involving a Honda ATC-90K2 three-wheel, all-terrain cycle which resulted in the death of the petitioners' 6-year-old son and injuries to their 16-year-old son. According to the petition, it was caused by a malfunction in the machine's accelerator-throttle control and carburetor systems and by a resulting "stuck-open throttle."

In its consideration of this petition, the Commission has analyzed the risk of injury discussed in the petition. The Commission's National Electric Injury Surveillance System (NEISS) contains a category for injuries associated with "motor scooters, mini-bikes, and other such vehicles—2 or 3 wheels." According to NEISS reports, in fiscal year 1976 there were 733 injuries in this category treated in the 119 hospital emergency rooms that comprise the NEISS statistical sample. NEISS, however, does not further categorize these injuries by the type of vehicle involved or by the cause of the injury.

The Commission supplements its NEISS data with information from in-depth investigations in which Commission investigators report on the details of injury incidents obtained from NEISS and from other sources. Seven in-depth investigations conducted during fiscal years 1975 and 1976 involved stuck throttles on vehicles which are the subject of this petition. Three involved mini-bikes, three involved snowmobiles, and the seventh was the incident involving the petitioners' children. As a result of the three mini-bike incidents, two boys were treated—one for chest burns and one for a nose laceration(s)—before being released. A third boy had no injuries. As a result of the snowmobile incidents, a girl, a boy, and a woman suffered injuries that were treated in hospitals.

With regard to the Honda ATC-90, the particular type of vehicle that the petitioners' children were riding, the Honda Corp. has told the Commission that over 70,000 were sold as of March 1, 1976, and that two incidents involv-

ing them have been reported to the company (aside from the incident described in the petition).

In addition, the Commission has evaluated the design of vehicles which have a carburetor and throttle device similar to that used in the Honda ATC-90. This evaluation revealed that the throttle controls and dial style engine shut-off switches ("kill buttons") used on this Honda are manufactured in compliance with safety standards issued by the Department of Transportation's regulations, even though it need not comply with those standards. Only motorcycles are likely to use the same tpe of carburetor and throttle combination, according to the evaluation.

Finally, the Commission and the National Bureau of Standards (NBS) conducted tests related to the stuck-open throttle condition that is the subject of the petition. In one Commission test, a throttle-carburetor assembly identical to the one involved in the Pawlak incident was tested for approximately 200,000 cycles. No stuck-open throttle conditions occurred during this test. NBS performed the same test and obtained the same results. In the other Commission test, the throttle-carburetor assembly was tested at 100,000 cycles while the engine was operating (in contrast to the NBS and first Commission test), and no stuck-open throttle conditions occurred. The test cycles range from 1.7 to 3.3. times greater than Honda believes is the normal life.

In the three tests, failures relating to the return coil spring and retaining ring did occur. The Commission staff has written to Honda requesting test data and/or engineering analysis to explain the cause(s) of these failures, as well as assurance that they will not cause safety-related malfunctions during consumer use. The Commission will take whatever regulatory or other action may be appropriate to address these test occurrences.

The Commission has carefully considered the matters raised in the petition, along with the available injury data, test data, and other relevant information. Based on all of this information, the Commission does not believe that there is sufficient data to determine (a) that motorized off-road recreational vehicles containing accelerator-throttle and carburetor systems present an unreasonable risk of injury, or (b) that a consumer product safety standard is reasonable necessary to address such a risk. Accordingly, the petition is denied.

Copies of the petition and the staff's briefing materials may be seen in the Office of the Secretary of the Commission, at 1111 18th Street NW., Washington, D.C. They may be obtained by writing the Office of the Secretary, Consumer Product Safety Commission, Washington D.C. 20207 or by calling 202-634-7700.

Dated: January 18, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-1884 Filed 1-20-78; 8:45 a.m.]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

PRIVACY ACT OF 1974

Notice of System of Record Amendment

AGENCY: Department of the Army, DOD.

ACTION: Notice of an amendment to a system of records.

SUMMARY: The Army proposes to amend an existing system of records subject to the Privacy Act of 1974. The specific change to the system being amended is set forth below followed by the system published in its entirety, as amended.

DATES: This system shall be amended as proposed without further notice in 30 calendar days from the date of this publication unless comments are received on or before February 22, 1978, which would result in a contrary determination.

ADDRESS: Send comments to The Adjutant General, Department of the Army, ATTEN: DAAG-AMR-R, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20314

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(o) (Pub. L. 93-579) have been published in the FEDERAL REGISTER (FR Doc 77-28255) on September 28, 1977, at 42 FR 50396. The Army proposes to amend a record systems identified as A0305.10aDACA, entitled "Joint Uniform Military Pay System—Active Army (JUMPS-AA)" (42 FR 50451) by adding a routine use.

The proposed change to this system is not within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act. This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

JANUARY 17, 1978.

A0305.10aDACA

System name: 305.10 Joint Uniform Military Pay System—Active Army (JUMPS-AA).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: After "USAFAC * * * taxable earnings information." delete the period and add: "the American Red Cross, and the Department of Health, Education and Welfare." After "American Red Cross: related financial transactions." add: "Department of Health, Education and Welfare: Disclose the name, rank and social security account number of each member of the Armed Services on active duty to The Inspector General of that Department only for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC).

System manager(s) and address: Change "United States Army Financing . . ." to "United States Army Finance . . .".

A0305.10aDACA

System name:

305.10 Joint Uniform Military Pay System—Active Army (JUMPS-AA).

System location:

Primary System—United States Army Finance and Accounting Center (USAFAC), Indianapolis, IN 46249.

Decentralized Segments—Approximately 122 Army Finance Offices and Finance and Accounting Offices (FAO) world-wide.

Categories of individuals covered by the system:

All active duty military personnel.

Categories of records in the system:

Records include individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders (FDRF), miscellaneous military pay files, and personal financial records (PFR).

Authority for maintenance of the system:

Title 37 U.S.C., Section 101 and following (Pay and Allowances of the Uniformed Services).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USAFAC—Purpose is to provide a basis for establishment of computation of each active member's military pay entitlement, to provide a history of pay transactions, and to answer inquiries or claims pertaining to such entitlements. This information is also used to provide necessary data to the Treasury Department, the Social Security Administration, the U.S. Army Military Personnel Center, the Veterans Administration, those states and cities which have an agreement with the Department of the Army to receive taxable earnings information, the American Red Cross, and the Department of Health, Education and Welfare.

Treasury Department: To record check and bond issue data and to record taxable earnings and taxes withheld from military personnel.

Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act (FICA).

U.S. Army Military Personnel Center (MILPERCEN): To compare military personnel identification with the Social Security Administration for purpose of correction and to compare and correct common data elements with USAFAC.

Veterans Administration: To record the collection of premiums for National Service Life Insurance and to transfer contributions to Post-Vietnam Era Veterans Education Account.

States and Cities: To verify tax liability against members' State and city income tax returns.

American Red Cross: To assist military personnel and their dependents in determining the status of monthly pay, dependents allotments, loans, and related financial transactions.

Department of Health, Education and Welfare: Disclose the name, rank and social security account number of each member of the Armed Services on active duty to The Inspector General of that Department only for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and in bulk storage, card files, computer magnetic tapes, computer paper printout, and microfiche.

Retrievability:

Filed by social security number, alphabetically by name, and substantiating document number. Conventional indexing is used to retrieve data.

Safeguards:

USAFAC-Buildings employ security guards. An employee badge and visitor registration system is utilized. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the members' servicing finance and accounting officer. Computer equipment and files are located in a separate secured area.

World-Wide Finance and Accounting Offices-Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and disposal:

Individual military pay records-Records are converted to microfiche which are retained for 56 years. Destruction is by shredding.

Other records-Retention periods vary according to category of record but total retention periods do not exceed 56 years. Disposition is to Federal records centers and destruction thereafter is by burning or salvage as waster paper.

System manager(s) and address:

Commander, USAFAC, Indianapolis, Ind. 46249.

Finance and Accounting Officer, United States Army Finance and Accounting Offices, world-wide.

Notification procedure:

Information may be obtained from: Commander, USAFAC, ATTN: FINCP, Indianapolis, Ind. 46249.

Individuals may also contact Finance and Accounting Officers at United States Army Finance and Accounting Offices, world-wide.

Individual must provide full name, social security number and military status.

Record access procedures:

Requests from individuals should be addressed to: Commander, USAFAC, ATTN: FINCP, Indianapolis, Ind. 46249; or Finance and Accounting Officers at United States Army Finance and Accounting Offices, world-wide.

Written requests for information should also contain full name, social security number, military status and current address.

Information may be obtained by telephone: Area Code 317/542-2891.

Contesting record procedures:

The Army's rules for access to records, contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is received from Department of Defense staff and field installations, Social Security Administration, Financing organizations, Treasury Department and automated system interface.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-1855 Filed 1-20-78; 8:45 am]

[3810-70]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at Naval Research Laboratory, 4555 Overlook Avenue SE., Washington, D.C., on February 3, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter devices, and passive devices. The review will include details of classified defense programs throughout. In accordance with section 10(d) of Appendix I, Title 5, United States Code, it is hereby determined that this meeting of the Advisory Group on Electron Devices concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JANUARY 17, 1978.

[FR Doc. 78-1829 Filed 1-20-78; 8:45 am]

[3810-70]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory

Group on Electron Devices (AGED) will meet in closed session at the Institute for Defense Analyses, 400 Army Navy Drive, Arlington, Va., on February 7, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infrared and Night Vision Sensors. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JANUARY 17, 1978.

[FR Doc. 78-1828 Filed 1-20-78; 8:45 am]

[3810-70]

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session February 23-24, 1978 at the Pentagon, Arlington, Va.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense, Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for February 23-24, 1978, to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communication, and technology issues. The Board will also discuss plans for future considerations of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d), of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services.

JANUARY 17, 1978.

[FR Doc. 78-1830, Filed 1-20-78; 8:45 a.m.]

[3128-01]

DEPARTMENT OF ENERGY

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 23 through December 30, 1977

Notice is hereby given that during the week of December 23 through December 30, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

Dated: January 12, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

APPENDIX.—*List of cases received by the Office of Administrative Review*

Week of December 23 through December 30, 1977

Date	Name and location of applicant	Case No.	Type of submission
Dec. 23, 1977	Phillips Petroleum Co. (Puerto Rico) Washington, D.C. If granted: Phillips Petroleum Co. (Puerto Rico) would be permitted to import naphtha as refinery and petrochemical feedstock on a license fee exempt basis.	DPI-0002	Exception from base fee requirements (sec. 213.35).
Do	Shenandoah Oil Corp., Fort Worth, Tex. If granted: The DOE region VI's Dec. 12, 1977, remedial order would be rescinded and the Shenandoah Oil Corp. would not be required to refund overcharges made on sales of crude oil produced from the Morrison Ranch Unit, the Bel Estate Nos. 1, 2, and 5 lease, and the J. C. Stribling, Jr. A Nos. 1, 2, 3, and 4 lease.	DRA-0089	Appeal of DOE region VI's remedial order dated Dec. 12, 1977.
Dec. 27, 1977	ABC Airlines, Inc., Texarkana, Tex. If granted: ABC Airlines, Inc. would be permitted to sell aviation fuel at prices above the maximum allowable price levels.	DEE-0434	Price exception (sec. 212.93).
Do	Vern H. Bolinder, Salt Lake City, Utah. If granted: Vern H. Bolinder's crude oil producing property located in the Grassy Trails Field, Emery county, Utah, would be classified as a stripper well property.	DEE-0438	Price exception (sec. 212.73).
Do	Gary Operating Co., Ardmore, Okla. If granted: The DOE region VI's remedial order issued to the Gary Operating Co. would be rescinded and Gary would not be required to refund overcharges made on sales of crude oil produced from its Ramsey, Pruitt, Williams and Harley D properties.	DRA-0090	Appeal of DOE region VI's remedial order.
Do	Lewtex Oil and Gas Co., Inc., Austin, Tex. If granted: Lewtex Oil and Gas Co., Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Graham, Olney, and Throckmorton plants.	DEE-0435, DEE-0436, and DEE-0437.	Price exception (sec. 212.165).

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

Date	Name and location of applicant	Case No.	Type of submission
Dec. 27, 1977	Miranda Fuel Oil Co., Inc., Bronx, N.Y. If granted: The DOE region II's Dec. 9, 1977, remedial order would be rescinded and Miranda Fuel Oil Co., Inc., would not be required to refund overcharges made on sales of Nos. 2 and 4 fuel oils.	DRA-0088, DRS-0088	Appeal of DOE region II's remedial order issued Dec. 9, 1977. Stay requested.
Do	Robert W. O'Meara, New Orleans, La. If granted: Robert S. O'Meara would receive an extension of the exception relief granted in the DOE's July 21, 1977 decision and order and would be permitted to sell crude oil produced from the Louisiana Fruit No. 2 well at upper tier ceiling prices for an additional period of time.	DXE-0439	Extension of exception relief granted in *Robert W. O'Meara*, 6 FEA Par. 83,043 (July 21, 1977).
Dec. 28, 1977	Creston H. Alexander, Dallas, Tex. If granted: Creston H. Alexander would be permitted to increase his prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the East Texas plant.	DEE-0440	Price exception (sec. 212.165).
Do	Glenn E. Alexander, Dallas, Tex. If granted: Glenn E. Alexander would be permitted to increase his prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the East Texas plant.	DEE-0441	Do.
Dec. 28, 1977	C. H. Sprague & Son., Washington, D.C. If granted: The DOE's Nov. 22, 1977, information request denial would be modified and C. H. Sprague & Son Co. would receive access to additional data concerning the DOE's authority and jurisdiction over sales of products outside the United States.	DFA-0091	Appeal of DOE's information request denial dated Nov. 22, 1977.
Do	Creslenn Ranch Co., Dallas, Tex. If granted: The Creslenn Ranch Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the East Texas plant.	DEE-0442	Price exception (sec. 212.165).
Do	Lunday-Thagard Oil Co., South Gate, Calif. If granted: The Lunday-Thagard Oil Co. would be granted a temporary stay of its entitlement purchase obligations for the month of October 1977.	DST-0003	Request for temporary stay.
Do	Mayer, Brown & Platt, Chicago, Ill. If granted: The DOE's Nov. 22, 1977, information request denial would be modified and Mayer, Brown & Platt would receive access to additional DOE data regarding (i) the uranium holdings of Westinghouse Electric Corp., and its subsidiary, Wyoming Mineral Corp.; and (ii) the supply, availability, or price of uranium.	DFA-0092	Appeal of DOE's information request denial dated Nov. 22, 1977.
Do	Tesoro Petroleum Corp., San Antonio, Tex. If granted: The Tesoro Petroleum Corp. would be granted an exception from the entitlements program (sec. 211.67) which would relieve the firm of a portion of its entitlement purchase obligations for a period of 6 months.	DEE-0444	Exception from entitlements program (sec. 211.67).
Do	Texaco, Inc., New Orleans, La. If granted: Crude oil produced from United Lands Co., Inc., NCT-A Lease, Sorrento Field, Ascension Parish, La., would be sold at upper tier ceiling prices.	DEE-0443	Price exception (sec. 212.73).
Dec. 29, 1977	Davison Oil Co., Mobile, Ala. If granted: The DOE's Nov. 30, 1977, information request denial would be rescinded and Davison Oil Co. would receive access to additional data in connection with Davison Oil Co. and Pride Terminals.	DFA-0097	Appeal of DOE's information request denial.
Do	Davison Oil Co., Mobile, Ala. If granted: The DOE's Dec. 2, 1977, information request denial would be rescinded and Davison Oil Co. would receive access to the February 16, 1974, letter from Acco, inc. to FEA region IV regarding gasoline suppliers and purchases.	DFA-0098	Do.
Do	Fain-Porter Production Co., Inc., Oklahoma City, Okla. If granted: The Nov. 15, 1977, remedial order issued by DOE region VI would be rescinded and Fair-Porter Production Co., Inc., would not be required to refund overcharges made in its sales of crude oil produced from the Lamie/Davidson, Martin, Thompson, Poling, Parton, Weetsie Johnson, Matthews and Morrison properties.	DRA-0096	Appeal of the Nov. 15, 1977, remedial order issued by DOE region VI.
Do	Getty Oil Co., Los Angeles, Calif. If granted: The Getty Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Bayou Sale plant.	DEE-0445	Price exception (sec. 212.165).
Do	Honeymon Drilling Co., Inc., Oklahoma City, Okla. If granted: The DOE region VI's Dec. 14, 1977, remedial order would be rescinded and Honeymon Drilling Co., Inc., would not be required to refund overcharges made an sales of crude oil produced from the Uri and Haskell properties.	DRA-0095	Appeal of DOE region VI's remedial order issued Dec. 14, 1977.
Do	Natrogas, Inc., Minneapolis, Minn. If granted: The Dec. 6, 1977, decision and order issued to Natrogas, Inc., would be modified.	DEX-0024	Suppplemental Order in *Natrogas, Inc.*, 1 DOE ——— (Dec. 6, 1977).
Do	Payne, Inc., Oklahoma City, Okla. If granted: The DOE region VI's Dec. 20, 1977, remedial order would be rescinded and Payne, Inc. would not be required to refund overcharges made on sales of crude oil produced from the Jimmy, Ouise, Action, Wheeler, Knecht No. 2, and Mesis properties.	DRA-0094	Appeal of DOE region VI's remedial order issued Dec. 20, 1977.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

Date	Name and location of applicant	Case No.	Type of submission
Dec. 29, 1977	Southwestern Exploration Consultants, Inc., Oklahoma City, Okla. If granted: The DOE region VI's Dec. 19, 1977, remedial order would be rescinded and Southwestern Exploration Consultants, Inc., would not be required to refund overcharges made on sales of crude oil produced from the Ruth/Hopfer, Baxter, and Polston properties.	DRA-0093	Appeal of DOE region VI's remedial order issued Dec. 19, 1977.
Do	Stephens & Cass, Dallas, Tex. If granted: Stephens & Cass would be granted a stay of the provisions of the DOE region VI's April 12, 1977, remedial order pending a final determination on its application for exception.	DRS-0011	Request for stay.
Do	Sun Company, Inc., Dallas, Tex. If granted: Sun Co., Inc., would receive an extension of the exception relief granted in the DOE's June 30, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Maurice Plant.	DXE-0446	Extension of exception relief granted in *Sun Co., Inc.*, Case No. FXE-4331 (decided June 30, 1977) (unreported decision).

NOTICE OF OBJECTIONS RECEIVED

Week of Dec. 23 through Dec. 30, 1977

Date	Name and location of applicant	Case No.
Dec. 23, 1977	C&H Refinery, Inc., Lusk, Wyo.	FEE-4318.
Dec. 27, 1977	Dow Chemical U.S.A., Houston, Tex.	FEE-4857.
Dec. 30, 1977	Mobil Petroleum Co., New York, N.Y.	FEE-4296.

[FR Doc. 78-1592 Filed 1-20-78; 8:45 am]

[3128-01]

NOTICE OF CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 30 Through January 6, 1978

Notice is hereby given that during the week of December 30 through January 6, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

Dated: January 11, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

APPENDIX—*List of cases received by the office of administrative review*

Week of Dec. 30, 1977 through Jan. 6, 1978

Date	Name and location of applicant	Case No.	Type of submission
Dec. 30, 1977	Cotten, Day & Doyle, Washington, D.C. If granted: The DOE's Nov. 17, 1977, information request denial would be modified and Cotton, Day & Doyle would receive access to additional DOE data regarding the Guam Oil and Refining Co.'s responses to a request for additional information, case No. FEE-4105.	DFA-0099	Appeal of DOE's information request denial dated Nov. 17, 1977.
Jan. 3, 1978	Quincy Oil, Inc., Quincy, Mass. If granted: Quincy Oil, Inc. would be granted an exception from the provisions of ruling 1977-5 which would permit the firm to establish its selling price for No. 6 fuel oil above the maximum level permitted under the mandatory petroleum price regulations. The firm would be granted a stay of the refund requirements contained in the remedial order issued to the firm on Nov. 2, 1976, pending a decision on its exception application.	DEE-0447, DRS-0447, and DRT-0004.	Price exception (ruling 1977-5; sec. 212.93). Stay requested.
Jan. 4, 1978	Christmann & Welborn, Lubbock, Tex. If granted: The remedial order issued by DOE region VI on Dec. 22, 1977, would be rescinded and Christmann & Welborn would not be required to refund overcharges made on sales of crude oil produced from the CWC Prentice unit in Yoakum County, Tex.	DRA-0101	Appeal of DOE region VI's remedial order dated Dec. 22, 1977.
Do	Ethyl Corp., Washington, D.C. If granted: The DOE region VI New Orleans Area Office would be directed to cease its investigation of the Ethyl Corp.'s transactions involving No. 2 fuel oil.	DSG-0010	Request for special redress.
Do	Modernistic Gas Service, Inc., Dayton, Ohio. If granted: The remedial order issued by DOE region V to Modernistic Gas Service, Inc., would be rescinded and the firm would not be required to refund overcharges made on sales of propane.	DRA-0100	Appeal of DOE region V's remedial order.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

Date	Name and location of applicant	Case No.	Type of submission
Jan. 4, 1978	Texfel Petroleum Corp., Dallas Tex. If granted: The DOE's Dec. 5. 1977, information request denial would be rescinded and the Texfel Petroleum Corp. would receive access to additional data concerning the DOE audit of Texfel's operation of the McKittrick McNeil lease.	DFA-0102	Appeal of DOE's information request denial dated Dec. 5. 1977.
Do	Young Refining Corp., Douglasville, Ga. If granted: The Young Refining Corp. would be granted a stay of a portion of its entitlement purchase obligation set forth in the entitlement notice for Oct. 1977, issued on Dec. 20, 1977, pending a final determination of its application for exception.	DES-0023	Stay request.
Jan. 5, 1978	Atlantic Richfield Co., Los Angeles, Calif. If granted: The Atlantic Richfield Co. would be granted a stay of the provisions of the DOE's Dec. 21, 1977, remedial order pending a final determination on an appeal of that order which it intends to file.	DRS-0106	Do.
Do	Atlantic Richfield Co., Los Angeles, Calif. If granted: The Atlantic Richfield Co. would be granted a stay of the provisions of the DOE's Dec. 23, 1977, remedial order pending a final determination on an appeal of that order which it intends to file.	DRS-0107	Do.
Do	J. S. Beebe, Jr., El Dorado, Ark. If granted: The remedial order issued by DOE region VI on Dec. 22, 1977, would be rescinded and J. S. Beebe, Jr. would not be required to refund overcharges made on sales of crude oil.	DRA-0103	Appeal of DOE region VI's remedial order dated Dec. 22, 1977.
Do	Derby & Co., Inc., New York, N.Y. If granted: Derby would be granted additional entitlements in the month of January 1978 to compensate it for the entitlements it was unable to sell in December 1977.	DEE-0451	Exception to the entitlement notice for Oct. 1977, issued Dec. 23, 1977.
Do	E. Lyle Johnson, Moore, Okla. If granted: The remedial order issued by DOE region VI on Dec. 21, 1977, would be rescinded and E. Lyle Johnson would not be required to refund overcharges made on sales of crude oil produced from the Williams lease located in Cleveland County, Okla.	DRA-0104	Appeal of DOE region VI's remedial order dated Dec. 21, 1977.
Do	E. Lyle Johnson/Clayton E. Lee, Moore, Okla. If granted: The remedial order issued by DOE region VI on Dec. 21, 1977, would be rescinded and E. Lyle Johnson and Clayton E. Lee would not be required to refund overcharges made on sales of crude oil produced from the Roberts lease located in Major County, Okla.	DRA-0105	Appeal of DOE region VI's remedial order dated Dec. 21, 1977.
Do	North Pole Refining, North Pole, Alaska. If granted: North Pole Refining would be granted a stay of the requirement that it file form P-102-M-1 pending a final determination on its application for exception.	DES-0024	Stay request.
Do	Joseph I. O'Neill, Jr., Midland, Tex. If granted: Crude oil produced from the Feldman & Pardo lease located in Scurry County, Tex., would be sold at prices above the maximum allowable price specified in the mandatory petroleum price regulations.	DEE-0449	Price exception (sec. 212.73).
Do	Pyrofax Gas Corp., Houston, Tex. If granted: The Pyrofax Gas Corp. would be granted retroactive exception relief which would permit it to calculate its cost of product in inventory prior to May 1, 1976, on the basis of separate inventory computations.	DEE-0448	Exception to separate inventories amendment (section 212.93).
Do	Southland Royalty Co., Fort Worth, Tex. If granted: Crude oil produced from the Southland Royalty Co.'s Aztec Totah Unit located in San Juan County, N. Mex., would be sold at prices above the maximum allowable price specified in the mandatory petroleum price regulations.	DEE-0450	Price exception (sec. 212.73).

NOTICES OF OBJECTION RECEIVED
Week of December 30 through Jan. 6, 1978

Date	Name and Location of Applicant	Case No.
Dec. 30, 1977	Husky Oil Co. of Delaware, Washington, D.C.	DXE-0079.
Do	Young Refining Corp., Douglasville, Ga.	DXE-0084.
Jan. 3, 1978	Kern County Refinery, Inc., Los Angeles, Calif.	DXE-0088.
	Lunday-Thagard Oil Co., South Gate, Calif.	DXE-0076.
	Tosco Corp., Washington, D.C.	FXE-4841.
Jan. 5, 1978	Maguire Oil Co., Dallas, Tex	FEE-4404.

[FR Doc. 78-1593 Filed 1-20-78; 8:45 am]

[3128-01]

CRUDE OIL AND NATURAL GAS PRODUCERS

Accounting Practices

AGENCY: Department of Energy (DOE).

ACTION: Cross reference to Securities and Exchange Commission solicitation of comments.

SUMMARY: Title V, Section 503 of the Energy Policy and Conservation Act, Pub. L. 94-163, requires that the Securities and Exchange Commission (SEC), in consultation with the Federal Energy Administration, the General Accounting Office and the Federal Power Commission, assure the development and observance of accounting practices to be followed by persons engaged in the production of crude oil or natural gas in the United States. The EPCA authorizes the SEC to prescribe

rules with respect to such accounting practices developed by the Financial Accounting Standards Board (the "FASB").

The SEC has previously published for public comment two rulemaking proposals (Release Nos. 33-5861, 42 FR 44972, September 7, 1977 and 33-5877, 42 FR 57662, November 3, 1977) and now seeks comment on the finalized financial accounting standards developed by the FASB.

DATE: Comments are due by February 24, 1978.

ADDRESS: Comments should be directed to: Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, 202-755-1671.

FOR FURTHER INFORMATION CONTACT:

Fred Santogrossi, Energy Information Administration, Department of Energy, Washington, D.C. 20461, 202-566-9594.

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, 202-755-1671.

SUPPLEMENTARY INFORMATION: The SEC, in Securities Act Release No. 33-5892 (43 FR 878, January 4, 1978) is requesting comments from interested persons concerning accounting practices developed by the Financial Accounting Standards Board (the "FASB").

Title V, Section 503 of the Energy Policy and Conservation Act Pub. L. 94-163 (the "EPCA"), requires that, for purposes of developing a reliable energy data base, the SEC assure the development and observance of accouting practices to be followed by persons, including those not subject to the filing requirements of the Federal securities laws, engaged in whole or in part in the production of crude oil or natural gas in the United States. The EPCA authorizes the SEC to prescribe rules with respect to such accounting practices developed by the Financial Accounting Standards Board.

The SEC has previously proposed for public comment rules relating to financial accounting measurement standards (Release No. 33-5861, 42 FR 44972, September 7, 1977) and related disclosure standards (Release No. 33-5877, 42 FR 57662, November 3, 1977). Both of these rulemaking proposals embodied the financial accounting and reporting standards published in July, 1977, by the FASB in an Exposure Draft of a proposed Statement on "Financial Accounting and Reporting by Oil and Gas Producing Companies." As anticipated in the SEC rulemaking proposals, the FASB has recently made final its standards which were published in Statement of Financial Accounting Standards No. 19. As a result, the SEC is soliciting further public comment on whether the Commission should rely on the determinations of the FASB in its Statement No. 19, as authorized by the EPCA and, furthermore, on whether the standards in FASB Statement No. 19, or some alternative accounting standards, would be appropriate for the preparation of financial statements to be included in filings pursuant to the Federal securities laws and in reports filed with the Department of Energy (the "DOE").

Public hearings are tentatively planned beginning March 27, 1978, in Washington, D.C. and Houston, Tex. A formal announcement of the public hearings will be issued by the SEC in a separate release.

The reason for this notice by the DOE is that Title V, section 505 of the EPCA amends section 11(c) of the Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319, as amended by Pub. L. 94-163 (ESECA) in the following respect: in order to carry out the responsibility under section 11(a) of ESECA to require the reporting of energy information (as defined in section 11(d) of ESECA) to the FEA, the FEA Administrator shall require that persons engaged in whole or in part in the production of crude oil or natural gas (1) keep energy information in accordance with the accounting practices developed by the SEC pursuant to section 503 of the EPCA and (2) submit reports with respect to energy information kept in accordance with such practices.

The Department of Energy Organization Act (Pub. L. 95-91), made effective on October 1, 1977 by Executive Order 12009, dated September 13, 1977 (42 FR 46267, September 15, 1977), effected the transfer to the Secretary of Energy of all the functions vested by law in the Administrator of the Federal Energy Administration, so that the DOE is now responsible for implementing the requirements which the EPCA and ESECA statutes placed upon the FEA. Accordingly, the DOE, as successor to the functions of the FEA, encourages all interested parties to submit comments to the Securities and Exchange Commission in response to its release, as referenced above.

Issued in Washington, D.C., on January 17, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

[FR Doc. 78-1794 Filed 1-20-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Notice of Effectiveness To Make Effective Previously Issued Prohibition Order

Pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), 15 U.S.C. 791 et seq., as amended by Pub. L. 95-70, and 10 CFR 303.37(d), the Department of Energy (DOE) hereby gives notice that on January 17, 1978, it issued a notice of effectiveness making effective the prohibition order previously issued on June 30, 1975 (40 FR 28430, July 3, 1975), to the below-listed powerplants. The notice of effectiveness was issued under the authorities granted to DOE by section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended, and pursuant to 10 CFR Parts 303 and 305.

Docket Nos., Owner, Powerplant Nos., Generating Station, and Location

OFU-002, OFU-003, OFU-004: Iowa Electric Light & Power Co.; 1, 2, and 3; Sutherland; Marshalltown, Iowa.

The prohibition order issued by the Federal Energy Administration (FEA),[1] on June 30 1975, to the above-listed powerplants prohibits the powerplants from burning natural gas or petroleum products as their primary energy source. In accordance with the requirements of 10 CFR Parts 303 and 305, however, the order provided it would not become effective until DOE had considered the environmental impact of the order and until DOE had served the affected powerplants with a notice of effectiveness.

Subsequent to the issuance of the prohibition order, DOE performed an analysis pursuant to 10 CFR 305.9 and 208.3, of the environmental impact of the issuance of this notice of effectiveness including an assessment of the EPA certification dated November 19, 1976, pursuant to section 119(d)(1)(B) of the Clean Air Act (42 U.S.C. 1857 et seq.), that December 31, 1976, was the earliest date that powerplant Nos. 1, 2, and 3, respectively, could burn coal and comply with the applicable regional limitation. That analysis resulted in a determination that the issuance of the notice of effectiveness making this prohibition order effective is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). Public notice of the negative determination and of the availability for inspection of this analysis was given in the FEDERAL REGISTER (42 FR 45366, September 9, 1977), in accordance with 10 CFR 208.4(c) and 208.15(a).

Upon completion of this environmental analysis, DOE issued this notice of effectiveness of the June 30, 1975, prohibition order to the above-listed powerplants and served the notice on the powerplants by regis-

[1] Effective October 1, 1977, the responsibility of implementing ESECA was transferred by Executive Order No. 12009, (42 FR 46267) pursuant to the Department of Energy Organization Act, (Pub. L. 95-91) (42 U.S.C. 7101 et seq.) from the Federal Energy Administration to the Department of Energy.

tered mail on the same day. The notice makes effective the prohbition order, prohibiting the powerplants from burning natural gas or petroleum products as their primary energy source.

Any person aggrieved by the now effective prohibition order may file an appeal with the DOE Office of Administrative Review (formerly known as the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filled within 30 days after service of the notice of effectiveness. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 303, and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Application may be made for modification or rescission of the prohibition order in accordance with the provisions of 10 CFR Part 303, Subpart J. An application for modification or rescission of a prohibition order based on "significantly changed circumstances," which circumstances occurred during the interval between issuance of the order and service of the notice of effectiveness, shall be filed within 30 days of service of such notice. An application for modification or rescission of a prohibition order based on significantly changed circumstances occurring after that interval may be filed at any time after service of the notice of effectiveness.

All terms and conditions of the prohibition order and the notice of effectiveness may be the subject of either an appeal or an application for modification or rescission.

The order made effective by this notice of effectiveness is effective against any persons that, as of the date of service of such notice, own, lease, operate, or control the above-listed powerplants and against any successors-in-interest or assignees of such persons.

The above-listed powerplants have been served this notice of effectiveness by registered mail. In addition, copies of this document will be available for inspection by any interested members of the public at the DOE public docket room located in Room B-120, 2000 M Street NW., Washington, D.C., from 1 to 5 p.m., Monday through Friday. Copies will also be available in the appropriate DOE regional office. The negative determination and environmental analyses are available upon request from the DOE National Energy Information Center, Room 1404, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the DOE Freedom of Information Reading Room, Room 2107, 12th Street and Pennsylvania Avenue NW., Washington, D.C.

Any questions regarding this notice should be directed to Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, 202-254-3910.

Issued in Washington, D.C., January 17, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-1845 Filed 1-20-78; 8:45 am]

[3128—01]

[ERA Docket No. WAPA 78—1]

CENTRAL VALLEY PROJECT, WESTERN AREA POWER ADMINISTRATION

Notice of Intent To Act on Proposal for Interim Rates

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Intent to Act on Proposal for Interim Rates for the Central Valley Project, Western Area Power Administration. ERA Docket No. WAPA 78—1.

SUMMARY: The Acting Assistant Secretary for Resource Applications has requested the Administrator of the Economic Regulatory Administration (ERA) to establish interim power rates for the Central Valley Project (CVP). The purpose of this Notice is to advise the public that the Administrator of ERA intends to act on the request and to invite interested parties to submit written comments relevant to the proposed interim rates.

DATES: Effective date of interim rates—60 days after ERA's approval of the interim rates. Written comments are due on or before February 22, 1978.

ADDRESS: Ten copies of written comments shall be submitted to: Office of Regulations Management, Box RH, Department of Energy, 2000 M Street NW., Room 2313, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Richard K. Pelz, Office of the General Counsel, 12th and Pennsylvania Avenue NW., Room 3001, Washington, D.C. 20461, 202-566-9341

Richard S. Ugelow, Office of the General Counsel, 12th & Pennsylvania Ave. NW., Room 6144, Washington, D.C. 20461, 202-566-9296.

SUPPLEMENTARY INFORMATION: Pursuant to section 302(a)(1) of the Department of Energy Organization Act (Public Law 95-91) the function to establish rates for power previously marketed by the Bureau of Reclamation, Department of the interior, was transferred to and vested in the Secretary of Energy on October 1, 1977. By Delegation Order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated the authority to establish rates to the Administrator of the Economic Regulatory Administration.

On September 13, 1977, in accordance with the Procedures for Public Participation in General Adjustments in Power Rates (Procedures), 40 FR 34431 (August 14, 1975), the Department of Interior announced that it was proposing a rate increase for the Central Valley Project. Interested persons were invited to participate in public forums and to submit written comments relative to the proposed Central Valley rate increase.

The Department of Energy has published in the FEDERAL REGISTER 43 FR 31 (January 3, 1978), proposed amendments to the Procedures to permit the setting of interim rates for power marketed by WAPA. In anticipation of the promulgation of those amended Procedures the Assistant Secretary for Resource Applications has proposed that ERA set the following interim rates for the Central Valley Project:

The proposed initial interim rate would consist of a $2.00/kW/mo demand charge and a 4.2 mills/kWh energy charge that would become effective 60 days after ERA's approval of the interim rates, and would remain in effect through March 31, 1979. On and after April 1, 1979, the interim rate would consist of a $2.00/kW/mo demand charge and a dual energy charge of 5.75 mills/kWh for project load and 9.75 mills/kWh for growth load. The proposed interim rates for the Sacramento Municipal Utility District (SMUD) would be the same as described above, however, the Acting Assistant Secretary for Resource Applications has recommended that if an increase above the proposed interim rate would be barred by SMUD's CVP contract, the proposed interim rate would consist of a $2.00/kW/mo demand charge and a 6.55 mills/kWh energy charge effective May 25, 1978.

The complete statement issued by the Acting Assistant Secretary for Resource Applications with respect to the proposed interim rates has been mailed to all CVP customers. Additional copies may be obtained from: Clark L. Rose, Western Area Power Administration, 18th & C Streets NW., Room 3612, Washington, D.C. 20240, 202-343-4640.

The public is invited to submit comments, as set forth in this Notice, relative to the request of the Acting Assistant Secretary. At the conclusion of the comment procedure the Administrator will evaluate the comments received in response to this Notice and the Notice published by the Department of Interior on September 13, 1977, and will take final action on the request for interim rates.

COMMENT PROCEDURES: Interested are invited to submit comments with respect to the subject matter set forth in this Notice to: Office of Regulations Management, Box RH, Room 2313, Department of Energy, 2000 M Street NW., Washington, D.C. 20461.

Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.s.t. on or before February 22, 1978.

Information relevant to this matter, including public comments, if any, will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., January 17, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 78-1807 Filed 1-20-78; 8:45 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Project Nos. 2395, 2241, 2473]

CAPITAL CITIES MEDIA, INC. AND DAM CO., INC.

Three Applications for Transfer of Licenses

JANUARY 12, 1978.

Public notice is hereby given that three applications for transfer of licenses have been filed under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) by Capital Cities Media, Inc., successor in interest of Flambeau Paper Co., (licensee-transferor) and The Dam Co., Inc. (transferee) (correspondence to: Mr. Norman C. Hoefferle, President, Flambeau Paper Co., Park Falls, Wis. 54552; and Danny R. Carpenter, Esq., Watson, Ess, Marshall & Enggas, 1500 Home Savings Building, 1006 Grand Avenue, Kansas City, Mo. 64106). The applications seek Commission approval of the transfer of minor licenses for three hydroelectric projects: the Pixley Hydro-Electric, Lower Hydro-Electric, and Crowley projects. The Pixley Hydro-Electric Project, FERC Project No. 2395, is located on the North Fork of the Flambeau River In Price County, Wis.; the Lower Hydro-Electric Project, FERC Project No. 2421, is located on the North Fork of the Flambeau River in the City of Park Falls, Price County, Wis.; and the Crowley Project, FERC Project No. 2473, is located on the North Fork of the Flambeau River in the vicinity of Fifield and Park Falls, Price County, Wis.

The three applications, filed on July 25, 1977, and supplemented on August 3, 1977, were filed jointly by Flambeau Paper Co. (as transferor) and The Dam Co., Inc. (as transferee). The Dam Co., Inc., was incorporated as a wholly-owned subsidiary of Flambeau Paper Co. in June, 1977. However, Flambeau Paper Co. was merged into Capital Cities Media, Inc., on July 1, 1977, and the three subject applications are signed for Flambeau Paper Co. by the president of Capital Cities Media, Inc., (the corporation that survived the merger). Shortly before the Flambeau Paper Co.—Capital Cities Media, Inc., merger, Flambeau Paper Co. quitclamied all of its right, title, and interest in the projects' real property to its wholly-owned subsidiary, The Dam Co., Inc., while retaining the incorporeal license rights and all physical documents, books, maps, etc. relating to the projects. All three corporations (Flambeau Paper Co., The Dam Co., Inc., and Capital Cities Media, Inc.) are or were subsidiaries within one wholly-owned corporate family which is controlled by a parent corporation, Capital Cities Communications, Inc.

Any person desiring to be heard or to make a protest with reference to said applications should on or before March 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. §1.8 or §1.10 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The applications are on file with the Commission and available for public inspection.

The public is further advised that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the abovementioned authorities.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1846 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP78-139]

CITIES SERVICE GAS CO.

Application

JANUARY 12, 1978.

Take notice that on December 29, 1977, Cities Service Gas Co. (Applicant), P.O. Box 25128, filed in Docket No. CP78-139 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon in place and by reclaim its Tallant Compressor Station in Osage County, Okla., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to abandon in place and by reclaim its Tallant Compressor Station, consisting of four 940 horsepower and one 1,000 horsepower compressor units and appurtenant facilities, which units were installed in 1913, 1916, and 1927. Applicant states that these compressor units were originally designed to transport natural gas produced and purchased from a system south of its Drumright Compressor Station, and that the system south of Drumright Compressor Station was reclaimed in 1947 under authorization granted in Docket No. G-898. Tallant Compressor Station then transported natural gas purchased on Applicant's system south of Blackwell, it is said. The application states that due to declines in production, these facilities are no longer required to compress natural gas transported through this portion of Applicant's pipeline system, and that this station has not been operated since March 30, 1975. These compressor units are now considered obsolete, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided, for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1847 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP78-141]

CONSOLIDATED GAS SUPPLY CORP.

Application

JANUARY 12, 1978.

Take notice that on January 4, 1978, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP78-141 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission General Policy and interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation for 2 years of up to 2,500 Mcf of natural gas per day (or its thermal equivalent) for the Specialty Chemicals Division of Allied Chemical Corp. (Allied), an existing distribution customer of Hope Natural Gas Co. (Hope), a division of Applicant, Moundsville, W. Va., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to receive natural gas from Texas Eastern Transmission Corp. (Texas Eastern), one of its existing pipeline suppliers, at Texas Eastern's Measuring Station No. 372, an existing point of delivery from Texas Eastern to Applicant located in Marshall County, West Virginia, and to transport such volumes, less 4 percent, through its existing 12-inch line No. H-197 into the facilities of Hope, also in Marshall County, W. Va., pursuant to a transportation agreement dated December 20, 1977, between Applicant and Allied. It is stated that Hope would make the gas so transported available to Allied through its existing distribution facilities.

Applicant indicates that it would charge Allied 9.15 cents per Mcf for the proposed transportation services, which rate is based on the average system-wide unit storage and zone transmission costs, less fuel costs. Applicant proposes to retain for company-use and unaccounted-for gas 4 percent of the total volumes received for Allied's account.

The rate which Applicant proposes to charge is also subject to a surcharge under Applicant's tariff for research and development cost charges in the transmission and storage functions, it is said.

The application states that Allied proposes to use the transportaton gas for two high priority uses for which there are no alternate fuel capabilities: as feedstock for the production of toluene diisocyanate (TDI) and chlorinate methanes (CMP), and for various safety-related pilot lights within the Complex. It is indicated that Allied is unwilling to make its ethane available to the interstate market.

There is no gas sales contract since the transportation gas is being transferred from one Division to another Division of the same company, Allied, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary

[FR Doc. 78-1848, Filed 1-20-78; 8:45 a.m.]

[6740-02]

[Docket No. CP78-143]

CONSOLIDATED GAS SUPPLY CORP.

Application

JANUARY 17, 1978.

Take notice that on January 4, 1977, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP78-143 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain transmission facilities and for permission and approval to abandon certain transmission facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes the following:

(1) Construct and operate 19.1 miles of 24-inch Line No. TL-430 from Oka Junction to Jones Station.

(2) Construct and operate 0.2 mile of 14-inch and 0.1 mile of 16-inch Line No. H-194 to connect 24-inch Line No. TL-430 to 12-inch Line No. H-192 and 14-inch Line No. TL-264 at Jones Station.

(3) Abandon 4.9 miles of 12-inch Line No. H-192 and 5.0 miles of 12-inch Line No. TL-264 from Oka Junction to Minnora Junction.

(4) Reclassify, from dry gas to wet gas transmission service, 14.8 miles of 12-inch Line No. H-192 and 14.7 miles of 12-inch Line No. TL-264 from Minnora Junction to Jones Station, as more fully described at Docket No. CP75-158.

1979

(1) Construct and operate 19.3 miles of 24-inch Line No. TL-430 from Jones Station to Fleming Junction.

(2) Reclassify, from dry gas to wet gas transmission service, 19.4 miles of 12-inch Line No. H-192 and 19.2 miles of 14- and 16-inch Line No. TL-264 from Jones Station to Fleming Junction, as more fully described at Docket No. CP75-158.

1980

(1) Construct and operate 19.1 miles of 24-inch Line No. TL-430 from Fleming Junction to a point 0.3 mile north of Tonkin Station.

(2) Abandon 15.4 miles of 12-inch Line No. H-192 from Fleming Junction to Maxwell Junction.

(3) Abandon 15.0 miles of 16-inch Line No. TL-264 from Fleming Junction to Maxwell Junction.

(4) Abandon 0.3 mile of 12-inch Line No. H-192 north from Tonkin Station.

(5) Abandon 0.3 mile of 16-inch Line No. TL-264 north from Tonkin Station.

(6) Abandon 12.8 miles of 16-inch Line No. TL-227 from Sweeney Station to Oxford Junction.

(7) Abandon 7,200 horsepower Tonkin Compressor Station.

Applicant states that this proposal represents the remaining three years of a five-year plan to replace its West Virginia dry gas transmission system extending from its Cornwell compressor station in Kanawha County to Hastings in Wetzel County.

The application states that Applicant has discovered corrosion in significant portions of Line Nos. H-192 and TL-264 sufficient to make it advisable to remove these pipelines from 1100-1300 psig service. H-192 and TL-264 have been utilized to transport approximately 235,000 Mcf per day of the 255,000 Mcf per day which Applicant is authorized to purchase from Tennessee Gas Pipeline Company, a Division of Tenneco Inc., (Tennessee) in Tennessee's Zone 3, it is said. It is stated that this 235,000 Mcf per day represents a substantial portion of Applicant's total authorized pipeline supply of natural gas, and that this proposed pipeline replacement is, therefore, essential to the continuity of service to Applicant's customers. The application states that it is not anticipated that any customer's service would be terminated as a result of the abandonments proposed herein.

It is indicated that the estimated cost of the proposed facilities is $17,658,217, which cost would be financed from fund on hand and funds to be obtained from Applicant's parent, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1862 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. C178-244]

CONTINENTAL OIL CO.

Limited-Term Application

JANUARY 17, 1978.

Take notice that on December 19, 1977, Continental Oil Co. (Applicant), P.O. Box 2197, Houston, Tex. 77001, filed in Docket No. C178-244 an application for a limited-term certificate of public convenience and necessity with pregranted abandonment authorizing it to engage in the sale of gas.

Applicant states that it proposes to sell gas to United Gas Pipeline Co. (United) under contract dated September 23, 1977, and that Applicant has been informed that arrangements have been made by the Purchaser for transportation of all or a portion of the gas to be sold by Applicant under its contract and that it may be transported by the Purchaser in interstate commerce for resale and/or may be resold by the Purchaser to others for transport in interstate commerce for resale.

Applicant states that the gas to be produced under its contract is from the approximate location of East Fruitvale Field, Van Zandt County, Tex.

Applicant states that it seeks a limited-term certificate with pregranted abandonment to make sales of natural gas to United for a term commencing with the date of first deliveries of gas under such certificate and terminating, in accordance with its contract one year thereafter. Applicant also states that it is advised that United has an existing gas supply emergency on its system and has presented evidence to the Commission in previous dockets demonstrating the emergency. This sale may be terminated at any time following initial delivery and prior to the one-year term.

Applicant states that the purchaser to whom it intends to sell this gas production under a long-term contract does not have facilities installed to accept this gas production and it will be some indeterminable time before such facilities are installed. In view of the fact that the wells should be produced and in view of the need of United Gas Pipeline for the gas, Continental and United have entered into the limited-term contract which is a part of this application.

Applicant is seeking a rate of $1.48 per Mcf, plus tax, Btu and 1.5 cents gathering allowance.

Any person desiring to be heard or to make any protest with reference to said application, on or before February 8, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it

will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1863 Filed 1-20-78; 8:45 am]

[6740-02]

[Project No. 2740]

DUKE POWER CO.

Application for Amendment of License

JANUARY 17, 1978.

Public notice is hereby given that an application was filed with the Federal Energy Regulatory Commission on December 9, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Duke Power Co. (Applicant) (correspondence to: L. C. Dail, Chief Engineer, Civil-Environmental Division, Duke Power Co., Box 2178, Charlotte, N.C. 28242) for Commission approval of an amendment to Article 32 of the license for Project No. 2740, the Bad Creek Project, the upper reservoir of which is to be located on Bad and West Bad Creeks in Oconee County, S.C. The project's lower reservoir would utilize existing Lake Jocassee.

Article 32 of the license issued August 1, 1977, requires among other things the filing of a detailed plan to mitigate any adverse impacts of project operations on Lake Jocassee and stream fisheries. The plan was to include, but not be limited to, those measures agreed upon between Applicant and the South Carolina Wildlife and Marine Resources Department (SCWMRD) as set forth in a letter to the Federal Power Commission dated January 10, 1977. One of the provisions of this letter provided for the transfer of property from Applicant to SCWMRD called the Eastatoe Creek Tract. Now Applicant and SCWMRD wish to substitute a tract of land for the Eastatoe Tract. The new tract is a parcel of land along the Whitewater River in Oconee County, but bordering Transylvania County, N.C., containing about 375 acres, presently in the possession of the Crescent Land and Timber Corp., a wholly owned subsidary of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.10), all such petitions or protests should be filed on or before February 23, 1978. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make pro- testants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 78-1864 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket Nos. E-8769, E-8770, E-9119, ER76-219 and ER77-356]

FLORIDA POWER & LIGHT CO.

Certification of Offer of Settlement

JANUARY 17, 1978.

Take notice that on November 10, 1977, an offer of settlement, filed by Florida Power & Light Co. (FP&L) on October 28, 1977 (in the above-captioned proceeding) was certified to the Commission by the Presiding Administrative Law Judge. FP&L asserts that its settlement offer is not opposed by the intervenors, the Fort Pierce Utilities Authority of Fort Pierce, Fla., and the Utilities Commission of the City of New Smyrna Beach of New Smyrna Beach, Fla.

Any person desiring to be heard or to protest said offer of settlement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 13, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this offer of settlement are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1865 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CI78-278]

GOOD HOPE REFINERIES, INC.

Limited-Term Application

JANUARY 17, 1978.

Take notice that on January 3, 1978, Good Hope Refineries, Inc. (Applicant), 1100 Milam Building, Suite 3730, Houston, Tex., 77002, filed in Docket No. CI78-278 an application for a limited-term certificate of public convenience and necessity with pregranted abandonment authorizing it to engage in the sale of gas.

Applicant states that it is an independent producer of natural gas with its primary leaseholdings in Webb and Zapata Counties, Tex. Applicant's working interest production in these two counties is approximately 80,000 Mcf/day for more than ninety wells in twenty separate fields. In addition, Applicant markets an additional 20,000 Mcf/day for various other working interest owners in the same area, either through its own contracts with LoVaca Gathering Co., or through purchases by its pipeline subsidiary, Southern Pipe Line Corp., and subsequent resale to LoVaca.

Applicant is seeking to make a sale of natural gas to United Gas Pipe Line Co. from its interest in natural gas produced from certain acreage as described in its contract dated January 3, 1978, attached to Applicant's application.

Under the contract submitted for certification, Applicant proposes to sell 50,000 Mcf of natural gas per day produced from its interest in lands and leaseholds in Webb and Zapata Counties, Tex., to United. The rate shall be $2.10 per MMBtu in the first year and $2.15 per MMBtu in the second year. Average heating value of the gas is 1,070 Btu per cubic foot. Transportation charges of $0.11 per Mcf will be levied for moving the gas through Applicant's intrastate pipeline facility to the point of delivery to United at Agua Dulce in Nueces County, Tex. Gas shall be delivered at a pressure sufficient to enter United's pipeline, but not to exceed 700 psia.

Applicant seeks pregranted abandonment at the end of the two year limited-term sale to United claiming that the gas is available only for a limited period because of a temporary surplus of gas on LoVaca's system.

Applicant states that the public interest, both for LoVaca's intrastate customers and United's interstate customers, would be served if Good Hope received a limited-term certificate to sell the gas in question to United. Applicant further states that United's customers, experiencing severe curtailments because of lack of supply, would be benefited by the gas Good Hope proposes to make available.

Any person desiring to be heard or to make any protest with reference to said application, on or before February 8, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and sub-

ject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1866, Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CI77-635]

GULF OIL CORP.

Application for Certificate of Public Convenience and Necessity

JANUARY 12, 1978.

Take notice that on September 26, 1977, Gulf Oil Corp. (Gulf) filed an application for a certificate of public convenience and necessity authorizing it to withdraw natural gas which is produced in the State Domain from a commingled stream with natural gas produced in the Offshore Federal Domain for ultimate use in Gulf's Venice, La. Refinery.

Gulf states that by order issued July 29, 1977, in the above-referenced docket it was required to apply for and obtain a certificate to transport natural gas produced in the State Domain to its Venice Refinery in a commingled stream with gas produced in the federal Domain. Gulf further states that the Commission granted Gulf temporary authorization to continue such commingled transportation of gas to the extent that the use of gas in the Venice Refinery does not exceed the amount produced and transported from the State Domain, and upon further condition that Gulf apply for a permanent certificate to deliver such gas within sixty days from the date of such order. Gulf states that it sells the residue gas available for sale after processing at its Venice Gas Processing Plant to interstate pipeline purchasers and does not serve any community or main line industrial customers with natural gas.

Gulf alleges that the system of pipelines behind its Venice Gas Processing Plant are gathering lines and therefore such lines are exempt from the provisions of the Natural Gas Act. Gulf states that it is not requesting authority to operate its gathering system, but rather is requesting authority to remove gas from the commingled stream for its internal use within the Venice Refinery to the extent that the residue volumes withdrawn will not exceed the volumes attributable to gas produced from State Domain leases and gathered in Gulf's Venice Gas Processing Plant gathering system. Gulf requests a certificate which would preserve its status as an independent producer and which exempts Gulf from the regulations of the Commission which are applicable to pipeline companies.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1849 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket Nos. CP75-104, et al.]

HIGH ISLAND OFFSHORE SYSTEM

Petition for Declaratory Order

JANUARY 12, 1978.

Take notice that on December 14, 1977, High Island Offshore System (HIOS) file a petition for declaratory order that would confirm that the compression horsepower installed by HIOS at Block 264 is in accordance with the authorization granted to HIOS in the certificate of public convenience and necessity issued to it by the Commission on June 4, 1976 in the above referenced proceeding.

HIOS states that in Exhibit K of its original certificate application filed on September 8, 1975, it indicated that it would construct and install two 12,350 horsepower gas compressor units and one 29,000 horsepower gas compressor unit which would initially be derated to 12,350 horsepower. HIOS also states that the Commission, in its certificate issued on June 4, 1976, authorized the installation and operation of these facilities.

HIOS states that the compressor facilities actually installed at Block 264 are two Frame 3 compressor units with nameplate ratings of 12,200 HP each and one Frame 5 compressor unit with a nameplate rating of 21,700 HP. According to HIOS the two Frame 3 units are the same units as originally proposed at 12,350 HP, but, as installed, are rated at 12,200 HP. HIOS's reason for installation of the Frame 5 unit with a nameplate rating of 21,700 HP is that this would result in an ultimate savings of approximately $500,000 and would provide a spare unit for both of the other units at this important location of the HIOS system.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing, therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1850 Filed 1-20-78; 8:45 am]

[6740—02]

[Docket No. ER78—181]

IOWA PUBLIC SERVICE CO.

Proposed Cancellation

JANUARY 17, 1978.

Take notice that on January 5, 1978, Iowa Public Service Co. (Iowa), tendered for filing a Notice of Proposed Cancellation of wheeling service provided to the Town of Hinton, Iowa by Iowa Public Service Co.

Iowa states that Rate Schedule FPC No. 44 and Supplement 2 of No. 44, effective August 11, 1968 and filed with the Commission by June 11, 1968, are to be cancelled in part to delete references to the service to the Town of Hinton. Iowa further states that Rate Schedule FPC No. 46, effective August 11, 1968, filed July 11, 1968, is also to be cancelled.

Iowa proposes an effective date of February 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection with the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78—1867 Filed 1—20—78; 8:45 am]

[6740-02]

[Docket No. CI77-427]

LADD PETROLEUM CORP.

Amendment to Application for Transportation of Natural Gas

JANUARY 10, 1978.

Take notice that on December 21, 1977, Ladd Petroleum Corp. (Ladd), 830 Denver Club building, Denver, Colo. 80202, filed in Docket No. CI77-427 an amendment to its application of April 25, 1977 in Docket No. CI77-427. Ladd is seeking to amend its application to conform to a letter agreement of November 30, 1977, and requests pregranted abandonment.

On April 25, 1977, Ladd filed an application pursuant to section 7 of the Natural Gas Act covering proposed transportation of natural gas for Northern Natural Gas Co. (Northern Natural) from Block 291, Ship Shoal, South Addition Area, to Block 207, Ship Shoal Area, Offshore Louisiana. The natural gas is owned by Northern Natural and would be transported pursuant to an agreement between Ladd and Northern Natural of March 29, 1977, through an existing crude oil pipeline for the account of Northern Natural. Ladd proposed to charge 4.5 cents per Mcf at 15.025 psia for the transportation service.

Placid Oil Co. is the operator of the crude oil pipeline through which Northern Natural's gas would be transported by Ladd. At the time Ladd and Northern Natural entered into the transportation agreement, Ladd had spare capacity in the crude oil pipeline. Based upon the operator's information, Ladd now estimates that by July 1, 1978, crude oil production from Block 291 Field will fill the crude oil pipeline. Thus, there will be no spare capacity to transport Northern Natural's gas as of that date. Northern Natural has agreed to make other arrangements to transport its gas as of July 1, 1978.

Applicant states that it and Northern Natural have executed an amendment to the Transportation Agreement of March 29, 1977, by letter dated November 30, 1977. The letter amends Article XI of the Transportation Agreement to provide that it shall remain effective until July 1, 1978. Further, Ladd agreed to seek pregranted abandonment for all such transportation services as of that date.

Applicant states that the application filed by Ladd in Docket No. CI77-427 and this Amendment thereto are related to an application and an amendment filed by Placid Oil Co. in Docket No. CI77-331. Therein, Placid seeks authorization with pregranted abandonment to transport natural gas for the account of Michigan Wisconsin Pipe Line Co.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1856 Filed 1-20-78; 8:45 am]

[6740-02]

[Project No. 2800]

LAWRENCE HYDROELECTRIC ASSOCIATES

Application for Major License

JANUARY 17, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Public notice is hereby given that an application for a major license was filed on June 30, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Lawrence Hydroelectric Associates (correspondence to: Mr. Geoffrey K. Mitchell, Lawrence Hydroelectric Associates, 8 Arlington Street, Boston, Mass. 02116, and Mr. David Ward, Case and Ward, 1050 17th Street NW., Washington, D.C. 20036) for the proposed Lawrence hydroelectric project, FERC No. 2800. The proposed project would be located on the Merrimack River, a navigable waterway of the United States, in the towns of Andover and Metheun (Essex County), Dracut and Tewksbury (Middlesex County), and the cities of Lawrence (Essex County) and Lowell (Middlesex County), Mass.

The proposed 14,200 kW Lawrence hydroelectric project would consist of: (1) The existing 33-foot high and 900-foot long Essex Company dam of

rubble masonry construction; (2) an existing 9.8-mile long reservoir having a surface area of 655 acres at normal high water elevation of 44.17 msl and a maximum storage capacity of approximately 19,900 acre-feet; (3) the 35-foot wide and 10-foot deep South Canal (wider in the vicinity of the gatehouse) which originates at the south abutment of the Essex Dam and generally parallels the Merrimack River bed, below the Essex Dam, for a distance of approximately 3,000 feet; (4) the existing North Canal, approximately 95 feet wide and 15 feet deep, originating at the north abutment of the dam and paralleling the Merrimack River below the dam for a distance of approximately 5,000 feet; (5) a fish elevator supplementing the existing fishway; (6) a powerhouse and tailrace channel located approximately 200 feet northeast of the existing South Canal control gatehouse structure and extending into the Merrimack River Channel; (7) a powerhouse containing two 7.1 MW hydroelectric generating units; and (8) a single circuit overhead 13.8 kV powerline to the Massachusetts Electric Co.'s Lawrence No. 1 substation.

The estimated total cost of the project is $14,700,000.

Power developed by the project would be sold to the New England Power Co., which would then sell the power to its affiliate, the Massachusetts Electric Co. Massachusetts Electric Co. provides power to residential, business, and industrial customers in the New England area.

The Essex Dam, which is 130 years old, and the North Canal are recognized historical sites. The applicant proposes to preserve these historical properties and provide public access and recreational facilities at the project. Proposed provisions for visitors include picnic tables, trash receptables, access to a fish viewing window, and walkways.

Any person desiring to be heard or to make protest with reference to said application should, on or before March 27, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1886 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP 78-146]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

JANUARY 17, 1978.

Take notice that on January 6, 1978, Michigan Wisconsin Pipe Line Co. (applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-146 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 741 Mcf of natural gas per day for Rea Magnet Wire Co., Inc. (Rea Magnet), a wholly owned subsidiary of Aluminum Co. of America (Alcoa), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to a gas purchase agreement among Par Oil Corp., et al. (Par), Alcoa, and Rea Magnet, dated August 25, 1977, as amended December 12, 1977, Par agreed to sell Alcoa and Rea Magnet a daily contract quantity of natural gas equivalent to 3,920 Mcf of natural gas having a heating value of 1,000 Btu at a price of $1.95 per Mcf subject to upward and downward Btu adjustment. It is further indicated that Par would deliver the purchased quantities at a mutually agreeable point on Texas Gas Transmission Corp's. (Texas Gas) 20-inch pipeline located in Claiborne Parish, La.

The application states that in order to effectuate the receipt of the gas supplies which Alcoa and Rea Magnet agreed to purchase from Par and to obtain transportation and redelivery of a portion of such supplies destined for usage at Rea Magnet's manufacturing facility located in Lafayette, Ind. (the Lafayette Plant), Alcoa and Texas Gas entered into a transportation service agreement dated October 11, 1977, which agreement provides for the transportation of 741 Mcf of natural gas per day which Texas Gas would deliver to applicant for the account of Rea Magnet at an existing point of interconnection between the pipeline systems of Texas Gas and applicant located proximate to applicant's Slaughter Station in Webster County, Ky.

Applicant proposes to take receipt of the proposed volumes of gas at the aforementioned existing interconnection with Texas Gas in Webster County, Ky., and transport and redeliver equivalent volumes for the account of Rea Magnet to Panhandle Eastern Pipe Line Co. (Panhandle) at an existing interconnection of the pipeline systems of applicant and Panhandle located in Defiance County, Ohio. Applicant states that it would provide the transportation service on a best efforts basis and whenever, in its sole judgment, its operating conditions so permit.

It is indicated that in order to effectuate deliveries of gas from the aforementioned interconnection between applicant and Panhandle, Panhandle and Rea Magnet have entered into a transportation contract dated October 21, 1977, which contract provides for the receipt, transportation, and redelivery of the gas by Panhandle to Indiana Gas, Inc. (Indiana Gas). The redelivery is to be made by Panhandle for Rea Magnet at an existing measuring station at the point of interconnection between Panhandle and Indiana Gas located near Crawfordsville, Montgomery County, Ind., it is stated. It is indicated that Rea Magnet has made suitable arrangements with Indiana Gas to effectuate redeliveries at the Lafayette plant

Applicant states that it would charge Rea Magnet 9 cents per Mcf for all volumes of gas redelivered to Panhandle for Rea Magnet's account, and that it would also retain three percent of the gas delivered to it by Texas Gas for Rea Magnet's account as compensation for compressor fuel and line loss makeup.

It is indicated that the subject gas would be used for priority 2 purposes at Rea Magnet's Manufacturing facility located in Lafayette, Ind. It is further indicated that the subject gas is not available for resale in the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon

the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1869 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP78-140]

MID LOUISIANA GAS CO.

Application

JANUARY 17, 1978.

Take notice that on January 3, 1977, Mid Louisiana Gas Co. (applicant), 300 Poydras Street, New Orleans, La. 70130, filed in Docket No. CP78-140 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the twelve-month period, February 1, 1978, through January 31, 1979, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with applicant.

Applicant states that the total cost of the proposed facilities would not exceed $680,000 and that the cost of any single project would not exceed $250,000, which cost would be financed out of working funds.

Applicant states it recognizes that the proposed budget-type authorization for the construction of gas-purchase facilities has an estimated total cost for a single project in excess of the amounts specified in subparagraph (1)(ii) of section 157.7(b) of the Commission's regulations. Consequently, pursuant to subparagraph (2) of section 157.7(b) of the Commission's regulations, applicant requests waiver of the provisions of subparagraph (1)(ii) so as to allow for a total cost in excess of the amounts specified in subparagraph (1)(ii). Applicant asserts that such request for waiver is predicated primarily upon the fact that it is virtually impossible to consummate any single project involving gas-purchase facilities in the South Louisiana area for the small amount authorized by subparagraph (1)(ii) of section 157.7(b) of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1870 Filed 1-20-78; 8:45 am]

[6740-01]

[Docket No. ER78-183]

MISSISSIPPI POWER CO.

Filing of Agreement

JANUARY 16, 1978.

Take notice that Mississippi Power Co. (Mississippi) on January 9, 1978, tendered for filing a supplemental agreement with Coast Electric Power Association (CEPA) under its FERC Electric Tariff Original Volume No. 1. Mississippi states that this agreement provides for an increase in the delivery voltage and contracted capacity at the Rocky Hill delivery point of CEPA on October 17, 1977.

Mississippi indicates that it agrees to deliver up to a maximum of 3,000 kilowatts of 115,000 volts at the connections to the primary side of CEPA's disconnect switch located at CEPA's substation on the west side of Highway 603 located in the NE¼ of SW¼ of section 6, Township 7 South, Range 14 West, Hancock County, Miss.

Mississippi proposes an effective date of October 17, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1858, Filed 1-20-78; 8:45 a.m.]

[6740-02]

[Docket No. ER76-848]

MONTANA POWER CO.

Compliance Filing

JANUARY 17, 1978.

Take notice that on December 15, 1977, Montana Power Co. (Company) tendered for filing in compliance with the Federal Power Commission's order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during November 1977, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a pro-

test with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1871 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. ER78-184]

MONTAUP ELECTRIC CO.

Filing

JANUARY 16, 1978.

Take notice that Montaup Electric Co. (Montaup), on January 10, 1978, tendered for filing a service agreement providing for Montaup's transmission of a power purchase of the Middleborough (Massachusetts) Municipal Gas & Electric Department pursuant to Montaup's generally applicable transmission tariff.

Montaup proposes an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

According to Montaup copies of this filing were served upon the Middleborough Municipal Gas & Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR. 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1978. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1859 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP78-138]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

JANUARY 12, 1978.

Take notice that on December 30, 1977, Natural Gas Pipeline Co. of America (applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that it has previously entered into short-term arrangements with Colorado Interstate Gas Co. (CIG) to purchase natural gas excess to the needs of CIG during various periods of time, the most recent terminating October 31, 1977. On September 13, 1977, CIG received temporary authorization to sell gas to applicant at Docket No. CP77-445, it is said.

Applicant states that it has now entered into a new limited term agreement with CIG dated December 6, 1977, for the purchase of gas which would be excess to CIG's requirements during calendar year 1978, and that the delivery rates would vary during the term of the agreement, but are expected to increase to approximately 100,000 Mcf per day during the summer months of 1978. Applicant further states that Northwest Pipeline Co. (Northwest) and El Paso Natural Gas Co. (El Paso) would transport and redeliver said gas to applicant for the limited term.

It is stated that pursuant to the December 6, 1977, agreement, CIG would reduce its purchases from Northwest who would deliver to El Paso such volumes of gas as agreed to by applicant and CIG at an existing point of interconnection between Northwest and El Paso in LaPlata County, Colo. It is proposed that El Paso would redeliver equivalent volumes of gas, on an Mcf basis, to applicant at a proposed new point of delivery to be constructed in Lea County, N. Mex., pursuant to an agreement dated December 20, 1977, between El Paso and applicant, whereby said gas would be delivered into applicant's Permian Basin pipeline system.

The application states that in order to implement the proposed delivery arrangement by El Paso, applicant proposes to construct 16-inch measuring facilities and a 12-inch tap connection on its 30-inch pipeline in Lea County, N. Mex., at an estimated cost of $68,300 which cost applicant proposes to finance from funds on hand. The application further states that applicant would also reimburse El Paso for its costs to complete the interconnection, which cost is estimated to be $21,400. Applicant proposes to retain in service the facilities it proposes to construct herein for future exchanges with El Paso, as a balancing point for existing exchanges with El Paso and any other exchange or transportation arrangements that may occur in the future involving movement of gas between El Paso and applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1851 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP74-162]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

JANUARY 17, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act

Pub. L. 95-91, Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 30, 1977, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP74-162 a petition to amend the order of April 2, 1975 (53 FPC ——), as amended, issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for additional exchange points to the gas exchange agreement dated September 24, 1973, between Petitioner and El Paso Natural Gas Co. (El Paso), which agreement has received prior authorization in the instant docket, all as more fully set forth in the petition on file with the FERC and open to public inspection.

It is indicated that pursuant to the FPC order of April 2, 1975, Petitioner was authorized to exchange natural gas with El Paso, and to construct and operate certain facilities to implement such exchange and that pursuant to an exchange agreement dated September 24, 1973, as amended, Petitioner and El Paso exchange quantities of gas available and tendered from time to time by one to the other subject to quantity limits set forth therein. It is further indicated that on April 28, 1976, the FPC issued temporary authorization in the instant docket to construct and operate additional exchange points in Washita County, Okla., and Lea and Eddy Counties, N. Mex., pursuant to an amendment dated June 6, 1975, to the subject gas exchange agreement. Pursuant to the FPC order of April 27, 1977, Petitioner was authorized to construct and operate an additional exchange point in Eddy County, N. Mex., pursuant to an amendment dated November 3, 1975, to the subject gas exchange agreement.

The petition stated that on February 14, 1977, the FPC issued an order authorizing the operation of additional exchange points in Beckham County, Okla., and Ward County, Tex., and to increase the maximum daily volumes of exchange gas to 65,000 Mcf per day pursuant to an amendment dated July 14, 1976, to the subject gas exchange agreement. The petition further states that on August 30, 1977, the FPC authorized the operation of an additional exchange point in Lea County, N. Mex., pursuant to an amendment dated April 28, 1977, to the subject gas exchange agreement.

Petitioner states that on October 12, 1977, it and El Paso further amended the subject gas exchange agreement to provide for an additional exchange point in Eddy County, N. Mex., whereby Petitioner proposes to deliver, or cause to be delivered for its account, gas it has available for purchase under gas purchase contracts with Cities Service Co. (Cities), dated August 1, 1976, and August 1, 1977, from the Government AB No. 3 and No. 4 wells, North Burton Flat Field, Eddy County, N. Mex. It is indicated that Cities would deliver the gas to the Cities Service Oil Co.'s processing plant in Eddy County, N. Mex., and said gas would be delivered at the outlet of the plant to El Paso for Petitioner's account (Eddy No. 7 Exchange Point). Petitioner indicates that it has been purchasing gas from the No. 3 well under a 60-day emergency gas purchase or long-term authorization since November 30, 1976, utilizing Petitioner's gathering facilities in the Burton Flat area. With the imminent completion of Cities' processing plant, Cities has exercised its right under the gas purchase contract to process said gas prior to delivery to Petitioner, it is said. It is stated that El Paso would receive such gas at its existing connection at the outlet of the processing plant; thus, Petitioner would not be required to construct any facilities. Petitioner states that it would retire in place or remove and salvage approximately 5550 feet of 6-inch gathering line constructed to receive gas from the No. 3 well.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1872 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket Nos. RP77-56 and RP71-107 (PGA78-1)]

NORTHERN NATURAL GAS CO.

Order Denying Petition for Rehearing, Reconsideration and Modification

JANUARY 13, 1978.

On December 14, 1977, Northern Natural Gas Co. (Northern) filed in the captioned dockets a petition for rehearing, reconsideration and modification of the Commission's order issued December 5, 1977, in Docket No. RP77-56. On December 16, 1977, Northern Municipal Defense Group (MDG) and Minnesota Municipal Utilities Association (MMUA) filed a petition joining, with qualification, in Northern's pleading. On December 20, 1977, the Northern Distributor Group (NDG) applied for rehearing of the same Commission order. The December 5th order denied Northern's petition for advance authorization to recoup the costs of an emergency storage transaction between Northern and Northern Illinois Gas Co. (NI Gas). The December 5th order, However, found that the proposed emergency storage arrangement was consistent with section 2.68 of the Commission's Regulations. For the reasons set forth below, the Commission shall deny all of the referenced petitions.

Northern's petition seeks limited review of the Commission's prior order. No longer is an advance ruling on the reasonableness and prudence of the costs of the NI Gas transaction sought. Rather, Northern requests authority to incorporate the costs of the emergency storage service in either base tariff rates or PGA rates and to collect such rates subject to possible refund if it is later found that the costs of the transaction are unreasonable or imprudent.

Northern makes two principal arguments in support of its request: First it states that, unlike other pipelines, its

tariff allows only annual as opposed to semi-annual PGA filings and, consequently, that recoupment of emergency costs will be inordinately delayed if recovery of such costs cannot begin on December 27, 1977, the effective date of Northern's revised PGA rates in Docket No. RP 71-107 (PGA78-1). Second, Northern alleges that the NI Gas transaction "fits well within" its tariff clause which allows Northern to project its cost of purchased gas over the period it will be collecting revised PGA rates. Northern also makes a concession. Should it be allowed to recoup emergency costs through its base tariff rates (filed in Docket No. RP77-56 to become effective on October 27, 1977) Northern agrees to reduce its rates one year after their effective date to reflect elimination of such costs from its cost of service. Northern believes that this condition will obviate any concern that the claimed emergency costs are non-recurring.

Northern's arguments are not persuasive. Its willingness to collect rates subject to refund for a limited, one-year period does not materially alter the relevant facts.

Northern's tariff PGA clause only allows annual filings. While the Commission recognizes that this tariff feature is somewhat unusual it does not provide sufficient reason to depart from the policy enunciated in our December 5th order. Northern always has the option to seek modification of its PGA clause if it believes that benefits accruing under it are outweighed by decreased flexibility in coping with current gas shortages. The Commission also notes that it has not precluded pipelines from recovering prudently incurred emergency costs through rate increase filings made subsequent to the emergency expenditure.

Furthermore, the Commission does not agree with Northern that the NI Gas transaction "fits well within" Northern's currently authorized procedure of projecting or estimating future gas cost increases in its cost of purchased gas. Quite to the contrary , the Commission sees Northern's tariff as barring recoupment of all uncertificated gas supply absent Commission advance approval. Northern's tariff, Third Revised Volume No. 1, First Revised Sheet No. 68, specifically excludes such supply from the normal calculation of Northern's cost of purchased gas:

> [S]uch Cost of Purchased Gas *shall not include any amounts for the cost of uncertificated supply* and supplies from LNG, SNG, and coal gasification projects without prior approval of the [Commission]. [Emphasis added.]

Finally, the Commission must deny Northern's request to recoup the costs of the NI Gas transaction through the base tariff rates which became effective on October 27, 1977, in Docket No. RP77-56 even though Northern now consents to a refund condition and agrees to eliminate such costs from its rates after one year of collections. As in its initial petition, Northern continues to seek to include in rates amounts not yet expended for emergency supplies not yet received. This request fails for the same reasons that Northern's initial petition was denied without prejudice: it is anticipatory, premature and inconsistent with the intent of the Natural Gas Act and the policy of Section 2.68 of the Commission's regulations. In the order issued in *East Tennessee Natural Gas Company*, Docket No. RP78-1, on November 29, 1977, the Commission stated:

> Consistent with this intent [Of Section 7(c) of the Natural Gas Act], there is no express or implied provision for approval, prior to commencement of the emergency, of the future recovery of costs to be incurred by a jurisdictional buyer during the anticipated emergency transaction. These costs may be reflected in *later* rate increase filings (mimeo p. 4). [Emphasis added.]

MDG, MMUA, and NDG all support and incorporate Northern's principal arguments. Insofar as MDG, MMUA, and NDG adopt Northern's pleading, their requests for modification of the December 5, 1977, order shall also be denied.

In addition to supporting the Northern petition, however, the three intervenor groups emphasize that a continuing problem exists with respect to the question of whether ratepayers or Northern should bear the carrying costs which accrue on emergency expenditures. Carrying charges which would result from deferred recovery of costs, it is pointed out, could add $1.5 million to the costs of the NI Gas emergency service.

MDG, MMUA, and NDG all state that the granting of the relief requested by Northern will avoid the question of whether ratepayers or Northern will bear carrying costs on emergency expenditures. MDG and MMUA in their petition argue that Northern's instant request is fair and should be granted since it permits Northern to recover emergency costs concurrently with expenditures and it requires refunds of any portion of emergency costs found imprudent or unreasonable. NDG claims that fairness demands that Northern be permitted to receive carrying charges on unrecovered emergency costs if the relief requested by Northern is denied.

The Commission finds that the considerations raised by MDG, MMUA and NDG are without merit. Northern, like all other pipelines subject to the Commission's jurisdiction, will be required to absorb carrying charges on unrecovered costs of gas supply, including emergency transactions, unless unique and unforeseen circumstances are encountered which would warrant waiver of the Commission's existing regulations (18 CFR 154.38(4)(iv)(c)(1) and Account No. 191 of the Uniform System of Accounts).

The Commission finds. The petitions filed in the captioned dockets raise no facts or points of law which warrant any change in or modification of the Commission's order issued December 5, 1977, in Docket No. RP77-56.

The Commission orders. (A) Northern's petition of December 14, 1977, MDG's and MMUA's petition filed December 16, 1977, and NDG's application of December 20, 1977, are all denied.

(B) Northern shall comply with all terms of the Commission's December 5, 1977, order in Docket No. RP77-56.

(C) The Secretary shall cause prompt publication of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1857 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket Nos. ER76-304 et al., and Docket Nos. ER77-97 et al.]

NEW ENGLAND POWER CO.

Order Denying Motion for Limited Reopening and Partial Consolidation

JANUARY 16, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission[1] ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)(1) or 402(a)(2) of the DOE Act.

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —— provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On June 6, 1977, the Commission issued Opinion No. 803 (R-8 proceeding, Docket Nos. E-8641 et al.) which, among other things, ordered that New England Power Company's (NEPCO) investment in the Yankee companies[1] be excluded from the common equity components of NEPCO's capital structure. The Commission stated that ". . . the appropriate remedy for any alleged deficiencies in rate of return earned by the joint venture atomic plants should be addressed in rate proceedings before this Commission involving the rates charged by those atomic plants to NEPCO and other utility purchasers of power from these plants." (Opinion No. 803 at p. 31).

The same issue was raised in the R-10 proceeding (Docket Nos. ER76-304 et al.). On June 30, 1977 the initial decision in R-10 issued and followed the Commission's position in Opinion No. 803, supra, on the issue in question except that the Presiding Administrative Law Judge (Judge) attempted to trace the source of the funds NEPCO had invested in the above mentioned Yankee companies and to allocate the exclusion (of NEPCO's investment) between common and preferred equity.

Now we come to the instant motion before us in which NEPCO states that it has available in its historical records a precise method to trace the source of the funds involved. To this end NEPCO filed on November 15, 1977 a motion styled "Motion For Limited Reopening and Partial Consoldiation." NEPCO asks the Commission to reopen the record in the R-10 proceeding "for the limited purpose of hearing and considering evidence recently assembled and filed in the R-11 proceeding (Docket Nos. ER77-97 et al.) in regard to the issue of the proper ratemaking treatment to be afforded NEPCO's major investment (over $38 million) in various nuclear generating companies." Since this evidence has been submitted and will be subject to cross-examination in the R-11 proceeding which commenced November 29, 1977, NEPCO asks the Commission to order a partial consolidation of the R-10 and R-11 proceedings for the limited purpose of hearing and deciding this question.

On November 21, 1977, Commission Staff (Staff) filed an answer to NEPCO's motion styled "Answer Opposing Motion For Limited Reopening And Partial Consolidation". Staff states, inter alia, that NEPCO's late request will delay and have a disruptive effect on both the R-10 and R-11 proceedings, and that NEPCO "does not attempt to justify its request on the basis of evidence that was not available to it at the trial or that it attempted to introduce such evidence at the trial but was precluded by an adverse procedural ruling."

On November 29, 1977, the NEPCO Customer Rate Committee (Committee) and Unaffiliated Resale Customers (Customers) filed, jointly, an answer joining Staff in opposing NEPCO's motion. Committee and Customers states, inter alia, the following: (1) NEPCO has had opportunities in both the R-8 and R-10 proceedings where this issue was raised to submit this evidence; (2) NEPCO's untimely attempt to submit this previously available evidence would place a considerable burden on Committee and Customers; (3) NEPCO's motion, as pointed out by Staff, will delay both the R-10 and R-11 proceedings and "would prolong the collection of the rates filed in the R-10 case, rates found to be unjust, unreasonable and excessive by Judge Kanell."; and (4) The Commission in Opinion No. 803 (R-8 proceeding), issued June 6, 1977, "made a conclusive determination that NEPCO's Yankee investment should be excluded from the common equity component of NEPCO's capital structure."

We shall deny NEPCO's motion for the following reasons. First, to grant NEPCO's motion will delay this proceeding (R-10), a proceeding in which the record is long closed, initial and reply briefs have been written, an initial decision of the Presiding Administrative Law Judge (Judge) has been issued, and briefs on exception and brief opposing exceptions have been filed.

Second, the evidence in question is not new. This evidence has been in NEPCO's possession since before the question at issue here was first raised in the R-8 proceeding.

Third, the issue raised by the instant motion is not new. This issue was raised in the R-8 proceeding, raised again on rehearing in the R-8 proceeding, raised again in the R-10 proceeding, and now raised again by this motion.

Fourth, the R-10 proceeding which NEPCO would like to reopen deals with a locked in period of 11 months, ending February 1, 1977. R-11 is a currently ongoing proceeding in which this issue may be fully addressed by all parties without the attendant delay and adverse consequences of that delay.

Fifth, the NEPCO approach, if accepted, may also require similar information from each of the sponsoring Yankee companies to determine whether an adjustment is also necessary in the purchased power costs. This may well greatly expand the scope of the proceeding beyond its original bounds. Again extensive delays in concluding these proceedings would be incurred.

Finally, the Commission's regulations require that a party seeking to reopen a proceeding "shall set forth grounds requiring reopening the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing." 18 CFR § 1.33(a). NEPCO's motion to reopen does not set forth material changes of either fact or law sufficient to warrant reopening of the R-10 proceeding. Section 1.33(a) of the Commission's rules does not function to provide a party with another opportunity to present its case after its position at hearing has been rejected in the initial decision of the Presiding Judge. The changes of fact or of law referred to in Section 1.33(a) of the Commission's rules must be material, suggesting a substantial and compelling reason for reopening the proceeding. NEPCO simply has failed to sustain such a burden in its instant motion. We emphasize that our disposition herein is not a prejudgment of the merits of the initial decision in R-10 nor does this ruling prejudice NEPCO from presenting the evidence in question in R-11.

In summary, we conclude that NEPCO has not demonstrated good cause to reopen this case for further proceedings and its instant "Motion For Limited Reopening And Partial Consolidation" is, therefore, denied.

The Commission finds. NEPCO has failed to demonstrate material changes of fact or law sufficient to warrant a reopening of this proceeding for further hearings or receipt of evidence.

The Commission orders. NEPCO's "Motion For Limited Reopening And Partial Consolidation" is hereby denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1860 Filed 1-20-78; 8:45 am]

[1] These plants and NEPCO's interests therein are as follows. Yankee Atomic Electric Co. At Row, Mass. (30 percent); Connecticut Yankee Atomic Power Co. at Haddam, Conn. (15 percent); Vermont Yankee Nuclear Power Corp. at Vernon, Vt. (20 percent), and Maine Yankee Atomic Power Co. at Wiscasset, Maine (20 percent).

[6740-02]

[Docket No. EL78-3]

PACIFIC GAS & ELECTRIC CO.

Petition for Issuance of Declaratory Order on Interpretation of Contract

JANUARY 12, 1978.

Take notice that Pacific Gas and Electric Co. (PG&E) on January 3,

1978, tendered for filing a petition for a Commission order declaring that:

If, subsequent to negotiations pursuant to article 21(b) of the Extra High Voltage Contract dated August 1, 1967, among PG&E, Southern California Edison Co. and San Diego Gas & Electric Co. and the Department of Water Resources of the State of California (State), the parties do not agree upon a rate adjustment, PG&E retains the right to submit the matter to the Federal Energy Regulatory Commission for determination. Nothing in the contract requires consummation of an agreement on or before January 1, 1978, or on or before January 1, each five years thereafter. Further, nothing in the contract requires a filing in order to seek determination from FERC earlier than is prescribed in the requirements set forth in the Federal Power Act and applicable Commission Regulations.

PG&E states that said contract is presently on file with the Commission as Rate Schedule FPC No. 36.

PG&E indicates that in discussions with representatives of the State, PG&E sought and was unable to obtain clarification of the contract from the State to the effect that negotiations may continue, or that filing may occur, beyond January 1, 1978, without jeopardy to PG&E's interest. PG&E further indicates that it seeks declaratory relief because representatives of State have argued the contrary intrepretation of the contract, in effect that, unless a new rate has been agreed upon by January 1, 1978, or that the matter has been submitted to FERC by that same date, a rate adjustment in 1983 is precluded.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1852 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. ER77-595]

POTOMAC EDISON CO.

Proposed Tariff Change

JANUARY 12, 1978.

Take notice that the Potomac Edison Company, (Edison) on November 28, 1977, tendered for filing an Electric Service Agreement between the Potomac Edison Company and the Town of Thurmont. Edison indicates that this Electric Service Agreement cancels and supersedes the Agreement between the Company and the Town of Thurmont dated July 1, 1964. Edison further indicates that the changes proposed would produce estimated decreases of $35,319 for the twelve months ending June 30, 1977 and $32,908 for the twelve months ending June 30, 1978.

Edison states that the rate set forth in the Agreement is identical to that presently on file and in effect in Schedule WS-HV of FPC Electric Tariff First Revised Volume No. 1 of Edison.

According to Edison, copies of the Electric Service Agreement have been provided to the Town of Thurmont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1853 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. ER78-105]

PUBLIC SERVICE CO. OF INDIANA

Proposed Tariff Change

JANUARY 17, 1978.

Take notice that Public Service Co. of Indiana (Company), on December 20, 1977, tendered for filing pursuant to the Service Agreement between Henry County Rural Electric Membership Corp. and Public Service Co. of Indiana, a Third Supplemental Agreement proposed to become effective November 22, 1977. Company requests waiver of the Commission's notice requirements to allow for said effective date.

Said Supplemental Agreement provides for a new delivery point designated at the Johnstown delivery point, according to Company.

A copy of the filing was served upon Henry County Rural Electric Membership Corp., according to Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.0 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are available for public inspection at the Federal Energy Regulatory Commission.

LOIS D. CASHELL
Acting Secretary.

[FR Doc. 78-1873 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP71-273]

SOUTHERN NATURAL GAS CO.

Petition to Amend

JANUARY 17, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 30, 1977, Southern Natural Gas Co. (Petitioner), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP71-273 a petition to amend the order of October 8, 1971 (46 FPC 813) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the natural Gas Act so as to provide for the construction and operation of additional facilities in Petitioner's Muldon Field, Monroe County, Miss. storage facility, all as more fully set forth in the petition to amend on file with the FERC and open to public inspection.

It is indicated that pursuant to the FPC order of October 8, 1971, in the instant docket Petitioner was authorized to construct and operate natural gas storage facility in the Muldon Field, and that pursuant to the FPC order of October 16, 1975, Petitioner was authorized to construct and operate certain facilities necessary to enable Petitioner to expand its gas storage facilities and thereby increase the withdrawal rate in order to protect high priority requirements. The additional wells were estimated to increase working gas inventory from approximately 42,800,000 Mcf to approximately 52,000,000 Mcf, and it was expected that this increase would allow Petitioner to withdraw at the increased maximum daily rate of approximately 750,000 Mcf during the winter season throught a cumulative withdrawal of approximately 40,000,000 Mcf, it is said. The petition states that the firm of DeGolyer and MacNaughton (D&M) was commissioned to undertake a study of Muldon Field with a view toward making recommendations of what, if any remedial action could be taken to maintain peak day delivery from the field through a greater cumulative withdrawal of gas from the field.

It is stated that the first year of operation of expanded withdrawal capability of the Muldon Storage Field showed that the field did not meet the maximum daily withdrawal rate of 750,000 Mcf through as great a cumulative withdrawal as had originally been anticipated, and that Petitioner has, therefore, planned its operations this winter based on the actual performance of the field last winter. It is further stated that Applicant has now received D&M recommendations including certain immediate and future remedial well work, changes in well and reservoir operation and the drilling of additional wells.

Consequently, Petitioner requests authorization to drill an additional six wells and to construct and operate approximately three-tenths of a mile of 8⅝-inch pipeline and allied facilities to connect the aforementioned wells to the central plant in the field at an estimated cost of $3,221,630, which cost Petitioner proposes to finance with cash on hand.

Additonally, Petitioner proposes to go forward with implementing other of the D&M proposals which do not require FERC authorization, such as the remedial well work, use of selective well production pattern in conjunction with a controlled limitation of pressure drop and a change in injection pattern beginning next spring.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 78-1874 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. CP76-222]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

JANUARY 17, 1978.

Take notice that on December 30, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed pursuant to section 7(c) of the Natural Gas Act an application at Docket No. CP76-222 to amend the prior Orders of the Commission issued April 20, 1976, and April 13, 1977 is said docket.

Tennessee states that by the Commission's April 20, 1976 and April 13, 1977 Orders, Tennessee was authorized to transport up to 65,000 Mcfd of natural gas for Texas Gas Transmission Corp. (Texas Gas) from various points in the Louisiana Offshore Area through the Project 349 pipeline (jointly owned by Tennessee, Texas Gas and Texas Eastern Transmission Corp.) located in the Eugene Island Offshore Area and through the Blue Water Project (BWP) (jointly owned by Tennessee and Columbia Gulf Transmission Co.) for delivery onshore for Texas Gas' account at interconnections between the systems of Tennessee and Transcontinental Gas Pipe Line Corp. (Transco) located near Crowley Acadia Parish, La. (Crowley delivery point) and near Kinder, Allen Parish, La. (Kinder delivery point). Such service is to be rendered until January 1, 1980.

Tennessee states that Texas Gas has been authorized at Docket No. CP77-362 to construct, and is constructing, pipeline facilities to interconnect its existing facilities nere Eunice, La. with the BWP on the western terminus of the BWP near Egan, La., for the purpose of receiving transportation volumes from Tennessee at Egan in lieu of at the Crowley and Kinder delivery points.

Accordingly, Tennessee requests authorization to deliver the authorized transportation volumes to Texas Gas at the Egan delivery point.

Any person desiring to be heard or to make any protest with reference to said application, on or before February 8, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participte as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1875 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. ER78-180]

TUCSON GAS & ELECTRIC CO.

Filing of Transmission Service Agreement

JANUARY 16, 1978.

Take notice that Tucson Gas & Electric Co. (Tucson) on January 9, 1978, tendered for filing a Contract for Nonfirm Transmission Service (the Agreement) dated January 1, 1978, between Tucson and the United States Department of Energy, Western Area Power Administration (United States).

Tucson indicates that the primary purpose of this Agreement is to establish terms and conditions relative to the nonfirm transmission of energy for Tucson over certain United States-owned transmission facilities for delivery to the Mead Substation.

Tucson proposes an effective date of January 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1861 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket No. ER78-176]

WISCONSIN ELECTRIC POWER CO.

Succession

JANUARY 17, 1978.

Take notice that Wisconsin Electric Power Co. (WE) on January 3, 1978, tendered for filing a notice of succession of WE to the rates and schedules of Wisconsin Michigan Power Co. (WM). WE indicates that such succession results from a merger of WM into WE, which merger was approved July 28, 1977, by the Commission in Docket No. E-9596. WE states that a notice of succession has been furnished to each customer concerned and to the applicable state public service commissions. WE states that said succession is to be effective upon the merger of WM into WE, at midnight, December 31, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-1876 Filed 1-20-78; 8:45 am]

[3128-01]

Office of Energy Research

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the High Energy Physics Advisory Panel will meet Thursday, February 9, 1978, at 1:30 p.m., in the Orange Room of the Central Laboratory at the Stanford Linear Accelerator Center, Stanford University, Stanford, Calif. The meeting will reconvene at 9 a.m., February 10 and 11, 1978.

The purpose of the Panel is to provide advice and guidance on a continuing basis with respect to the high energy physics research program.

The tentative agenda is as follows:

1. Review of budget issues at the High Energy Physics Laboratories;
2. Analysis of the final draft report of the Subpanel on High Energy Physics Manpower;
3. Budget status of the High Energy Physics Program;
4. Neutrino interactions;
5. Long term planning; and
6. Public comment (10 minute rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management 202-566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on January 17, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-1808 Filed 1-20-78; 8:45 am]

[3128-01]

Office of Energy Technology

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Advisory Committee on Geothermal Energy will hold its fourth meeting Tuesday, February 7, 1978 from 9 a.m. to 5:15 p.m., Suite 285, World Trade Center, 350 South Figueroa Street, Los Angeles, Calif.

The purpose of the Committee is to provide advice to the Department of Energy on the status of social, legal, technological, and institutional problems that inhibit the private sector from exploiting the nation's vast reserves of geothermal energy. The Committee suggests areas of research which will accelerate the private development of geothermal energy into electric and non-electric power and informs DOE on the status of privately supported geothermal research and development.

The purpose of this meeting is to review plans and activities of the Division of Geothermal Energy, DOE, and to discuss and provide advice on programs and approaches to effective government-industry cooperation in the development of geothermal energy.

The tentative agenda for the meeting is as follows:

9 a.m. Opening Remarks—Carel Otte, Chairman.
9:15 a.m. Minutes of August 12, 1977, Meeting—J. C. Bresee, DOE.
9:30 a.m. Fiscal Year 1979, Division of Geothermal Energy, Budget and Program Content—J. C. Bresee, DOE.
11 a.m. Technology Utilization Subcommittee Report—Ben Holt, Chairman.
12 noon Lunch.

1 p.m. Geopressure Subcommittee Report—F. C. Repper, Chairman.
2 p.m. Legal and Institutional Subcommittee Report—J. Aidlin, Chairman.
3 p.m. Resource Subcommittee Report—C. W. Berge, Chairman.
4 p.m. Commercialization and Marketing Role in the Department of Energy.
5 p.m. Date and Location of Next Meeting—Carel Otte, Chairman.
5:10 p.m. Public Comment (10 Minute Rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management Office (202) 566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on January 17, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-1877 Filed 1-20-78; 8:45 am]

[3128-01]

SUBCOMMITTEES OF ADVISORY COMMITTEE ON GEOTHERMAL ENERGY

Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that subcommittees of the Advisory Committee on Geothermal Energy will meet in accordance with the schedule set forth below.

The purpose of the subcommittee meetings is to make recommendations to the parent Committee with regard to the plans and activities of the Division of Geothermal Energy, DOE, and in particular, to provide advice on programs and approaches to effective government-industry cooperation with respect to the following in the development of geothermal energy: resources assessment problems; technology utilization problems; legal and institutional problems; and geothermal geopressure problems.

Meetings will be held on Monday, February 6, 1978, at the time and place and in accordance with the tentative agenda indicated below:

RESOURCE SUBCOMMITTEE

8:30 a.m. to 12:30 p.m., Suite 285, World Trade Center, 350 South Figueroa Street, Los Angeles, Calif.
Agenda: Division of Geothermal Energy program for introduction; downhole technology; drilling; well stimulation; logging; and summary.

TECHNOLOGY UTILIZATION SUBCOMMITTEE

8:30 a.m. to 12:30 p.m., Los Angeles Bonaventure Hotel, 404 South Figueroa Street, Los Angeles, Calif.
Agenda: Minutes of June 17, 1977, meeting; Matters arising from minutes; Contents of Division of Geothermal Energy Annual report; fiscal year, 1979 Division of Geothermal Energy budget and program; and content.

LEGAL AND INSTITUTIONAL SUBCOMMITTEE

1:30 p.m. to 6:30 p.m., Los Angeles Bonaventure Hotel, 404 South Figueroa Street, Los Angeles, Calif.
Agenda: Public Land Policies; Problems Relating to Wheeling, Plant Amortization, and Reservoir Life; Discussion of Draft Interagency Environmental Task Force Proposals; and Review and Assessment of Current Tax Situation.

GEOPRESSURE SUBCOMMITTEE

1:30 p.m. to 5:30 p.m., Suite 285, World Trade Center, 350 South Figueroa Street, Los Angeles, Calif.
Agenda: Review and Status of Environmental Requirements: Introduction, generic studies, environmental assessments, and site monitoring.

The meetings are open to the public. The Chairmen of the Subcommittees are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommittee(s) will be permitted to do so, either before or after the meeting(s). Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management, 202-566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning these meetings may be obtained from the Advisory Committee Management Office.

The transcripts of the meetings will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on January 17, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-1674 Filed 1-20-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 847-6]

CONSTRUCTION GRANTS PROGRAM

Open Meeting

Notice is hereby given that informal discussion sessions have been scheduled to be held January 30-31 and February 1, 1978. The meetings will be held at Waterside Mall, Room 2814-B, 401 M Street SW., Washington, D.C.

The purpose of the meeting is to receive comments concerning the provisions of the new Clean Water Act of 1977 which affect Title II of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500) and the Construction Grants Program.

The following is a specific schedule of discussion topics:

Date, Time, and Subject

January 30, 9 a.m. to 11 a.m., Individual Treatment Systems.
January 30, 11 a.m. to 1 p.m., Amendments to Title II concerning areas of the construction grant program other than here individually scheduled.
January 30, 1 p.m. to 3 p.m., State Management Assistance.
January 31, 9 a.m. to 11 a.m., Industrial Cost Recovery and User Charges.
January 31, 1 p.m. to 3 p.m., Innovative Technology.
February 1, 1 p.m. to 3 p.m., State Priority Systems.

The meeting will be open to the public. Any person wishing to attend the meeting should contact, Mr. Joseph H. Easley, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202-426-4445.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

JANUARY 19, 1978.

[FR Doc. 78-2031 Filed 1-20-78; 9:12 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-846; Docket No. 21494; File No. BLH-7102]

INDEPENDENT MUSIC BROADCASTERS, INC.

Memorandum Opinion and Order; Correction

In the matter of application of Independent Music Broadcasters, Inc., Radio Station WYOR, Coral Gables, Fla., for license to cover construction permit (Docket No. 21494; File No. BLH-7012).

Released: January 18, 1978.

In FR Doc. 78-581 appearing at page 1538 in the FEDERAL REGISTER for Tuesday, January 10, 1978 make the following correction:

The Memorandum Opinion and Order, FCC 77-846, released January 4, 1978, in the above-entitled matter is corrected by changing the file number in the caption and paragraph 1, line 8, to read BLH-7012 in lieu of BLH 7102.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-1883 Filed 1-20-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corp., Dallas, Tex., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Ridglea Bank, Fort Worth, Tex. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 14, 1978.

Board of Governors of the Federal Reserve System, January 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-1893 Filed 1-20-78; 8:45 am]

[1505-01]

FEDERAL TRADE COMMISSION

COLEMAN CO., INC.

Denial of Application for Waiver

Correction

In FR Doc. 78-954 appearing at page 1991 in the issue for Friday, January 13, 1978, in the third column of page 1992, the fourth line from the top ends with the word "states:". That should have been followed by the paragraph in small type which was inadvertently inserted at the bottom of the column between footnotes 11 and 12.

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED AND DISABLED (PART B OF MEDICARE)

Monthly Actuarial Rates and Monthly Premium Rate

Correction

In FR Doc. 77-37134 appearing at page 65275 in the issue for Friday, December 30, 1977, in Table 2 which appears on page 65276, the entries for "Margin for contingencies and to amortize unfunded liabilities" should have read across as follows:

−1.08 .85 .85 .30

[1505-01]

PRIVACY ACT OF 1974

New Routine Use for Notice of Systems of Records

Correction

In FR Doc. 78-1332 appearing at page 2668 in the issue for Wednesday, January 18, 1978, in the middle column, under the paragraph designated "DATES", the third line which presently reads "notice on or before February 17, 1978," should read "notice on February 17, 1978,".

[1505-01]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Proposed Oil and Gas Lease Sale No. 45]

OUTER CONTINENTAL SHELF, GULF OF MEXICO

Oil and Gas Leasing

Correction

In FR Doc. 78-778 appearing at page 2009 in the issue of Friday, January 13, 1978, on page 2010, first column, paragraph "1" should read as follows:

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343) and the regulations issued thereunder (43 CFR Part 3300).

On page 2017, third column, fifth line "45-311:" should read "45-111:". In the same column, the fourth complete paragraph beginning with, "Coffee Lump." should read, "B. Coffee Lump.".

[4310-84]

[C-14442]

COLORADO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal-Correction

The notice of proposed withdrawal, Colorado 14442, appearing as FEDERAL REGISTER document 78-117 in the issue for January 5, 1978 at pages 1012-1013, is hereby corrected to include the following land:

NEW MEXICO PRINCIPAL MERIDIAN

PURGATORY SKI AREA

T. 39 N., R. 9 W.,
Sec. 23, SW¼NW¼.

Dated: January 16, 1978.

MERRILL G. ANDERSON,
Leader, Montrose Team,
Branch of Adjudication.

[FR Doc. 78-1797 Filed 1-20-78; 8:45 am]

[4310-84]

[C-15142]

COLORADO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal-Correction

Notice of proposed withdrawal, Colorado 15142, appearing as FEDERAL REGISTER document 77-37175, in the issue for December 30, 1977 at pages 65283 and 65284, is hereby corrected to include the following land:

NEW MEXICO PRINCIPAL MERIDIAN

PROSPECT BASIN SKI AREA

T. 42 N., R. 9 W.,
Sec. 1, SW¼.

Dated: January 16, 1978.

MERRILL G. ANDERSON,
Leader, Montrose Team,
Branch of Adjudication.

[FR Doc. 78-1796 Filed 1-20-78; 8:45 am]

[4310-84]

[AA-6661-H]

ALASKA

Alaska Native Claims Selection

On December 13, 1974, Eklutna, Inc., filed selection application under the

provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Eagle River area, including lands in T. 14 N., R. 1 W., Seward Meridian.

As to the lands described below, the village selection, as amended, was properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

The surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 157.07 acres, is considered proper for acquistion by Eklutna, Inc., and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN (SURVEYED)

T. 14 N., R. 1 W.,
Sec. 5, lot 4;
Sec. 6, lots 1, 2, and 3.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914 (38 Stat. 305; 43 U.S.C. 975d);

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6661-EE, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 52 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(b) (EIN 53 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands by patent shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. ch. 2, sec. 6(g) (1970)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

2. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V. 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

3. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Cook Inlet Region, Inc., Eklutna, Inc., and other Cook Inlet village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Eklutna, Inc., serialized AA-6661-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, anchorage, Alaska 99501.

Conveyance of the remaining entitlement to Eklutna, Inc. will be made at a later date. Pursuant to section 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Cook Inlet Region, Inc., when conveyance is granted to Eklutna, Inc., for the surface estate, and shall be subject to the same condition as the surface conveyance.

There are no inland water bodies considered to be navigable within the lands described above.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until February 2, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Eklutna, Inc., or Cook Inlet Region, Inc., objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirement for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-1891 Filed 1-20-78; 8:45 am]

[4310-84]

ALASKA

Notice of Filings, Regional Selections Pursuant to Section 14(h)(1) Alaska Native Claims Settlement Act

On the dates listed below, Chugach Natives, Inc., filed the following applications under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1614 (Supp. V, 1975)).

Subject to valid existing rights, the lands described below were segregated from all forms of appropriation under the public land laws as of the date of filing.

Copper River Meridian, Alaska
[Unsurveyed]

Serial No.	Date of Filing	Description	Approximate acreage
AA-11019	Dec. 18, 1975.	T. 16 S., R. 5 W., sec. 32, S½SE¼	25
AA-10781	do	T. 16 S., R. 6 W., sec. 18, E½SW¼, W½SE¼	5

Copper River Meridian, Alaska—Continued

Serial No.	Date of Filing	Description	Approximate acreage
AA-10782	do	T. 16 S., R. 6 W., sec. 19, NW¼	115
AA-11136	do	T. 17 S., R. 6 W., sec. 12, E½SE¼	65
AA-11020	do	T. 17 S., R. 6 W., sec. 13, S½NE¼, N½SE¼	130
AA-11138	do	T. 17 S., R. 6 W., sec. 36, NW¼	145
AA-10761	do	T. 18 S., R. 6 W., sec. 3, NW¼	70
AA-10784	do	T. 16 S., R. 7 W., sec. 13, SW¼	75
AA-10787	do	T. 16 S., R. 7 W., sec. 21, NW¼	40
AA-10785	do	T. 16 S., R. 7 W., sec. 21, SW¼	3
AA-10786	do	T. 16 S., R. 7 W., sec. 21, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.	20
AA-10788	do	T. 16 S., R. 7 W., sec. 20, S½NE¼, N½SE¼	45
AA-12440	do	T. 16 S., R. 7 W., sec. 19, NE¼SW¼	35
AA-10789	do	T. 16 S., R. 7 W., sec. 19, W½NW¼	
		T. 16 S., R. 8 W., sec. 24, E½NE¼	20
AA-10783	do	T. 17 S., R. 7 W., sec. 12, SE¼SW¼, SW¼SE¼; sec. 13, NW¼NE¼, NE¼NW¼.	100
AA-10774	do	T. 17 S., R. 7 W., sec. 23, NW¼	160
AA-10771	do	T. 17 S., R. 7 W., sec. 29, S½NE¼, N½SE¼	155
AA-10762	do	T. 17 S., R. 7 W., sec. 30, SW¼, W½SE¼	85
AA-10770	do	T. 17 S., R. 7 W., sec. 30, SW¼SW¼; sec. 31, NW¼NW¼.	
		T. 17 S., R. 8 W., sec. 25, SE¼SE¼; sec. 36, NE¼NE¼.	50
AA-10772	do	T. 18 S., R. 7 W., sec. 6, W½NE¼, E½NW¼	150
AA-10763	do	T. 16 S., R. 8 W., sec. 15, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.	110
AA-11058	do	T. 16 S., R. 8 W., sec. 21, NE¼	45
AA-11056	do	T. 16 S., R. 8 W., sec. 32, S½SE¼	
		T. 17 S., R. 8 W., sec. 5, N½NW¼	35
AA-11057	do	T. 17 S., R. 8 W., sec. 5, NE¼	10
AA-10764	do	T. 17 S., R. 8 W., sec. 22, S½SE¼; sec. 27, N½NE¼.	140
AA-11049	do	T. 17 S., R. 8 W., sec. 31, SE¼NE¼, NE¼SE¼; sec. 32, SW¼NW¼, NW¼SW¼.	115
AA-10766	do	T. 17 S., R. 8 W., sec. 33, NE¼	40
AA-11050	do	T. 17 S., R. 8 W., sec. 33, NW¼	15
AA-11051	do	T. 17 S., R. 8 W., sec. 33, SW¼	95
AA-10765	do	T. 17 S., R. 8 W., sec. 33, E½NE¼; sec. 34, W½NW¼.	90
AA-10767	do	T. 17 S., R. 8 W., sec. 33, S½NE¼, N½SE¼	85
AA-12547	Dec. 21, 1976.	T. 17 S., R. 8 W., sec. 33, SE¼SW¼	40
AA-10769	Dec. 18, 1975.	T. 17 S., R. 8 W., sec. 33, S½SE¼	
		T. 18 S., R. 8 W., sec. 4, N½NE¼	115
AA-10768	do	T. 17 S., R. 8 W., sec. 34, E½NE¼; sec. 35, W½NW¼.	135
AA-11054	do	T. 18 S., R. 8 W., sec. 5, E½SW¼, W½SE¼	90
AA-11053	do	T. 18 S., R. 8 W., sec. 5, SE¼SW¼, SW¼SE¼; sec. 8, NW¼NE¼, NE¼NW¼.	60
AA-10773	do	T. 18 S., R. 8 W., sec. 11, NE¼	140
AA-11055	do	T. 17 S., R. 9 W., sec. 13, SE¼	125
AA-12571	Dec. 21, 1976.	T. 17 S., R. 9 W., sec. 25, SE¼NW¼	40

In accordance with Departmental regulation 43 CFR 2653.5(h), notice of these selections is being published once in the FEDERAL REGISTER and once a week, for three (3) consecutive weeks, in the Cordova Times. Any party claiming a property interest in lands selected may file a protest with the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. All protests must be filed on or before February 22, 1978.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-1892 Filed 1-20-78; 8:45 am]

[4310-31]

Geological Survey

FINALIZED NORTH ATLANTIC AREA ORDER NOS. 1, 3, AND 4

Notice is hereby given that, pursuant to Title 30 CFR, Part 250.11, the Acting Chief, Conservation Division, U.S. Geological Survey, has approved the issuance of the finalized North Atlantic Outer Continental Shelf (OCS) Area Order Nos. 1, 3, and 4 as set forth below. These Orders will be effective January 1, 1978. For the purposes of these Orders, the North Atlantic Area shall include those lands subject to Federal oil and gas leasing on the OCS between 40° N. and 42° N. latitude.

The Notice for the finalized North Atlantic Order Nos. 2, 5, 7, and 12 has been previously published in the FEDERAL REGISTER. North Atlantic OCS Order Nos. 1, 3, and 4 incorporate appropriate comments and suggestions which were received in response to the FEDERAL REGISTER publication of July 22, 1976, Vol. 41, No. 142, which solicited comments on the existing Mid-Atlantic OCS Orders as draft Orders for the North Atlantic Area. These Orders also incorporate the comments received in response to the FEDERAL REGISTER publication of June 29, 1977, Vol. 42, No. 125, which solicited comments on the proposed National OCS Order Nos. 1, 3, and 4.

Comments were received from the following organizations:

Amoco, Inc.
Bureau of Land Management
Conservation Law Foundation of New England
Exxon Co., U.S.A.
Gulf Energy & Minerals Co.—U.S.
Marathon Oil Co.
Offshore Operators Committee
Phillips Petroleum Co.
Paul Purser, Professional Engineer
Shell Oil Co.
State of Maine
State of Massachusetts
Texaco Inc.
The Offshore Co.
U.S. Coast Guard
U.S. Department of Commerce

We have published below a summary of the comments received, our rationales for accepting or rejecting the suggestions of the commenters, and the final version of the Orders.

For further information, contact Mr. George Brown, Eastern Region Conservation Manager, Conservation Division, U.S. Geological Survey, 1725 K Street, NW., Washington, D.C. 20006, 202-254-7870. The primary authors of this document are Mr. Dwayne E. Hull and Mr. Larry Ake of the Atlantic Area Office.

Copies of the finalized North Atlantic OCS Area Orders are available from:

Conservation Manager, Eastern Region, U.S. Geological Survey, 1725 K Street, NW., Washington, D.C. 20006.

NOTE.—1. It has been 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.

2. It has also been determined that issuance of these North Atlantic Orders is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. One of the primary functions of the Orders is the mitigation of potential environmental impacts. The manner in which this is accomplished is discussed in the Final Environmental Statement for OCS Sale No. 42, North Atlantic Area. The North Atlantic Area Orders are based on similar Orders for other OCS Areas. All modifications are designed to incorporate technological advances and improvements and regulatory changes. No revisions have been made which would lessen the Orders' mitigatory impact.

W. A. RADLINSKI,
Acting Director.

SUMMARY OF COMMENTS, U.S. GEOLOGICAL SURVEY RATIONALES, NORTH ATLANTIC ORDER NOS. 1, 3, AND 4

NORTH ATLANTIC—OCS ORDER NO. 1

Paragraph Nos. 1 and 2

Comments. Several commenters expressed concern that paragraph Nos. 1 and 2 did not require navigational lights and sounding devices for fixed structures and mobile-drilling units.

Rationale. The order does not address navigational devices on fixed structures and mobile-drilling units since these requirements are prescribed by regulations of the U.S. Coast Guard.

Paragraph No. 4

Comments. A commenter suggested that in the event that equipment was disposed of at sea, whether voluntarily or involuntarily, the operator must notify the public of the hazard.

Rationale. A revision was made to North Atlantic OCS Order No. 7 requiring that

equipment may only be disposed of under emergency conditions and must be reported to the District Supervisor.

Comments. A suggestion was made that the order require all personnel to be educated on the legalities and hazards of ocean dumping.

Rationale. Stipulation No. 13 to North Atlantic OCS Lease Sale No. 42 requires that lessees train their personnel in the importance and methods of the commercial fishing industry. The Supervisor will require that this training stress the adverse effects of ocean dumping.

Comments. A commenter suggested that markers for subsea objects include "all weather" aids to navigation. Another commenter suggested that marker buoys would not remain in place; therefore, the order should require the owner to notify the U.S. Coast Guard and the fishing and shrimping associations of the location of the object.

The U.S. Coast Guard suggested the order should state that the requirements for the marking of submerged objects should be determined by the Coast Guard District Commander.

Rationale. Since the determination of hazards to navigation or to commercial fishing operations is a function of the District Commander, we have adopted the suggestion of the Coast Guard and have revised paragraph 4 as follows:

"4. *Identification of subsea objects.* All subsea objects resulting from lease operations, which are determined by the Coast Guard District Commander to be hazards to navigation or to the deployment of commercial fishing devices, shall be identified by suitable aid to navigation devices if the District Commander so directs. Prior to the establishment of a subsea object, or in the event of the accidental submergence of an object, the owner shall inform the District Commander of the object's description, location, and unobstructed depth of water above the object's highest point. Based on this information, the District Commander will determine what marking and permits, if any, will be required (14 U.S.C. 83, 85; 43 U.S.C. 1333; 33 CFR 67). The owner shall maintain these navigational markings onsite and properly functioning at all times while the obstruction remains."

U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY, CONSERVATION DIVISION, EASTERN REGION

ATLANTIC AREA

North Atlantic—OCS Order No. 1, Effective January 1, 1978

Identification of Wells, Platforms, Structures, and Subsea Objects

This order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.37. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Identification of fixed platforms or structures.* Platforms and structures shall be identified at two diagonal corners by a sign with letters and figures not less than 30 centimeters (12 inches) in height with the following information:

(a) The name of the lease operator.

(b) The area name shown on OCS official protraction diagrams or, where no name has been assigned, the protraction diagram number.

(c) The block number in which the platform or structure is located.

(d) The platform or structure designation. The information shall be abbreviated as in the following example:

The Blank Oil Co. operates "C" platform on Block 999 of the Salisbury area. The identifying sign on the platform would indicate: BOC-SAL-999-C.

2. *Identification of nonfixed platforms or structures.* Floating semi-submersible platforms, bottom-setting mobile rigs, and drilling ships shall be identified by one sign with letters and figures not less than 30 centimeters (12 inches) in height affixed to the derrick so as to be visible to approaching traffic and containing the following information:

(a) The name of the lease operator.

(b) The area designation based on OCS official leasing maps.

(c) The block number.

(d) The OCS lease number.

(e) The well number.

3. *Identification of wells.* The OCS lease and well number shall be painted on, or a sign affixed to, each singly completed well. In multiply completed wells, each completion shall be individually identified at the wellhead. All identifying signs shall be maintained in a legible condition.

4. *Identification of subsea objects.* All subsea objects resulting from lease operations, which are determined by the Coast Guard District Commander to be hazards to navigation or to the deployment of commerical fishing devices, shall be identified by suitable aid to navigation devices if the District Commander so directs. Prior to the establishment of a subsea object, or in the event of the accidental submergence of an object, the owner shall inform the District Commander of the object's description, location, and unobstructed depth of water above the object's highest point. Based on this information, the District Commander will determine what marking and permits, if any, will be required (14 U.S.C. 83, 85; 43 U.S.C. 1333; 33 CFR 67.) The owner shall maintain these navigational markings onsite and properly functioning at all times while the obstruction remains.

NORTH ATLANTIC OCS ORDER NO. 3

Subparagraph 1.1.

Comments. It was suggested that the phrase "or to prevent migration of fluids in the well bore" is redundant.

Rationale. The intent of the order is to prevent the undesirable migration of well fluids. The subparagraph was revised by changing the title to "Isolation of Zones in Open Hole," by adding the words "saltwater" to the first sentence between "gas" and "fresh water," and by revising the second sentence to read:

"Additional cement plugs to prevent the migration of fluids in the well bore may be required by the District Supervisor."

This revision clarifies the intent and grants the District Supervisor the flexibility to require additional plugs.

Comments. A commenter suggested that the requirement for a cement plug to be placed for every 750 meters of uncased hole is unnecessary.

Rationale. The order was revised. Subparagraph 1.1 now requires plugs to isolate zones containing oil, gas, saltwater, and such additional plugs as prescribed by the Supervisor. The Supervisor's review of applications to plug and abandon will ensure that wells are properly plugged.

Subparagraph 1.4.

Comments. It was suggested that the phase "cannot be used" is ambiguous and that the phrase should read "if the foregoing preferred methods are not used."

Rationale. The subparagraph was revised to eliminate the phrase "if the foregoing methods cannot be used." A new lead-in sentence was added as follows:

"If casing is cut and recovered leaving a stub, one of the following methods shall be used to plug the stub."

Two new subparagraphs were added, 1.4.1 and 1.4.2, to differentiate between the requirements of stubs terminating inside casing and stubs terminating below the casing strings.

Subparagraph 1.7.

Comments. It was suggested that all plugs should be verified in the same manner as the first plug below the top plug.

Rationale. The order requires the testing of the first plug below the surface plug. Past well history has indicated that it is not necessary to test the plugs below the surface plug. The subparagraph was reorganized by adding a new lead-in sentence stating that the plug shall be verified by one of the following methods: a or b. The methods were segregated into segments a and b. The revised language also made it clear that if cement were placed above a bridge plug or a retainer, the cement need not be tested.

Subparagraph 1.9.

Comments. There was a divergence of opinion on the wording which provides flexibility for the District Supervisor to approve the severance of casing at depths less than 5 meters (16 feet) below the ocean floor.

Rationale. The order states that the approval of the Supervisor should be required to sever casing at depths less than 5 meters (16 feet) "after a review of data on the ocean bottom conditions." There have been instances where it was impossible to remove casing which had been severed at 16 feet. In the Alaska Area, a casing was severed at 16 feet and could not be pulled with a force of 400,000 pounds. The pipe was then cut at 6 feet below the ocean floor and was pulled with a force of 300,000 pounds. The problem is prevalent where hard bottoms exist. In a hard bottom where erosion of the ocean floor is unlikely, the depth of the severance is not critical. In a soft bottom which is subject to erosion or sand waves, review of bottom conditions by the Supervisor will ensure that the casing is severed at an adequate depth.

Paragraph 2.

Comments. A comment was made that the order should clarify the difference between temporary and permanent abandonment.

Rationale. No time conditions will be set, but temporarily abandoned wells will be seafloor obstructions which must be marked. Determination as to the type of abandonment will be handled on a case-by-case basis by the Supervisor. The paragraph was also revised in response to comments received by Task Force members in the field. One operator commented that the requirement for setting a cement plug in the open hole of a temporarily abandoned drilling well has caused an unintentional side track while trying to drill out of the 100-foot cement plug below the casing. This can easily occur when the formation is softer than the cement plug. Such side tracking and the resultant dog leg is highly undesirable. The following two sentences were added to the paragraph:

"When a drilling well is temporarily abandoned, a bridge plug or a cement plug shall be set at the base of the deepest string. If a

cement plug is set, it shall not be necessary for the cement plug to overlap into the open hole."

It was suggested by USGS personnel that this paragraph should address the requirements for the marking of casing stubs which extend above the ocean floor. The last sentence of the paragraph was revised as follows:

"When casing extends above the ocean floor, the operator shall comply with the following requirements:

(a) A mechanical retrievable or permanent bridge plug, or a cement plug 30 meters (98 feet) in length, shall be set in the casing between 5 and 60 meters (16 and 197 feet) below the ocean floor.

(b) The requirements of Order No. 1, paragraph 4, "Identification of Subsea Objects."

U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY, CONSERVATION DIVISION, EASTERN REGION

ATLANTIC AREA

NORTH ATLANTIC

OCS ORDER NO. 3— EFFECTIVE JANUARY 1, 1978

PLUGGING AND ABANDONMENT OF WELLS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.15. The operator shall comply with the following minimum plugging and abandonment procedures which have general application to all wells drilled for oil and gas. Plugging and abandonment operations shall not be commenced prior to obtaining approval from the appropriate District Supervisor. Oral or telegraphic approvals shall be in accordance with 30 CFR 250.13. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Permanent Abandonment.*—1.1 *Isolation of Zones in Open Hole.* In uncased portions of wells, cement plugs shall be spaced to extend 30 meters (98 feet) below the bottom to 30 meters (98 feet) above the top of any oil, gas, saltwater, and freshwater zones so as to isolate them in the strata in which they are found and to prevent them from escaping into other strata. Additional cement plugs to prevent the migration of fluids in the well bore may be required by the District supervisor.

1.2 *Isolation of Open Hole.* Where there is open hole below the casing, a cement plug shall be placed in the deepest casing string by a or b below. In the event lost circulation conditions exist or are anticipated, the plug may be placed in accordance with c below:

(a) A cement plug placed by displacement method so as to extend a minimum of 30 meters (98 feet) above and 30 meters (98 feet) below the casing shoe.

(b) A cement retainer with effective back pressure control set not less than 15 meters (49 feet) nor more than 30 meters (98 feet) above the casing shoe, with a cement plug calculated to extend at least 30 meters (98 feet) below the casing shoe and 15 meters (49 feet) above the retainer.

(c) A permanent type bridge plug set within 45 meters (148 feet) above the casing shoe with 15 meters (49 feet) of cement on top of the bridge plug. This bridge plug shall be tested in accordance with 1.7 prior to placing subsequent plugs.

1.3 *Plugging or Isolating Perforated Intervals.* A cement plug shall be placed opposite all open perforations (perforations not squeezed with cement) extending a minimum of 30 meters (98 feet) above and 30 meters (98 feet) below the perforated interval or down to a casing plug, whichever is less. In lieu of the cement plug, the following two methods are acceptable, provided the perforations are isolated from the hole below:

(a) A cement retainer with effective back pressure control set not less than 15 meters (49 feet) nor more than 30 meters (98 feet) above the top of the perforated interval with a cement plug calculated to extend at least 30 meters (98 feet) below the bottom of the perforated interval and 15 meters (49 feet) above the retainer.

(b) A permanent type bridge plug set within 45 meters (148 feet) above the top of the perforated interval with 15 meters (49 feet) of cement on top of the bridge plug.

1.4 *Plugging of Casing Stubs.* If casing is cut and recovered leaving a stub, one of the following methods shall be used to plug the casing stub.

1.4.1 *Stub Termination Inside Casing String.* A stub terminating inside a casing string shall be plugged by methods a, b, or c as follows:

(a) A cement plug will be set so as to extend 30 meters (98 feet) above and 30 meters (98 feet) below the stub.

(b) A retainer set 15 meters (49 feet) above the stub with 45 meters (148 feet) of cement set below and 15 meters (49 feet) above.

(c) A permanent bridge plug set 15 meters (49 feet) above the stub and capped with 15 meters (49 feet) of cement.

1.4.2 *Stub Termination Below Casing String.* If the stub is below the next larger string, plugging shall be accomplished in accordance with either 1.1 or 1.2.

1.5 *Plugging of Annular Space.* Any annular space communicating with any open hole and extending to the ocean floor shall be plugged with cement.

1.6 *Surface Plug Requirement.* A cement plug of at least 45 meters (148 feet), with the top of the plug 45 meters (148 feet) or less below the ocean floor, shall be placed in the smallest string of casing which extends to the surface.

1.7 *Testing of Plugs.* The setting and location of the first plug below the surface plug shall be verified by one of the following methods:

(a) Placing a minimum pipe weight of 6,800 kilograms (15,000 pounds) on the cement plug, cement retainer, or bridge plug. The cement placed above the bridge plug or retainer need not be tested.

(b) Testing with a minimum pump pressure of 6,900 kPa (1,000 psi) with no more than a 10-percent pressure drop during a 15-minute period.

1.8 *Mud.* Each of the respective intervals of the hole between the various plugs shall be filled with mud fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered while drilling such an interval.

1.9 *Clearance of Location.* All casing and piling shall be severed and removed to a depth of at least 5 meters (16 feet) below the ocean floor, or at a depth as approved by the District Supervisor after a review of data on the ocean bottom conditions. The operator shall verify that the location has been cleared of all obstructions.

2. *Temporary Abandonment.* Any drilling well which is to be temporarily abandoned shall be mudded and cemented as required for permanent abandonment except for the requirements 1.6 and 1.9. When a drilling well is temporarily abandoned, a bridge plug or a cement plug shall be set at the base of the deepest casing string. If a cement plug is set, it shall not be necessary for the cement plug to overlap into the open hole. When casing extends above the ocean floor, the operator shall comply with the following requirements:

(a) A mechanical, retrievable or permanent bridge plug, or a cement plug 30 meters (98 feet) in length, shall be set in the casing between 5 and 60 meters (16 and 197 feet) below the ocean floor.

(b) The requirements of North Atlantic OCS Order No. 1, paragraph 4, "identification of Subsea Objects."

NORTH ATLANTIC OCS ORDER NO. 4

PREAMBLE.

Comments. It was suggested that the fourth sentence of the preamble should be revised by changing the word "may" to "shall" and by adding the phrase "and reasonable and prudent efforts are being made to comply with the requirements."

Rationale. The intent of the preamble was not to make it mandatory that the Supervisor grant a suspension of production. The Supervisor has specific guidelines to be used in his determination of the approval or the denial of a suspension of production. The Supervisor has the option of approving or disapproving suspensions of production based on these guidelines.

Comments. A commenter suggested that a suspension of production be granted only if all the requirements set forth in OCS Order No. 14 have been met.

Rationale. The preamble of the Order was changed to reflect the fact that the conditions of North Atlantic OCS Order No. 14 must be met before a suspension of production is granted. North Atlantic OCS Order No. 14 will be published before North Atlantic OCS exploration progresses significantly.

Paragraphs 1, 2, 3, and 4.

Comments. Several commenters indicated that the intent of the Order was not clear. A lack of clarity was cited in the paragraphs which allow the demonstration of production capability through production tests, logs, or other proven formation-evaluation techniques. We agree with these comments and have revised the Order by adding two new sentences to the preamble as follows:

"All pertinent engineering, geologic, and economic data shall be submitted to the District Supervisor for his consideration in determining whether a well is capable of being produced in paying quantities. The District Supervisor shall prescribe which of the following shall be used to determine the capability of a well to produce in paying quantities."

The content of paragraph 4, "Witnessing and Results," was incorporated into the lead-in sentence of paragraph 1, "Production Tests." The production tests for oil wells and gas wells were listed in subparagraphs a and b of paragraph 1. Paragraph 3 was retitled as a new paragraph 2, "Production Capability Determination," and was rewritten as follows:

"When the District Supervisor determines that the open hole evaluation data, such as wireline formation tests, drill stem tests, core data, and logs, has been demonstrated as reliable in a geologic area, such data may be considered as acceptable evidence that a well is capable of producing in paying quantities.

Comments. It was suggested that the Order require oil produced during a production test to be disposed of by incineration.

Rationale. The Order was not revised. Requiring the incineration of the test oil might lead to the waste of significant quantities of valuable mineral resources.

U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY, CONSERVATION DIVISION, EASTERN REGION

ATLANTIC AREA

NORTH ATLANTIC

OCS ORDER NO. 4—EFFECTIVE JANUARY 1, 1978

SUSPENSIONS AND DETERMINATION OF WELL PRODUCIBILITY

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d)(1). An OCS lease provides for extension beyond its primary term for as long as oil or gas may be produced from the lease in paying quantities. The term "paying quantities" as used herein means production in quantities sufficient to yield a return in excess of operating costs. An OCS lease may be maintained beyond the primary term, in the absence of actual production, when a suspension of production has been approved in accordance with North Atlantic OCS Order No. 14. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

All pertinent engineering, geologic, and economic data shall be submitted to the District Supervisor for his consideration in determining whether a well is capable of being produced in paying quantities.

The District Supervisor shall prescribe which of the following shall be used to determine the capability of a well to produce in paying quantities.

1. *Production Tests.* All tests must be witnessed by an authorized representative of the Geological Survey. Test data, accompanied by operator's affidavit or third-party test data, may be accepted in lieu of a witnessed test, provided prior approval is obtained from the District Supervisor. The following are minimum requirements for test(s):

(a) A production test for oil wells of at least 2-hour duration following the stabilization of flow.

(b) a deliverability test for gas wells of at least 2-hour duration following the stabilization of flow, or a four-point back-pressure test.

2. *Production Capability Determination.* When the District Supervisor determines that open-hole evaluation data, such as wireline formation tests, drill stem tests, core data, and logs, has been demonstrated as reliable in a geologic area, such data may be considered as acceptable evidence that a well is capable of producing in paying quantities.

[FR Doc. 78-1924 Filed 1-20-78; 8:45 am]

[4310-10]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD—MID-ATLANTIC

Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Mid-Atlantic Regional Board will meet during the period 1 p.m. to 4 p.m., February 10, 1978, in the ABC Conference Room, 3rd Floor, New State Office Building, 820 French Street, Wilmington, Del.

The meeting will cover the following subjects:

1. OCS Sale No. 49—Mid-Atlantic.
2. OCS legislation.
3. Proposed Intergovernmental Planning Program—Transportation of OCS Oil and Gas.
4. Evaluation of OCS environmental studies program.
5. OCS Sale No. 42—North Atlantic.
6. Activities of Geological Survey District Office.

This meeting is open to the public. Interested persons may make oral or written presentations to the Board. Such requests should be made to the Mid-Atlantic Board Chairman:

Simon F. McHugh, Jr., Executive Assistant, Office of the Governor, Annapolis, Md. 21404, 301-261-2176.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets NW., Washington, D.C.

Dated: January 11, 1978.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

[FR Doc. 78-1798 Filed 1-20-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

LUBBOCK COUNTY BEVERAGE ASSOCIATION, ET AL

Proposed Consent Judgment in United States

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Texas, Lubbock Division, in Civil Action No. 5-76-126, *United States* v. *Lubbock County Beverage Association; Cecil's, Inc.; Crossed Keys Package Store, Inc.; Pinkie's, Inc.; and the All Star Co.* The complaint alleged that the defendants and co-conspirators had engaged in a combination and conspiracy to raise, fix, stabilize and maintain the price of alcoholic beverages in Lubbock County. The proposed judgment prohibits each defendant corporation from entering into or maintaining any agreement or understanding to raise, fix, stabilize, or maintain prices for the sale of alcoholic beverages. Each defendant is also prohibited from communicating or exchanging with any other retailer of alcoholic beverages the actual or proposed prices for the sale of alcoholic beverages prior to communication to the public generally. Public comment is invited on or before March 13, 1978. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Barry F. McNeil, Chief, Dallas Office, Antitrust Division, Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Tex. 75242.

Dated: January 9, 1978.

HUGH P. MORRISON, Jr.,
Acting Assistant Attorney General, Antitrust Division.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

LUBBOCK DIVISION

United States of America v. *Lubbock County Beverage Association; Cecil's, Inc.; Crossed Keys Package Store, Inc.; Pinkie's, Inc.; and the All Star Co.*

Civil Action No. 5-76-126.

Filed: January 9, 1978.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding.

Dated: January 9, 1978.

For the Plaintiff: Hugh P. Morrison, Jr., *Acting Assistant Attorney General;* Barry F. McNeil, Mary Coleen T. Sewell, *Attorneys, Department of Jus-*

tice; Kenneth J. Mighell, *United States Attorney, Northern District of Texas;* Robert B. Wilson, *Assistant United States Attorney.*

For the Defendants: Key, Carr, Evans & Fouts, Lubbock, Tex. by Rob Becker, *Lubbock County Beverage Association Representative;* Mark Smith & Associates, Lubbock, Tex., by Aubrey J. Fouts, *Attorney for Cecil's, Inc.;* by Mark Smith, *Attorney for Crossed Keys, Package Store, Inc.;* Clark, Thomas, Winters & Shapiro, Austin, Tex., by Donald Scott Thomas, Jr., Attorney for *Pinkie's, Inc.;* Brown & Harding, Lubbock, Tex., by Clifford W. Brown, Attorney for the *All Star Co., Jones, Trout, Flygare & Moody, Lubbock, Tex., by* James C. Lewis, *Attorneys for Kenneth Odom.*

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS

LUBBOCK DIVISION

United States of America, v. Lubbock County Beverage Association; Cecil's, Inc.; Crossed Keys Package Store, Inc.; Pinkie's, Inc.; and The All Star Co.; Defendants.

Civil No. CA5-76-126.

Filed: January 9, 1978.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on October 26, 1976, and plaintiff and defendants, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by plaintiff or defendants, or any of them, in respect to any such issue;

Now, therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties as aforesaid, it is hereby

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II

As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity.

(B) "Alcoholic beverages" shall refer to beer, wine and distilled spirits.

(C) "Defendant corporation" shall refer to defendants Cecil's, Inc.; Crossed Keys Package Store, Inc.; Pinkie's, Inc.; and The All Star Company.

(D) "Defendant association" shall refer to all directors, officers, members, and employees of Lubbock County Beverage Association.

III

The provisions of this Final Judgment are applicable to each defendant herein and shall apply also to each of such defendant's subsidiaries, successors, assigns, directors, officers, agents, and employees, and to all persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant corporation is enjoined and restrained from directly or indirectly:

(A) Entering into, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any any other retailer of alcoholic beverages to raise, fix, stabilize or maintain prices for the sale of alcoholic beverages to and third person; and

(B) Soliciting, inducing or coercing any other retailer of alcoholic beverages to adopt or adhere to uniform or specific prices for the sale of alcoholic beverages to any third person.

V

Each defendant corporation is enjoined and restrained from communicating to or exchanging with any other retailer of alcoholic beverages any actual or proposed prices, price changes, or other terms or conditions of sale at or upon which any alcoholic beverage is to be or has been sold to any third person prior to communication of such information to the public or trade generally.

VI

Each defendant corporation is enjoined and restrained from attending, organizing, joining, furthering, supporting, or participating in any activities of the defendant association or of any other association with knowledge that the purpose, conduct or activities of the same are inconsistent with the prohibitions contained in Sections IV and V of this Final Judgment.

VII

Each defendant corporation is ordered and directed to:

(A) Furnish within thirty (30) days after the date of the entry of this Final Judgment a copy thereof to each of its officers and directors, and to each of its agents and employees who have any responsibility for the pricing of alcoholic beverages.

(B) Furnish a copy of this Final Judgment to each successor to those officers, directors, agents and employees described in Subsection (A) of this Section VII, within thirty (30) days after each such successor is employed by or becomes associated with such defendant.

(C) File with this Court and serve upon the plaintiff within sixty (60) days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Subsection (A) of this Section VII.

VIII

(A) The defendant association is enjoined and restrained from directly or indirectly convening meetings or conducting business where the purpose or effect of such is to raise, fix, stabilize or maintain the prices of alcoholic beverages.

(B) The defendant association is ordered and directed to:

(1) Furnish within thirty (30) days after the date of the entry of this Final Judgment a copy thereof to each of its officers, directors, members and employees, and any other retailer of alcoholic beverages in Lubbock County.

(2) File with this Court and serve upon the plaintiff within sixty (60) days from the date of entry of this Final Judgment an affidavit as to the fact and manner of its compliance with Subsection (1) of this Section VIII(B).

IX

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

(2) subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, or employees of such defendant, who may have counsel present, regarding any such matters.

(B) A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

X

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further order or directions as may be necessary or appropriate for the construction or the carrying out of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violation thereof.

XI

Entry of this Final Judgment is in the public interest.

Dated this —— day of ————————, 1977.

————————————

United States District Judge.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, LUBBOCK DIVISION

United States of America, Plaintiff, v. *Lubbock County Beverage Association; Cecil's, Inc.; Crossed Keys Package Store, Inc.; Pinkie's, Inc.;* and *The All Star Company*, Defendants.

Civil No. CA5-76-126.

Filed: January 9, 1978.

COMPETITIVE IMPACT STATEMENT

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDING

On October 26, 1976, the United States filed a Complaint under section 4 of the Sherman Act (15 U.S.C. § 4), alleging that beginning sometime around March 1967 and continuing thereafter until sometime prior to December 1974 the defendants and co-conspirators had engaged in a combination and conspiracy to raise, fix, stabilize and maintain the prices of alcoholic beverages in Lubbock County, in violation of section 1 of the Sherman Act (15 U.S.C. § 1). The Complaint requested the Court to rule that the defendants had been engaged in an unlawful conspiracy in violation of Section 1 of the Sherman Act (15 U.S.C. § 1) and to issue an injunction prohibiting its continuation.

Entry by the Court of the proposed Final Judgment will terminate this action against all defendants. The Court will retain jurisdiction over the matter for any further proceedings which might be required to interpret, modify, or enforce the Judgment, or to punish violations of any of the provisions of the Judgment.

II

DESCRIPTION OF PRACTICES INVOLVED IN THE ALLEGED VIOLATION

The defendant retailers and co-conspirators are engaged in the sale of alcoholic beverages at retail to purchasers throughout Lubbock County, Texas. These alcoholic beverages include beer, wine and distilled spirits. In 1975 the defendant retailers together had sales of some $8 million of alcoholic beverages. The defendants, along with other area retailers, had total sales the same year of approximately $13 million.

The defendants are: Cecil's, Inc., of Lubbock, Tex.; Crossed Keys Package Store, Inc., of Lubbock, Tex.; Pinkie's, Inc., of Odessa, Tex.; The All Star Company, of Lubbock, Tex.; and the Lubbock County Beverage Assoication, an organization of area retailers. Members of the Association are named as co-conspirators in the case.

The complaint alleges that the defendants and co-conspirators engaged in a conspiracy to raise, fix, stabilize and maintain prices of alcoholic beverages in Lubbock County. The conspiracy, which began in 1967, involved meetings, discussions and agreements among officials of defendants and co-conspirators concerning prices to be charged for selling alcoholic beverages at retail.

According to the complaint, the conspiracy had the following effects: (a) Price competition among the defendants and co-conspirators was restrainted; (b) prices of alcoholic beverages were raised and fixed at artificial levels; and (c) customers of the defendants and co-conspirators were deprived of the opportunity to purchase alcoholic beverages at competitive prices.

III

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The United States and the defendants have agreed that a Final Judgment in the form negotiated by the parties may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act provided the plaintiff has not withdrawn its consent. The stipulation provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Judgment is conditioned upon a determination by the Court that it is in the public interest.

A. *Prohibited conduct.* The proposed Judgment prohibits each defendant retailer from entering into, maintaining, or furthering any agreements or understandings with any other retailer of alcoholic beverages to raise, fix, stabilize, or maintain prices for the sale of alcoholic beverages to any third person. The Judgment restrains each defendant retailer from soliciting, inducing, or coercing any other retailer to adopt or adhere to uniform or specific prices for the sale of alcoholic beverages to any third person. Each defendant corporation is also prohibited from communicating to, or exchanging with, any other retailer of alocholic beverages any actual or proposed prices, price changes or other terms or conditions of sale of alcoholic beverages prior to communication to the public generally. Each defendant corporation is enjoined from attending, organizing, joining, furthering, supporting, or participating in any activities of the defendant Association or any other association with knowledge that the purpose, conduct, or activity of such association is inconsistent with the prohibitions contained in the Final Judgment. The Judgment enjoins and restrains the defendant Association from directly or indirectly convening meetings or conducting business where the purpose or effect of such is to raise, fix, stabilize, or maintain the prices of alcoholic beverages.

B. *Scope of the proposed judgment.* The Final Judgment applies not only to the defendants but also to their directors, officers, agents and employees, as well as to any successors or assigns of the defendants. It also applies to anyone participating with any defendant who receives actual notice of the Judgment.

The Judgment is geographically applicable. Anywhere the defendants do business. In addition, the Judgment perpetually restrains the prohibited conduct. In other words, unless the Court either modifies or vacates all or part of the Judgment, the defendants are forever bound by its prohibitions.

C. *Effect of the Proposed Judgment on Competition.* The terms of the Judgment are designed to insure that each corporate defendant will act completely independently in determining the prices, terms and conditions at which it sells or offers to sell alcoholic beverages. Compliance with the proposed Judgment will ensure competition among the defendants in the sale of alcoholic beverages.

It is the opinion of the Department of Justice that the proposed Final Judgment contains fully adequate provisions to prevent the continuance or reoccurrence of the violations of the antitrust laws charged in the Complaint. The government is also given access, upon reasonable notice, to the records and employees of the defendants to monitor their compliance with the provisions of the Judgment. In the Department of Justice's view, disposition of the lawsuit without further litigation is appropriate, in that the proposed Judgment provides all the relief which the government sought in its Compliant.

IV

ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT

The proposed Final Judgment is substantially in the form submitted initially to the defendants.

V

REMEDIES AVAILABLE TO PRIVATE LITIGANTS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions, nor will it have any effect on pending actions. Under the provisions of section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this Final Judgment has no prima facie effect in any lawsuits which might be brought against these defendants.

VI

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED JUDGMENT

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Judgment should be modified may submit written comments to Barry F. McNeil, Antitrust Division, U.S. Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Tex. 75242, within the sixty (60) day period provided by the Act. These comments, and the Department's responses to them, will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to its entry if it should determine that some modification of it is necessary.

VII

OTHER MATERIALS

No materials and documents of the type described in section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. Section 16(b)) were considered in formulating

this proposed Judgment, and consequently, none are being filed.

ROBERT B. WILSON,
Assistant U.S. Attorney; U.S. Attorney, U.S. Department of Justice, U.S. Federal Building and Courthouse, Room C-210, 1205 Texas Avenue, Lubbock, Tex. 79401.

BARRY F. MCNEIL,
MARY COLEEN T. SEWELL,
Attorneys, Department of Justice; Antitrust Division, U.S. Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Tex. 75242.

[FR Doc. 78-1799 Filed 1-20-78; 8:45 am]

[4410-01]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Notice of Meeting

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) will meet Monday, Tuesday, and Wednesday, February 6-8, 1978, at the Sheraton National, 900 South Orme Street, Arlington, Va. The meeting is open to the public.

On Monday, February 6, 1978, the Committee will convene at 1 p.m. to discuss plans for the National Advisory Committee Meeting of State Juvenile Justice and Deliquency Prevention Advisory Groups, co-sponsored by the Office of Juvenile Justice and Delinquency Prevention, which is scheduled for March 1-3, 1978, in Reston, Va.

On Tuesday, February 7, 1978, the Committee will reconvene at 9 a.m. in plenary session to discuss court jurisdiction over status offenders. The session will include: (1) presentations by Mr. Milton G. Rector, President, National Council on Crime and Delinquency, and Judge Lindsay G. Arthur, District Judge, Juvenile Division, Hennepin County, Minnesota; (2) presentations by a reactor panel of Committee members; and (3) general discussion and resolution of the Committee's position on the status offender issue. Following a 12:30 p.m. luncheon recess, the Committee will reconvene at 2 p.m. in subcommittee sessions. The subcommittee that will be meeting are: the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention, the Advisory Committee on the Concentration of Federal Effort, and the Advisory Committee on Standards for Juvenile Justice.

On Wednesday, February 8, 1978, the full Committee will reconvene in plenary session at 9 a.m. The session will include subcommittee reports, a review of the actions approved during the meeting, and public commentary. The meeting is scheduled to adjourn at 12 noon.

For further information contact Mr. John M. Rector, Administrator of the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

JAY A. BROZOST,
Attorney-Advisory, Office of General Counsel, Law Enforcement Assistance Administration.

[FR DOC. 78-2046 Filed 1-20-78; 10:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS, COMMITTEE ON PERSONNEL

Meeting

FEBRUARY 2, 1978.

A meeting of the Board of Directors Committee on Personnel will be held on Thursday evening, February 2, 1978, at the O'Hare Hilton, Chicago, Ill.

The meeting will begin at 7:30 p.m. and will be for the purpose of reviewing the Corporation's personnel policies and practices, and such other business as may arise.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc. 78-1943 Filed 1-20-78; 8:45 am]

[6820-35]

BOARD OF DIRECTORS, COMMITTEE ON REGULATIONS

Meeting

FEBRUARY 3, 1978.

A meeting of the Committee on Regulations of the Legal Services Corporation Board of Directors will be held on Friday, February 3, 1978, at the O'Hare Hilton, Chicago, Ill.

The meeting will begin at 9:30 a.m. and will be for the purpose of considering:

1. Proposed amendments to the Bylaws of the Corporation;

2. Proposed amendments to Parts 1608, 1612, 1618, and 1620 of the Regulations;

3. Repeal of Part 1614 of the Regulations;

4. A regulation concerning the prohibited organizing activities of recipients; and,

5. Comments on proposed Parts 1606 (43 FR 16-19), 1622 (43 FR 1807-09), and 1623 (43 FR 19-20) of the Regulations.

The entire meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc. 78-1942 Filed 1-20-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

JANUARY 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on March 10, 1978.

The purpose of this meeting is to review applications submitted to the Translations Program of the National Endowment for the Humanities, for projects beginning July 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc 78-1805 Filed 1-20-78; 8:45 am]

[7536-01]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

JANUARY 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on March 3, 1978.

The purpose of this meeting is to review applications submitted to the Translations Program of the National Endowment for the Humanities, for projects beginning July 1, 1978.

Because the proposed meeting will consider financial information and dis-

close information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free excange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-1804 Filed 1-20-78; 8:45 am]

[7536-01]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

JANUARY 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on February 27, 1978.

The purpose of this meeting is to review applications submitted to the Translations Program of the National Endowment for the Humanities, for projects beginning July 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-1803 Filed 1-20-78; 8:45 am]

[7536-01]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

JANUARY 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on February 21, 1978.

The purpose of this meeting is to review applications submitted to the Translations Program of the National Endowment for the Humanities, for projects beginning July 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street N.W., Washington, D.C. 20506, or call area code 202724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-1802, Filed 1-20-78; 8:45 a.m.]

[7536-01]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

JANUARY 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on February 17, 1978.

The purpose of this meeting is to review applications submitted to the Translations Program of the National Endowment for the Humanities, for projects beginning July 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority To Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-1801 Filed 1-20-78; 8:45 am]

[7536-01]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

JANUARY 11, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on February 13, 1978.

The purpose of this meeting is to review applications submitted to the Translations Program of the National Endowment for the Humanities, for projects beginning July 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority To Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY
Advisory Committee Management Officer.

[FR Doc. 78-1800 Filed 1-20-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON REGULATORY ACTIVITIES

Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on February 8, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

WEDNESDAY, FEBRUARY 8, 1978

THE MEETING WILL COMMENCE AT 8:45 A.M.

A. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Proposed Regulatory Guide 1.68.X, "Preoperational Testing of Instrument and Control Air Systems."

(2) Regulatory Guide 1.68, Revision 2, "Initial Test Programs for Water Cooled Nuclear Power Plants."

(3) Regulatory Guide 1.117, Revision 1, "Tornado Design Classification."

B. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the questions raised by the Subcommittee at its meeting on January 4, 1978 regarding Seismic Response Spectra.

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory guides 1.68, Revision 2 and 1.117, Revision 1 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Gary R. Quittschreiber, telephone 202-634-1374, between 8:15 a.m. and 5:00 p.m., e.s.t.

Dated: January 17, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-1814 Filed 1-20-78; 8:45 am]

[7590-01]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-20, issued to Consumers Power Co. (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility), located in Covert Township, Van Buren County, Mich. The amendment is effective as of its date of issuance.

This amendment modifies the augmented inservice inspection program for the Palisades steam generators and allows the sleeving of degraded steam generator tubes as an alternative to plugging.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on November 30, 1977 (42 FR 60989). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 10, as supplemented December 7 and 12, 1977, (2) Amendment No. 33 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Mich. 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 9th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1816 Filed 1-20-78; 8:45 am]

[7590-01]

[Docket No. 50-315]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-58, issued to Indiana & Michigan Electric Co., and Indiana & Michigan Power Co. (the licensees), which revised the Technical Specifications for operation of the Donald C. Cook Nuclear Plant Unit No. 1 (the facility), located in Berrien County, Mich. The amendment is effective February 22, 1978.

The amendment revised the Technical Specifications to incorporate requirements for use of the Cask Drop Protection System, to add surveillance requirements for certain emergency core cooling system throttle valves, to change the maximum specified pressurizer heatup rate, to exclude certain larger hydraulic shock suppressors from functional testing, to incorporate NRC recommended changes into the Administrative Controls section of the Technical Specifications relating to reporting requirements, and to clarify the requirements for emergency diesel generator load sequencing timers.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission' has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment

does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the June 18, 1976 and February 9, July 13, September 9 and 15, October 13, and November 3, 1977 applications for amendment, (2) Amendment No. 23 to License No. DPR-58, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 4th day of January 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-1817 Filed 1-20-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.; (TROJAN NUCLEAR PLANT)

Discontinue Modification of Trojan Nuclear Plant's Spent Fuel Storage Racks

Notice is hereby given that by petition dated December 13, 1977, Susan M. Garrett and the Coalition for Safe Power filed a request for an Order requiring Portland General Electric Co., to discontinue modification of the Trojan Nuclear Plant's spent fuel storage racks or in the alternative to suspend or revoke the operating license for the Trojan Nuclear Plant. In accordance with the procedures specified in 10 CFR 2.206 of the Commission's regulations, appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the local public document room for the Trojan Nuclear Plant located at the Law Library, Columbia County Court House, St. Helens, Oreg. 97501.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 78-1815 Filed 1-20-78; 8:45 am]

[7590-01]

[Docket No. STN 50-553 and STN 50-544]

TENNESSEE VALLEY AUTHORITY, PHIPPS BEND NUCLEAR PLANT, UNITS 1 AND 2

Issuance of Construction Permits

Notice is hereby given that, pursuant to the Partial Initial Decision dated October 14, 1977 and the Initial Decision of the Atomic Safety and Licensing Board, dated January 12, 1977, the Nuclear Regulatory Commission (the Commission) has issued Construction Permits No. CPPR-162 and CPPR-163 to the Tennessee Valley Authority for construction of two boiling water nuclear reactors at the applicant's site in Hawkins County, approximately 15 miles southeast of Kingsport, Tenn. The proposed reactors, known as the Phipps Bend Nuclear Plant, Units 1 and 2 will operate at a core power level of 3,579 megawatts thermal with a net electrical output of 1,220 megawatts.

The Initial Decision is subject to review by the Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of the date of issuance. The earliest date for the completion of the Unit No. 1 is January 1, 1983 and the latest date for completion is April 1, 1984. The earliest and latest dates for Unit No. 2 are January 1, 1984 and April 1, 1985, respectively. The permits shall expire on the latest date for completion of each unit.

A copy of (1) the Partial Initial Decision, dated October 14, 1977 and (2) the Initial Decision, dated January 12, 1978; (3) Construction Permits No. CPPR-162 and No. CPPR-163; (4) the report of the Advisory Committee on Reactor Safeguards, dated May 11, 1977; (5) the Office of Nuclear Reactor Regulation's Safety Evaluation dated April 1977, and Supplement No. 1, dated September 1977; (6) the Preliminary Safety Analysis Report and amendments thereto; (7) the applicant's Environmental Report, dated March 30, 1976 and supplements thereto; (8) the Draft Environmental Statement dated August 1976; and (9) the Final Environmental Statement dated February 1977, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and the Kingsport Public Library, Broad and New Streets, Kingsport, Tenn. 37660.

A copy of the construction permits may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation and its Supplement (Document No. NUREG-0101) and the Final Environmental Statement (Document No. NUREG-0168) may be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Md., this 16th day of January, 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-1821 Filed 1-20-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

JERSEY CENTRAL POWER & LIGHT CO. AND METROPOLITAN EDISON CO. (THREE MILE ISLAND NUCLEAR STATION, UNIT 2)

Order Extending Construction Completion Date

Jersey Central Power & Light Co. and Metropolitan Edison Co. are the holders of provisional construction permit No. CPPR-66 issued by the Atomic Energy Commission[1] on November 4, 1969, for construction of the Three Mile Island Nuclear Station, Unit 2, presently under construction at the licensees' site in Dauphin County, Pa.

On March 28, 1977, Metropolitan Edison Co. filed a request for an extension of the completion date because construction has been delayed due to:

(1) A direct craft force reduction of 15 percent in June 1976 resulting from budgeting restrictions;

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

(2) Increased engineering (750,000 man-hours) and labor (1,170,000 man-hours) resulting from:

(a) Significant increases in previously estimated quantities of electrical cabling, conduit and trays due to late availability of electrical drawings;

(b) Increases in material quantities for process piping resulting from quantity re-evaluations;

(3) Late receipt of valves due to casting difficulties and strike at a nuclear valve manufacturing facility; and

(4) Late availability of cable pull slips as a result of a lack of electrical vendor drawing information.

On December 12, 1977, MetEd amended the request of March 28 to again extend the completion date for the following additional reasons:

(5) A transition was made in construction management responsibilities from the construction manager to a maintenance contractor. The maintenance contractor, because of the unexpectedly large number of construction items left to be completed at the time of this turnover, was not capable of maintaining with assurance the previously requested January 15 construction completion date.

(6) Repairs and repeated hydrostatic tests of the reactor cooling system were required.

(7) The reactor coolant pump shaft seals were replaced.

(8) Reactor coolant pump casing to stuffing box joints leaked and required gasket replacement.

(9) An inspection program of the steam generator tubes has been undertaken.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated January 16, 1978.

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the State Library of Pennsylvania, Commonwealth and Walnut Street, Harrisburg, Pa. 17126.

It is hereby ordered, That the latest completion date for provisional construction permit CPPR-66 is extended from May 1, 1977 to April 30, 1978.

Date of issuance: January 16, 1978.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Assistant Director for Light Water Reactors, Division of Project Management.

[FR Doc. 78-1819 Filed 1-20-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

THREE MILE ISLAND NUCLEAR STATION, UNIT NO. 2

Negative Declaration Supporting Extension of Construction Permit No. CPPR-66; Expiration Date

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed Metropolitan Edison Co., Jersey Power & Light Co., and Pennsylvania Electric Co.'s (permittee) request to extend the expiration date of the construction permit for the Three Mile Island Nuclear Station, Unit No. 2 (CPPR-66) which is located in Dauphin County, Pa. The permittee requested a ten month extension to the permit through February 28, 1978, to allow for completion of construction of the Three Mile Island plant. The Commission, based on its anaylsis of the construction work and testing remaining to be done, concluded that a more reasonable latest completion date would be April 30, 1978.

The Commission's Division of Site Safety and Environmental Analysis has prepared an environmental impact appraisal relative to this change to CPPR-66. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been described in the Commission's final environmental statement related to operation of Three Mile Island, Unit Nos. 1 and 2, and the Commission's final supplement to the final environmental statement related to operation of Three Mile Island, Unit No. 2.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Harrisburg, Pa.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission.

R. W. FROELICH,
Acting Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-1820 Filed 1-20-78; 8:45 am]

[7590-01]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to facility operating license No. DPR-36, issued to Maine Yankee Atomic Power Co. (the licensee), which revised technical specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment revises the administrative controls section of the technical specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated June 6, 1975, as supplemented May 25, 1977, (2) amendment No. 34 to license No. DPR-36, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 11th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc 78-1818 Filed 1-20-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 10/13-0025]

ALASKA BUSINESS INVESTMENT CORP.

Surrender of License

Notice is hereby given that Alaska Business Investment Corp. (ABIC), National Bank of Alaska Building, Anchorage, Alaska 99501, incorporated under the laws of the State of Alaska on December 3, 1969, has surrendered its license No. 12/13-0025, issued by the Small Business Administration (SBA) on February 20, 1970.

ABIC has complied with all the conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of ABIC is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: January 6, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-1841 Filed 1-20-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1418]

ARKANSAS

Declaration of Disaster Loan Area

Cross, Garland, Hempstead, Howard, Nevada, Pike, Saline, Sevier, Clark, Grant, Hot Spring, Miller, Polk, and Pulaski Counties and adjacent counties within the State of Arkansas constitute a disaster area as a result of damage caused by tornado, snow, and ice storms which occurred on January 7, 1978 for tornado, and snow and ice storms on January 11, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 17, 1978, and for economic injury until the close of business on October 16, 1978, at:

Small Business Administration, District Office, 611 Gaines Street, Suite 900, Little Rock, Ark. 72203.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 16, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-1842 Filed 1-20-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1417]

INDIANA

Declaration of Disaster Loan Area

The listing below of the 15 counties and adjacent counties within the State of Indiana constitutes a disaster area as a result of natural disasters as indicated:

County	Natural disaster(s)	Date(s)
Fountain	Severe storms, tornadoes, rains, hail and high winds.	Sept. 30, to Oct. 1, 1977.
Montgomery	do	Do.
Parke	do	Do.
Putnam	do	Do.
Vermillion	do	Do.
Warren	do	Do.
Adams	Drought	May 1, to Aug. 20, 1977.
Blackford	do	Do.
Cass	do	Do.
Dekalb	do	Do.
Howard	do	Do.
Jay	do	Do.
LaPorte	do	Do.
Pulaski	do	Do.
Randolph	do	Do.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 16, 1978, and for economic injury until the close of business on October 16, 1978, at:

Small Business Administration, District Office, Federal Building—5th Floor, 575 North Pennsylvania Street, Indianapolis, Ind.

or other locally announced locations:

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 13, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-1904 Filed 1-20-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1400]

[Amdt 1]

LOUISIANA

Declaration of Disaster Loan Area

The above number Declaration (See 42 FR 60240) is amended by adding the following Parishes:

Parish	Natural disaster(s)	Date(s)
Calcasieu	Drought	May 1 to July 14, 1977.
Do	Excessive rainfall.	Aug. 3 to Dec. 10, 1977.
Cameron	Drought	May 1 to July 14, 1977.
Do	Excessive rainfall.	Aug. 3 to Dec. 10, 1977.
Ouachita	Drought	May 1 to July 4, 1977.
Do	Do	Aug. 15 to Oct. 1, 1977.
Evangeline	Do	Apr. 30 to July 15, 1977.
Do	Excessive rainfall.	July 20 to Nov. 31, 1977.
Iberia	Drought	Apr. 1 to June 30, 1977.
Do	Excessive rainfall.	Aug. 1 to Sept. 30, 1977.
Do	Do	In November 1977.
St. Mary	Drought	Apr. 1 to June 30, 1977.
Do	Heavy insect infestation.	Aug. 1 to Sept. 30, 1977.
Do	Excessive rainfall.	Aug. 1 to Dec. 19, 1977.
Lafayette	Excessive rainfall and flooding.	Apr. 19 to Apr. 21, 1977.
Do	Drought	Apr. 22 to June 11, 1977.
Do	Excessive rainfall.	July 1 to Sept. 30, 1977.
Rapides	Drought	Apr. 15 to June 15, 1977.
Do	Excessive rainfall.	June 15 to Nov. 30, 1977.
Morehouse	Drought	May 1 to July 4, 1977.
Do	Do	Aug. 15 to Oct. 1, 1977.
Pointe Coupee.	Flood	Apr. 17 to Apr. 22, 1977.
Do	Drought	May 1 to June 30, 1977.
Do	Excessive rainfall.	July 1 to Sept. 30, 1977.
Do	Heavy insect infestation.	Do.
St. Landry	Drought	May 10 to June 20, 1977.
Do	Excessive rainfall.	Aug. 8 to Sept. 20, 1977.
St. Landry	Insect infestation.	Do.
Avoyelles	Drought	Apr. 23 to June 15, 1977.
Do	Excessive rainfall.	July 15 to Aug. 30, 1977.
Do	Heavy insect infestation.	Do.
West Carroll.	Drought	Apr. 20 to Nov. 1, 1977.
East Baton Rouge.	Do	May 1 to June 30, 1977.
Do	Excessive rainfall.	June 1 to Dec. 21, 1977.
Do	Flooding	Sept. 5, 1977, and Nov. 29-30, 1977.
Grant	Drought	May 1 to June 16, 1977.
	Excessive rainfall heavy insect infestation.	June 1 to Dec. 21, 1977.
Franklin	Drought	May 1 to July 4, 1977.
	Isolated drought conditions from.	May 1 to Sept. 1, 1977.
St. Martin	Excessive rainfall during the planting season of 1977; and excessive rainfall in August 1977.	
Caldwell	Drought	May 1 to June 28, 1977.
	Excessive rainfall heavy insect infestation.	Aug. 1 to Oct. 31, 1977.

and adjacent Parishes within the State of Louisiana as a result of natural disasters as indicated. The time for filing applications is extended to July 12, 1978, for physical damage and October 12, 1978, for economic injury.

Date: January 13, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-1905 Filed 1-20-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER AT WILLIAMSPORT-LYCOMING COUNTY AIRPORT MONTOURSVILLE, PA.

Cancellation of Reduced Hours of Operation

Notice is hereby given that the Airport Traffic Control Tower at Williamsport-Lycoming County Airport, Montoursville, Pa., will continue to operate 24 hours per day. This cancels the Notice of Reduced Hours of Operations previously published in the FEDERAL REGISTER, Monday, December 19, 1977 (42 FR 63670).

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752 (49 U.S.C. 1354).)

Issued in New York, N.Y., on January 9, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-1573 Filed 1-20-78; 8:45 am]

[4910-13]

COMBINED STATION/TOWER AT BATTLE CREEK, MICH.

Decombining

Notice is hereby given that on or about January 18, 1978, the Flight Service Station functions of the Battle Creek, Mich. Combined Station/Tower will be transferred to the South Bend, Ind. Flight Service Station. Flight Service Station services to the General Aviation Public of the Battle Creek area will continue to be available on a full-time basis through use of toll-free telephone service. The Battle Creek Airport Traffic Control Tower will continue to provide full-time traffic control services. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Des Plaines, Ill., on January 10, 1978.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc. 78-1574 Filed 1-20-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

AUTOMOTIVE FUEL ECONOMY PROGRAM

Report to Congress

JANUARY 10, 1978.

The attached document "Automotive Fuel Economy Program, Second Annual Report to Congress" has been prepared pursuant to Section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), which requires in pertinent part that "not later than January 15 of each year, beginning in 1977, the Secretary shall transmit to each House of Congress, and publish in the FEDERAL REGISTER a review of average fuel economy standards under this part."

JOAN CLAYBROOK,
Administrator.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

JANUARY 16, 1978.

DEAR MR. PRESIDENT: Transmitted herewith is the second annual report to the Congress reviewing the progress made in formulating average automotive fuel economy standards, as required by section 502(a)(2) of the Energy Policy and Conservation Act (Pub. L. 94-163).

Sincerely,

BROCK ADAMS,
Secretary of Transportation.

Hon. THOMAS P. O'NEILL
Speaker of the House of Representatives,
Washington, D.C.

JANUARY 16, 1978.

DEAR MR. SPEAKER: Transmitted herewith is the second annual report to the Congress reviewing the progress made in formulating average automotive fuel economy standards, as required by section 502(a)(2) of the Energy Policy and Conservation Act (Pub. L. 94-163).

Sincerely,

BROCK ADAMS,
Secretary of Transportation.

Automotive Fuel Economy Program

Second Annual Report to the Congress

JANUARY 1978

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Automotive Fuel Economy
Washington, D.C. 20590

PREFACE

This Second Annual Report to the Congress summarizes the progress made by the National Highway Traffic Safety Administration (NHTSA) during fiscal year 1977,[1] in implementation of the applicable sections of Title V: Improving Automotive Efficiency of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*) as amended. Section 502(a)2 of the act requires submission of a report and publication in the *Federal Register* (F.R.) by January 15 of each year.

By title V, the Secretary of Transportation is required to implement a program for improving the fuel economy of new automobiles in the U.S. market. On June 22, 1976, authority to administer the fuel economy program was delegated by the Secretary to the Administrator of NHTSA (41 F.R. 25015).

NHTSA's responsibilities include (1) establishing average fuel economy standards for manufacturers of passenger automobiles and nonpassenger automobiles (light-duty trucks, vans, general utility vehicles); (2) promulgating regulations concerning procedures, definitions, and reports necessary to support the fuel economy standards; (3) enforcing automobile industry compliance with the fuel economy standards and the display of Gas Mileage Guides by new automobile dealerships; and (4) reporting to Congress annually on the progress of the fuel economy program.

[1] October 1, 1976, to September 30, 1977.

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1. SUMMARY

During fiscal year (FY) 1977, the Office of Automotive Fuel Economy (OAFE), National Highway Traffic Safety Administration (NHTSA), in accordance with the provisions of the act accomplished the following:

- Established average[1] passenger automobile (PA) fuel economy standards for the model years (MY's) 1981 through 1984.
- Established average nonpassenger[2] automobile (NPA) fuel economy standards for MY 1979.
- Promulgated regulations establishing procedures, definitions, and reports to support passenger and nonpassenger automobile fuel economy standards.

PASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS

On June 30, 1977, average passenger automobile fuel economy standards were published for MY 1981, 1982, 1983, and 1984 as 22 miles per gallon (mpg), 24 mpg, 26 mpg, and 27 mpg, respectively. The standards were set to achieve steady progress toward 27.5 mpg by 1985 in light of technological feasibility, economic practicability, the effect of other motor vehicle standards, and the need of the Nation to conserve energy.

The 1981-84 average fuel economy standards are estimated to result in savings of 590,000 barrels per day in 1985 and 1.2 million barrels per day in 1995 over what could be achieved if the standards were held at the 1980 level of 20 mpg. By 1995, this will mean a cumulative savings of 4.3 billion barrels, about half of the oil reserves in northern Alaska. When discounted to 1980, this oil is worth about $24 billion.

Over the long term, consumers can expect the fuel economy standards to save them money. Retail prices are expected to increase less than $200 (in 1977 dollars) over the 4-year period to pay for the manufacturing costs of more fuel-efficient automobiles. This is an increase of $49 per year, or an annual increase of less than 1 percent of the current vehicle price. The potential retail price increases, however, are more than offset by decreases in the owner's lifetime fuel costs. Gasoline savings, based on a constant 65¢ per gallon, exceed $640 per automobile (discounted) over its life. When included with increases in initial purchase price and maintenance costs, consumers will save $490 compared with the base MY 1980. The overall economic effect to the consumer of the fuel economy standard is expected to be a net savings, due to better fuel economy and anticipated reduced maintenance over the life of the automobile.

NHTSA estimates that between 1977 and 1981 the domestic automobile industry will have to spend $4.6 billion for machinery and special tooling in addition to the $8.1 billion that it would ordinarily have spent. Between 1977 and 1984, this figure is expected to be $6.7 billion over the normal $9.5 billion.

NONPASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS

On March 14, 1977, average fuel economy standards for nonpassenger automobiles were announced for MY 1979 as 17.2 mpg for vehicles such as light-duty pickup trucks, vans, and campers and 15.8 mpg for general utility vehicles with a gross vehicle weight rating (GVWR) of less than 6,000 pounds. These standards were set 18 months prior to the model year being regulated and also were developed in view of technological feasibility, economic practicability, the effect of other motor vehicle standards (i.e., emissions, safety, noise), and the need of the Nation to conserve energy.

Assuming that all fuel economy measures and their impacts are attributable to the standard, the annual savings of petroleum over MY 1976 levels for MY 1979 NPA's will be 6,684 barrels per day. This will mean a

---

[1]Average refers to production-weighted average. For a discussion of production-weighted or sales-weighted average, see the First Annual Report to Congress on Automotive Fuel Economy, January 15, 1977.

[2]Nonpassenger automobiles in this context refer to light-duty pickup trucks, vans, and general utility vehicles with and without four-wheel drive and weighing less than 6,000 pounds GVWR (gross vehicle weight rating). (GVWR is the maximum allowable weight of the loaded vehicle.)

the NPA fleet.[3]

In the final impact assessment (FIA), it was estimated that the fuel economy standard will impose an additional cost of about $10.8 million[4] (about $11 per NPA) on the domestic manufacturers of NPA's. The cost to consumers could increase to $22 per NPA, assuming 100 percent markup. The operator of an NPA would save about 104 gallons per year over 11,000 miles. At 65¢ per gallon, this amounts to $67.60 per year, or $415.33 (discounted) for the lifetime of the vehicle.

FUEL ECONOMY REGULATIONS

In order to conduct and administer the fuel economy regulatory program for passenger and nonpassenger automobiles, regulations concerning definitions, procedures, and reporting also were promulgated. Each regulation is described below.

Vehicle Classification (Definitional Regulation)

Although the act defines "automobiles" of 6,000 pounds GVWR or less, only the guiding elements are provided for vehicles that weigh between 6,000 and 10,000 pounds GVWR. On July 28, 1977, NHTSA published a final rule that defines which vehicles are "passenger automobiles," "nonpassenger automobiles," and "automobiles capable of off-highway operation."

Manufacturers of Multistage Automobiles (Definitional Regulation)

Some automobiles are manufactured in more than one stage (e.g., ambulances, chassis-mount campers, special-body vans, and special-purpose trucks where structures are added to the chassis-cabs). A final rule assigning manufacturer responsibility for fuel economy of these vehicles was published in the *Federal Register* on July 28, 1977.

Exemption from Average Fuel Economy Standards (Procedural Regulation)

The act contains a provision for low-volume manufacturers (i.e., those who produce less than 10,000 passenger automobiles per year in all markets) to apply for final rule was published on July 28, 1977, describing the procedures.

Reductions of Passenger Automobile Average Fuel Economy Standards (Procedural Regulation)

The act directs the Secretary to prescribe by rule the methodology for handling petitions from passenger automobile manufacturers who request reductions in average fuel economy standards (MY 1978-80) that would compensate for any adverse fuel economy impact of more stringent Federal motor vehicle standards in the areas of emissions, safety, damageability, or noise. The Notice of Proposed Rulemaking (NPRM) was issued in FY 1977, and the final rule was issued in early FY 1978.[5]

Automotive Fuel Economy Reports (Reporting Regulation)

Section 505(c) of the act requires the Secretary to promulgate rules governing the form and content of information to be submitted semiannually by the automobile manufacturers, specifying whether and how they will comply with applicable fuel economy standards. A final rule concerning Automotive Fuel Economy Reports was issued in early FY 1978.[6]

COMPLIANCE

The act also specifically delineates PA fuel economy standards as 18 mpg, 19 mpg, and 20 mpg for MY's 1978, 1979, and 1980, respectively. In view of the progress of the automotive industry and manufacturers in improving fuel economy, and based on preliminary Environmental Protection Agency (EPA) projections, NHTSA does not anticipate any problem with foreign and domestic manufacturers complying with the 1978 MY fuel economy standard of 18 mpg.

One of NHTSA's specific responsibilities is enforcement of the regulations prescribed under section 506(b) of the act regarding public availability of a Gas Mileage Guide. Fuel economy measurements for the Gas Mileage Guide are made by EPA; the guide is published and distributed to automobile dealers by the Federal Energy Administration (FEA).[7] NHTSA enforces regulations

[3]The lifetime of the NPA fleet is considered to be approximately 10 years.

[4]All costs calculated in 1976 dollars and based on the 1976 MY.

[5]Final rule published November 14, 1977.

[6]Final rule published December 12, 1977.

[7]FEA became part of the new Department of Energy (DOE) October 1, 1977.

Table 1.—*Summary of rulemaking activities for FY 1977*

Rulemaking activities		Publication date NPRM	Comments closing date NPRM	Final EIS[1]	Published final rule
Docket No.	Description				
FE 76-01	1981-1984 Passenger Automobile Standards[2]	2/22/77	4/12/77	6/1/77	6/30/77
FE 76-02	Reduction of Passenger Automobile Fuel Economy Standards	10/26/76	12/27/76	(3)	(4)
FE 76-03	Nonpassenger Automobile Standards 1979	11/26/76	1/10/77	3/3/77	3/14/77
FE 76-04	Exemption from Average Fuel Economy Standards	12/9/76	1/24/77	(3)	7/28/77
FE 76-05	Vehicle Classification	12/20/76	1/19/77	(3)	7/28/77
FE 77-02	Manufacturers of Multistage Vehicles	2/9/77	3/9/77	(3)	7/28/77
FE 77-03	Automotive Fuel Economy Reports	4/11/77	5/11/77	(3)	(5)
FE 77-05	1980-1981 Nonpassenger Automobile Standards	(6)	NA[7]	NA	

[1] Environmental Impact Statement.
[2] Advance Notice of Proposed Rulemaking (ANPRM) published 9/23/76.
[3] Not applicable.
[4] Published 11/14/77.
[5] Published 12/12/77.
[6] Published NPRM 12/15/77.
[7] NA=not available.

regarding display of the Gas Mileage Guide by new automobile dealers.

A nationwide survey conducted by NHTSA found that approximately 60 percent of the new automobile dealerships were not in compliance with the law in that they were not prominently displaying the Gas Mileage Guide for consumers. As a result of this survey, letters were mailed to 26,000 dealerships apprising them of their responsibilities. NHTSA is developing an enforcement plan.

RESEARCH AND DEVELOPMENT

Research and Development (R. & D.) was instrumental in supporting development of the 1981-84 passenger automobile fuel economy standards and of the 1979 NPA fuel economy standard. R. & D. also provided essential support in the development of proposed 1980-81 NPA fuel economy standards issued in early FY 1978. In addition, R. & D. support has assembled the analytical tools, data bases, and models necessary for the development of 1984-86 PA fuel economy standards, which will be announced by January 1979. The 1984 and 1985 standards will be reevaluated, and the new 1986 standard will be set. Much of the R. & D. was accomplished through and with the Transportation Systems Center (TSC) in Cambridge, Mass.

In FY 1977, approximately $5.1 million was spent on contracts with the private sector in direct support of rulemaking. It is projected that there will be $7.3 million in FY-1978 R. & D. contract support in this area.

FUTURE RULEMAKING ACTIVITIES

Future fuel economy standards under consideration by the NHTSA Administrator at this time are:

- 1980-81 Nonpassenger Automobile Fuel Economy Standards.[8]
- Modified 1984 and 1985 Passenger Automobile Fuel Economy Standards.
- 1986 Passenger Automobile Fuel Economy Standards.

Table 1 summarizes OAFE rulemaking activities for FY 1977.

[8] NPRM issued December 15, 1977.

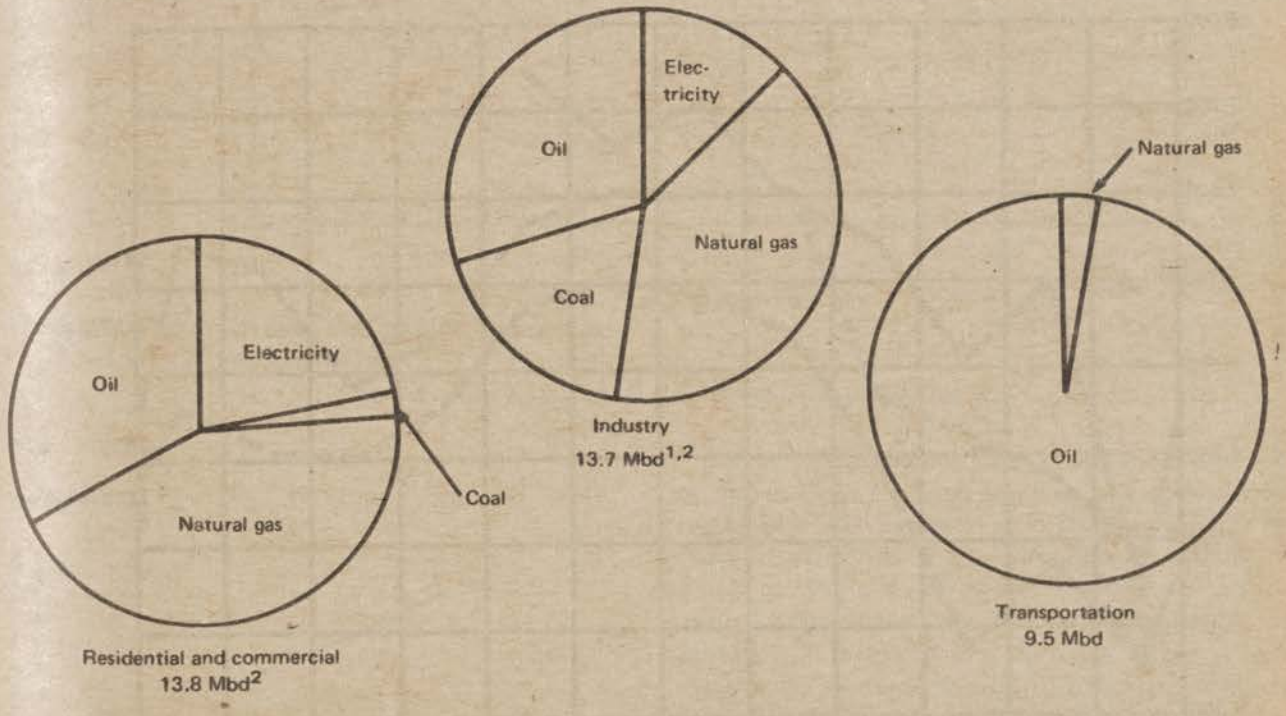
2. BACKGROUND

The fuel efficiency of automobiles warrants concern at the Federal level because of the total dependence of this transportation mode on petroleum. The Arab oil embargo of 1973-74 demonstrated to this Nation the vulnerability of automobile transportation to increased petroleum prices and unstable petroleum sources. Because the demand for imported petroleum products is projected to increase substantially over the next two decades, evolutionary automotive technological improvements in fuel economy are necessary to easing the dependence on foreign oil.

PETROLEUM SHORTAGE PROBLEM

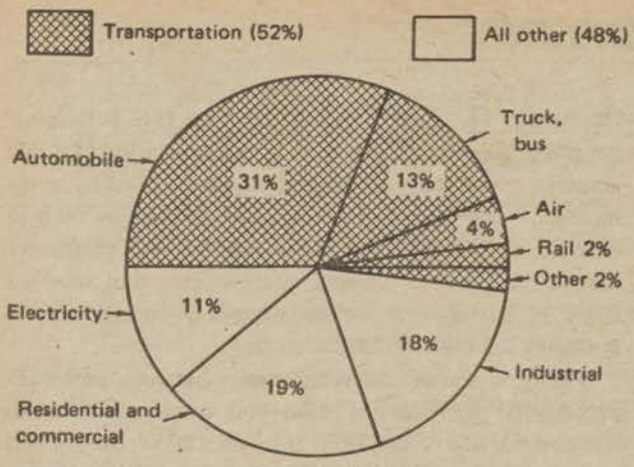
Virtually all fuels used in transportation are derived from petroleum. In 1976, 9.5 million barrels per day (Mbd) (fig. 1), more than half the total U.S. petroleum consumption (fig. 2), was used in transportation. Of this amount, more than 60 percent was consumed by automobiles. The daily average amount of gasoline used in all U.S. vehicles for 1975, 1976, and 1977 is shown, by month, in figure 3. Based upon information received from 31 States, gasoline consumption during 1977 is averaging 7.3 million barrels per day.

Figure 4 shows the relationship between passenger automobile fuel consumption and total vehicle miles traveled for the years 1950 through 1975. During this period, vehicle miles traveled have increased by a factor of 2.5, while fuel consumption increased from 6.7 to 7.6 gallons for each 100 miles traveled. The average fuel economy for all U.S. passenger automobiles in the fleet (both new and used automobiles) deteriorated from



[1]Mbd = million barrels per day.
[2]Oil equivalent (electricity losses allocated).
Source: Federal Energy Administration.

Figure 1.—U.S. energy consumption by sector, 1976.

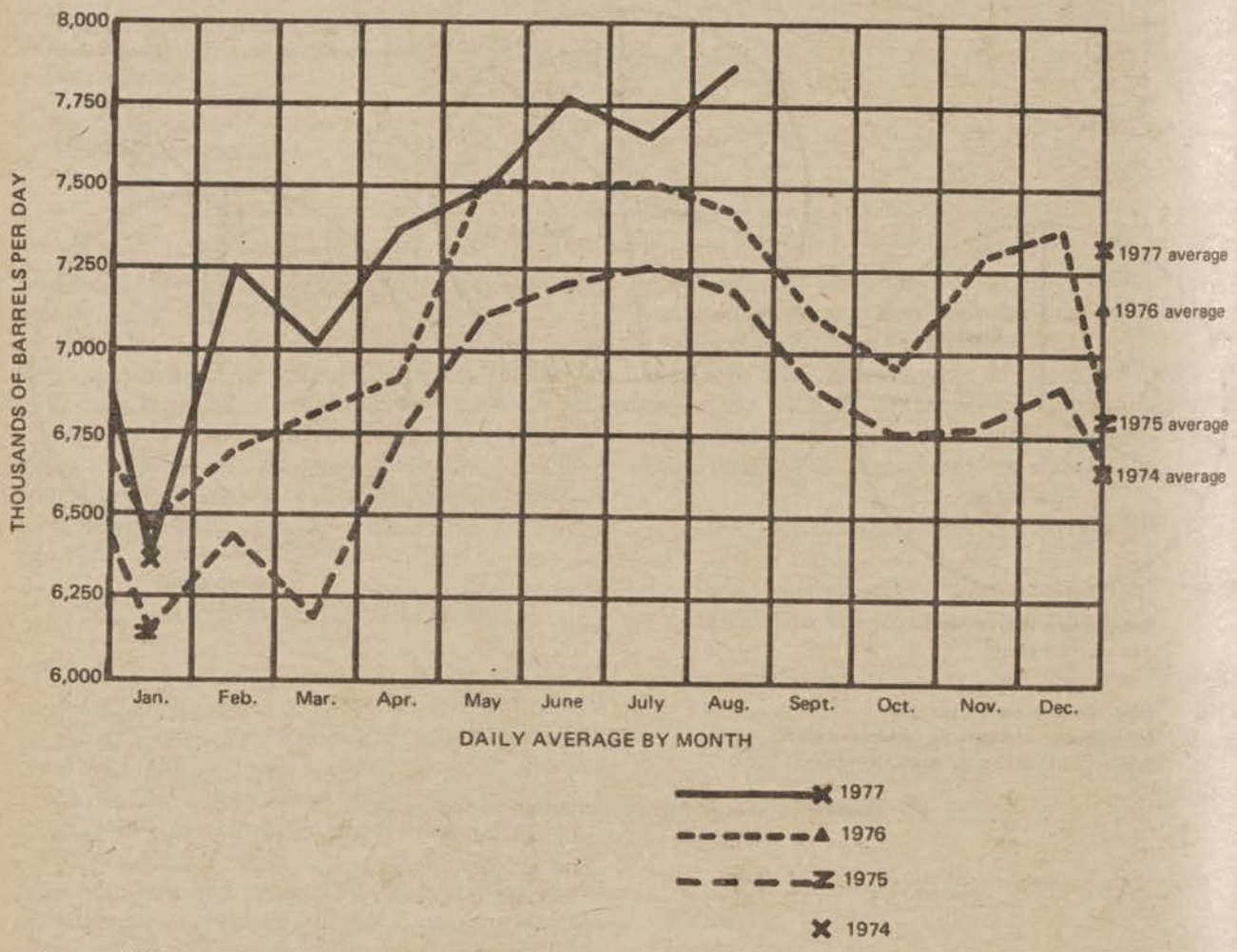


Source: Draft report by the Federal Task Force on Motor Vehicle Goals Beyond 1980, May 1976.

Figure 2.—U.S. petroleum consumption by sector.

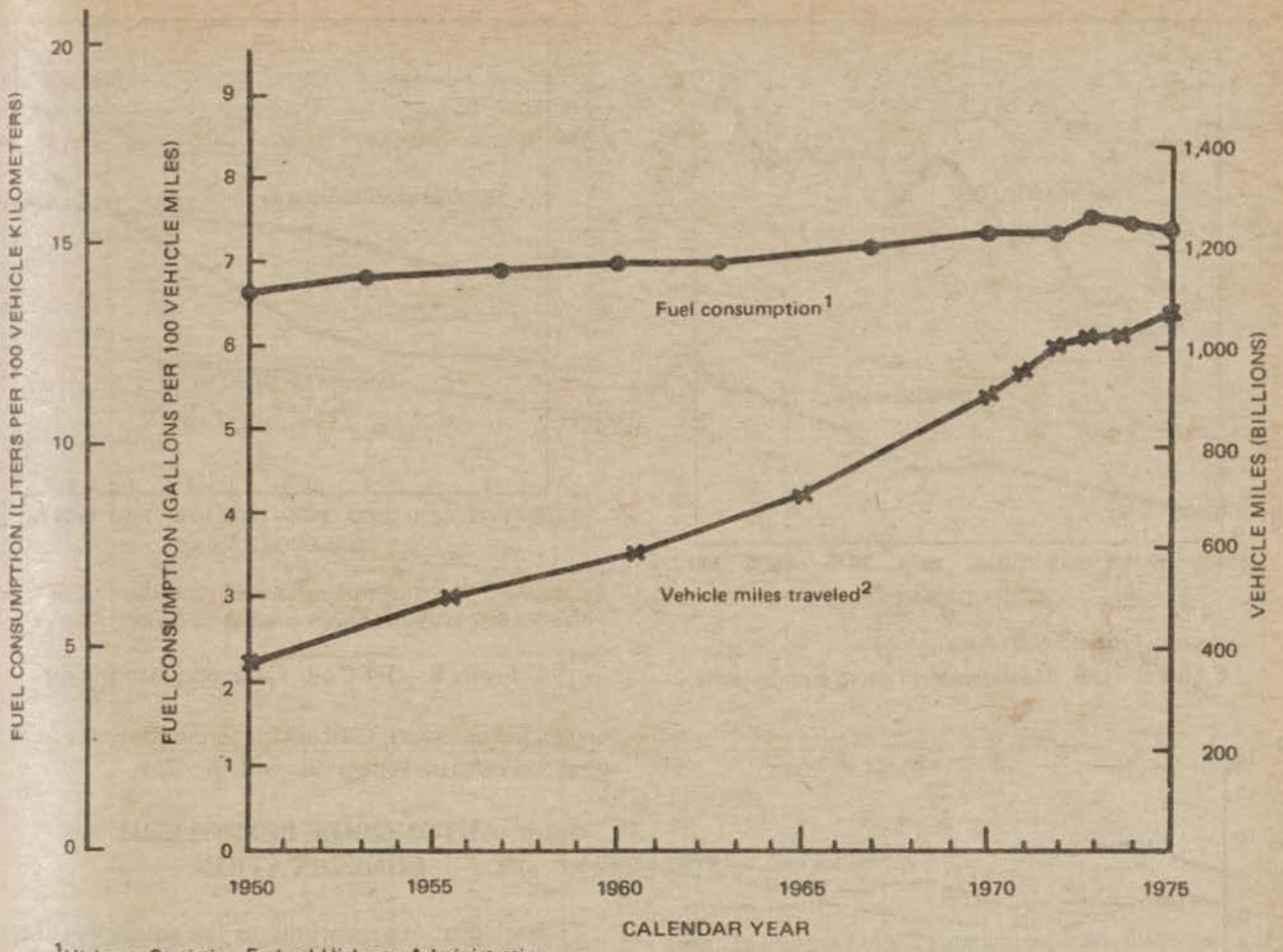
about 15 mpg in 1950 to 13.5 mpg in 1974. Consumption of PA fuel almost doubled between 1960 and 1973. After a temporary decline at the time of the Arab oil embargo, consumption rose again, and figure 5 shows that almost 75 billion gallons of fuel were used in passenger automobiles during 1975.

The Nation is increasingly dependent on uncertain foreign oil supply. Total imports of petroleum products have grown from some 20 percent of our requirements in 1970 to nearly 50 percent in 1977 (fig. 6). Petroleum imports for calendar years 1975, 1976, and through July of 1977, shown in figure 7, reached a peak of more than 10 million barrels per day in February and March 1977, at the height of that particularly severe winter. During the past 7 years, imports from the Organization of Petroleum Exporting Countries (OPEC) have increased dramatically, from 2 percent to 19 percent. Prior to the 1973-74 oil embargo, only about 8 percent of our petroleum demand was supplied by these OPEC nations.



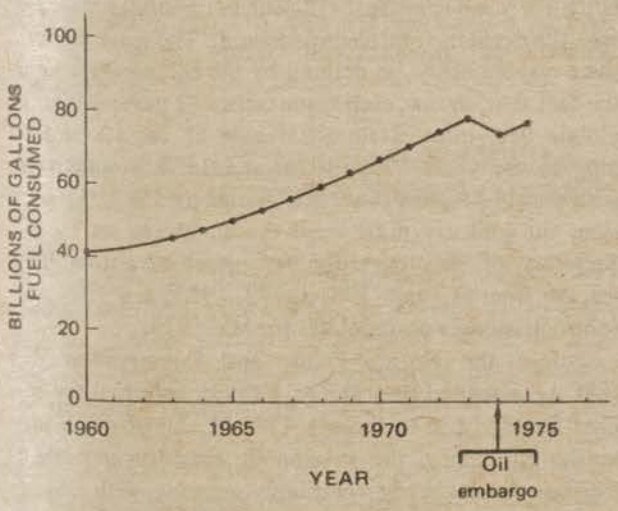
Source: U.S. Department of Transportation, Federal Highway Administration.

Figure 3.—Gasoline consumption (1975-77).



[1]Highway Statistics, Federal Highway Administration.
[2]Department of Transportation News.

Figure 4.—Fuel consumption and vehicle travel (1950-75).

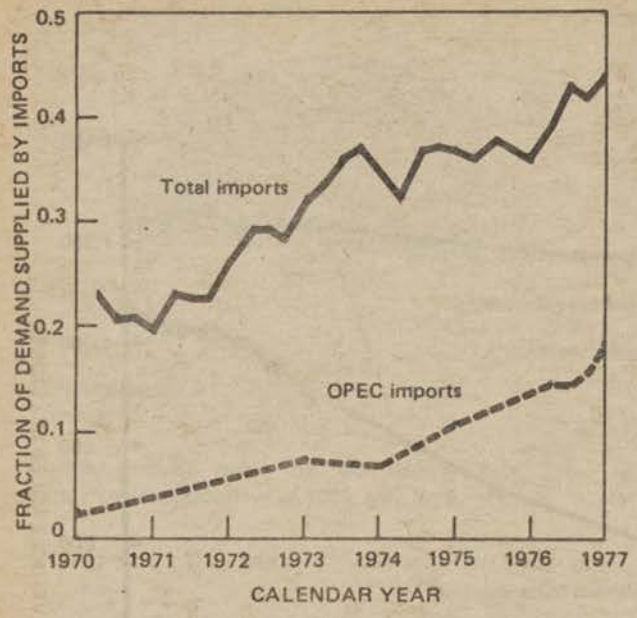


Source: Highway Statistics, Federal Highway Administration.

Figure 5.—Passenger automobile fuel consumption (1960-77).

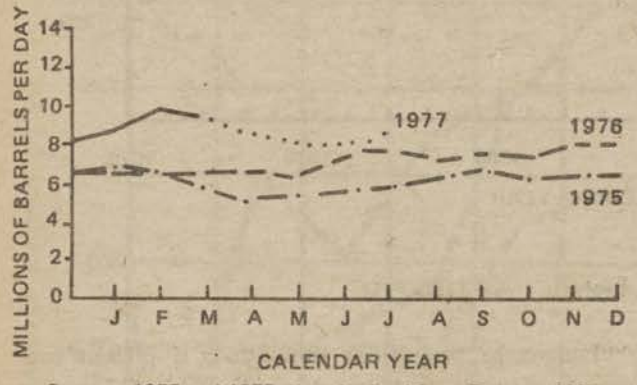
Long-range projections show that, if present consumption trends continue, domestic and world sources combined will be unable to meet the expected U.S. demand for petroleum. Figure 8 projects oil demand and supply to 1985 and estimates OPEC production requirements. It also demonstrates that the supply/demand gap for OPEC oil should begin in the early 1980's. A more recent study sponsored by the Massachusetts Institute of Technology (MIT) estimates that the supply/demand gap will appear as early as 1981, if production capability remains the same as it is today.

The retail price of motor gasoline (excluding taxes) has moved from about 23¢ per gallon in 1968 to about 46¢ per gallon in 1976. Prices increased at an annual rate ranging from 1 to 3 percent from 1968 through 1973 and then increased rapidly in 1974 and 1975 (50.4 percent in 1974 and 8.4 percent in 1975). These prices are in current dollars and indicate a more than doubling in the retail price. However, when these prices are adjusted using the Consumer Price Index, the increase was



Source: Federal Energy Administration.

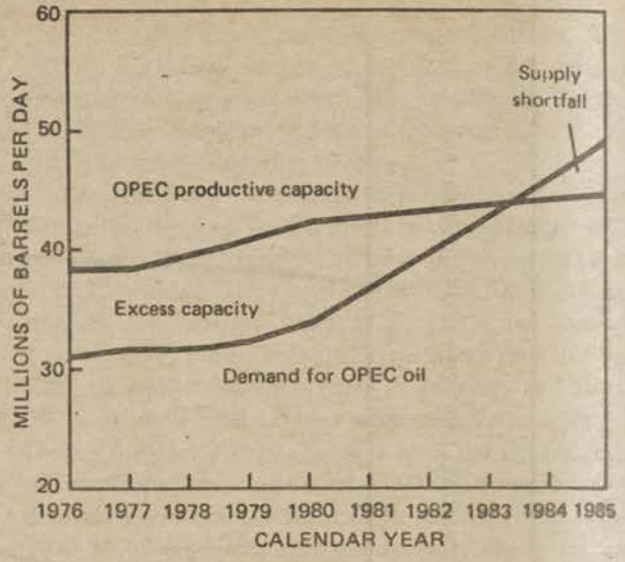
Figure 6.—U.S. dependence on petroleum imports.



Source: 1975 and 1976 data obtained from Bureau of Mines. 1977 data obtained from the American Petroleum Institute and the Federal Energy Administration (preliminary estimated data for Apr.-July 1977 shown as dotted line).

Figure 7.—Total petroleum imports.

only 27 percent in real (1967) dollars, and most of this increase actually occurred in 1974 (about 22¢ in 1968 to 29¢ in 1976). In fact, there was a gradual decrease in the real cost of gasoline between 1968 and 1973 (about 22¢ in 1968 to about 20¢ in 1973). Furthermore, it is anticipated that the price of gasoline will continue to rise, at least in current dollars, in the future for two reasons. First, the acquisition costs (drilling, pumping, refining, etc.) certainly will increase, especially with greater reliance on imported oil. Second, State taxes placed on gasoline probably will be increased due to decreased gasoline consumption. Thus, it is important to bear in mind that if prices do increase from the assumed 65¢ per gallon (including taxes), the benefits to the consumer from more fuel-efficient vehicles also will increase.



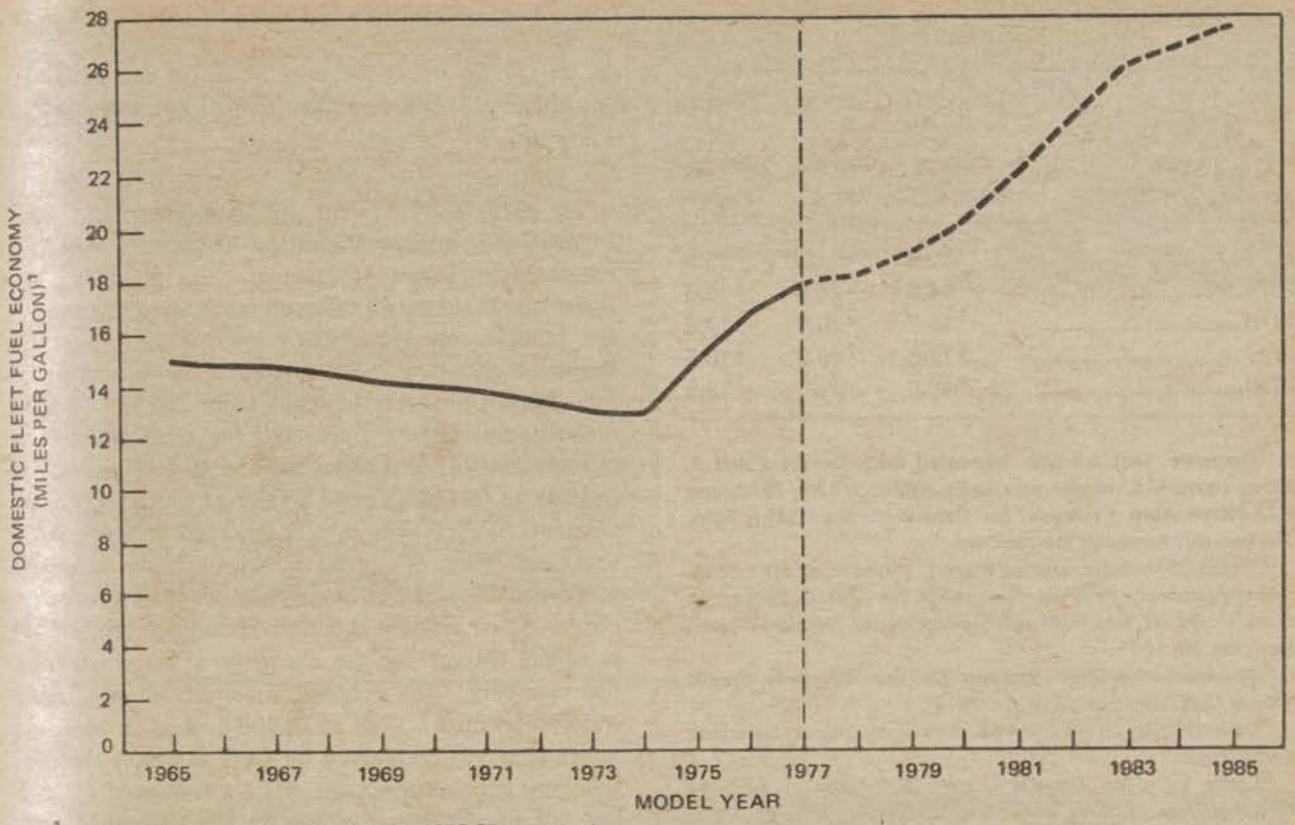
Source: "The International Energy Situation: Outlook to 1985." ER77-1024OU, Central Intelligence Agency, April 1977.

Figure 8.—OPEC oil: The supply/demand gap.

AUTOMOBILE PETROLEUM CONSERVATION

Technological improvements to the automobile that will provide for the more efficient use of fuel have great potential for significantly reducing the projected demand for petroleum within the next 15 years. The automobile manufacturers will have the prime responsibility for producing fuel-efficient automobiles that will ease the domestic petroleum demand. The magnitude of their responsibility, as defined by the act, can be seen in the fact that, by law, each manufacturer's passenger automobile fleet must attain an average of 18, 19, and 20 mpg in the years 1978, 1979, and 1980, respectively, with steady progress toward 27.5 mpg by 1985. In addition, the industry must meet the standards set by the Secretary of Transportation for passenger automobiles for the interim years 1981, 1982, 1983, and 1984 and for nonpassenger automobiles for MY 1979.

Before the Energy Policy and Conservation Act (EPCA) amended the Motor Vehicle Information and Cost Savings Act to include Title V: Improving Automotive Efficiency, the automobile industry and manufacturers were already voluntarily working, with Federal guidance, toward the production of more fuel-efficient automobiles. The Automobile Voluntary Fuel Economy Program, announced October 8, 1974, had as its goal a 40-percent improvement in automotive fuel economy,



[1]1965-76—historical, 1977—estimated, 1978-85—standards.

Figure 9.—New automobile fleet average fuel economy.

to be achieved in the 1980 MY new automobile fleet. This achievement was projected to yield a production-weighted average of 19.6 mpg for the 1980 fleet, compared with 14 mpg for 1974. To achieve the 19.6 mpg goal for 1980, a specific goal of 18.7 mpg was suggested for the three largest U.S. manufacturers and a goal of 24.7 mpg for the average fuel economy for all other manufacturers.

ACHIEVEMENTS OF THE AUTOMOBILE INDUSTRY IN IMPROVING FUEL ECONOMY

Until 1974, the fuel economy of new domestic automobiles steadily declined from an average of 14.8 in 1967 to 12.9 in 1974. Starting with MY 1975, this trend was reversed, with new automobile fleet average fuel economy values of 14.4, 16.8, and 17.5 mpg for 1975, 1976, and 1977, respectively. These trends are shown in figure 9. For 1978, EPA projections indicate that domestic manufacturers will achieve a fleet average fuel economy of 18.6. EPA also has projected the corporate average fuel economy of several foreign manufacturers for 1978 including Mazda, 35.1 mpg; Subaru, 31.6 mpg; Renault, 30.7 mpg; Peugeot (diesel), 28.8 mpg; and Saab, 22.7 mpg. Table 2 summarizes the achievements of the automobile industry in improving the fuel economy of their products.

It can be seen that as of MY 1978, the foreign and domestic fleets have almost met or are exceeding the goals set by the Automobile Voluntary Fuel Economy Improvement Program. It is evident also that the MY 1978 fuel economy standard of 18 mpg set by the act will be exceeded by both foreign and domestic fleets.

Manufacturer improvements in fuel economy were achieved in a number of ways. In 1977, General Motors (G.M.) reduced the weight of its full-size automobiles between 650 to 950 pounds, by downsizing (i.e., making automobiles lighter in weight and smaller in outside dimensions) and material substitutions. In 1978, G.M.'s mid-size automobiles were reduced in weight by 550 to 850 pounds; diesel engines were introduced in light-duty trucks and three Oldsmobile models,[1] and a turbocharged six-cylinder engine was introduced in two Buick models.[2] Ford's major effort in weight reduction began in 1978 with the introduction of the Fairmont and

[1]Olds 98, 88, and Custom Cruiser.

[2]Regal and LeSabre sport coupes.

Table 2.—*Estimates of passenger automobile fuel economy*

Model year	Domestic fleet average (mpg)	Import fleet average (mpg)	Total fleet average (mpg)
1974	[1]12.9	[2]21.9	[3]13.9
1975	[1]14.4	[2]24.5	[3]15.6
1976	[1]16.8	[2]25.0	[3]17.6
1977	[4]17.6	[4]29.2	[3]18.6
1978	[5]18.6	([6])	[7]19.5

[1]Domestic fleet averages calculated from sources 2 and 3, below, using U.S. model year sales figures (*1975, 1976,* and *1977 Wards Auto Yearbook*) for General Motors (G.M.), Ford, Chrysler, and American Motors Corp.

[2]Obtained from Monitoring Report, Automotive Fuel Economy Improvement Program. Report No. PM-T-50. B. Basham, S. Powel, G. Gould, and R. Mauri, Transportation Systems Center, December 20, 1975.

[3]Obtained from *EPA Passenger Car Fuel Economy Trends through 1976* (October 1975 and 1976).

[4]Derived from NHTSA/OAFE Data Base (import data base incomplete).

[5]Letter from Mr. Douglas Costell, Administrator, EPA, to Mr. Brock Adams, Secretary of Transportation, Nov. 10, 1977. A corporate average for General Motors was missing because EPA compliance testing of G.M. products was still underway. This was also the case with Chrysler's Omni and Horizon models to be introduced mid-MY 1978. A corporate fleet average projected for MY 1978 and provided by G.M. was substituted in order to calculate the domestic fleet average for this table.

[6]Incomplete. See EPA projections for Mazda, Suburu, Renault, Peugeot, and Saab, previously described.

[7]Calculated from source 5 and from 1976 import fleet data source 2 above.

Zephyr models, which are approximately 300 pounds lighter than the models they replace. Chrysler will introduce its front-wheel drive subcompacts (Omni and Horizon) in MY 1978 and has introduced an improved automatic transmission with lockup torque converter in some models. Examples are shown in figure 10.

OTHER DEPARTMENT OF TRANSPORTATION ENERGY CONSERVATION PROJECTS

The NHTSA fuel economy project is one of five major Department of Transportation (DOT) energy conservation projects. The other projects are the Voluntary Truck and Bus Fuel Economy Program, 55-Miles-Per-Hour (mph) National Speed Limit, Right-Turn-On-Red Rule, and Transportation Energy Efficiency Program (TEEP).

Voluntary Truck and Bus Fuel Economy Program

In 1975, DOT, FEA, and EPA initiated a joint Industry/Government Voluntary Truck and Bus Fuel Economy Improvement Program. The program is designed to encourage manufacturers and users of commercial vehicles to voluntarily improve fuel economy through such actions as (1) developing and offering more fuel-efficient products; (2) conducting and reporting on fuel economy tests; (3) providing fuel economy product information; (4) advertising and training programs; (5) purchasing fuel-efficient new vehicles and add-on or replacement components (e.g., engine modifications, radial tires, installation of retrofit devices on trucks to reduce aerodynamic drag); (6) developing, conducting, and supporting driver training and motivation programs; and (7) providing forums for the exchange of information on fuel economy. The program is concerned with trucks and buses with a GVWR of 10,000 pounds or more. An informal survey conducted by DOT indicates that fuel economy improvements can effect a savings of 155 million gallons of fuel per year in the MY 1976 heavy-duty truck fleet alone.

National 55-mph Speed Limit

The national 55-mph speed limit was instituted with temporary legislation during the 1973 oil embargo and enacted permanently on January 4, 1975. In the year following enactment, the Federal Highway Administration (FHWA) monitoring program estimated that average speed decreased about 5 mph. The most important impact of the reduced speed limit has been on safety. However, some significant fuel savings also have resulted. The reduction in highway vehicle fuel consumption attributable to the new speed limit in 1975 was estimated at from 0.8 percent (about 65,000 barrels per day) to 2.9 percent (about 235,000 barrels per day) below what would have been expected based on preembargo growth rates.

Right-Turn-On-Red Rule

The act urges all States to voluntarily adopt the right-turn-on-red rule as an energy conservation measure. Allowing drivers to make right turns after coming to a complete stop at red lights reduces excessive idling time and can result in estimated savings of 3.2-4.4 million barrels per year, or 9,000-12,000 barrels per day.



Buick Century Sport Coupe



Buick LeSabre Sport Coupe



Oldsmobile Cutlass Salon Brougham Coupe

GENERAL MOTORS

FORD



Fairmont



Zephyr



Omni

CHRYSLER

Figure 10.—Examples of downsized automobiles and new product offerings to improve fuel economy for MY 1978.

Transportation Energy Efficiency Program

This R. & D. program, sponsored by the Office of the Secretary, has several major subprograms to assess and evaluate practical ways of conserving energy within the various modes of transportation. The Vehicles In Use Energy Conservation subprogram examines techniques that potentially can save fuel for the automobiles and light-duty trucks in the national fleet. The Truck Fuel Economy subprogram provides R. & D. support to assess the potential improvements in fuel economy of trucks and buses at and above 10,000 pounds GVWR. The Automotive Technology subprogram assesses the means available to the Federal Government to stimulate more rapid development and implementation of improved technology by the automotive industry.

THE NATIONAL ENERGY PLAN AND THE AUTOMOTIVE FUEL ECONOMY PROGRAM

The importance of automotive fuel economy standards becomes obvious when this activity is considered in relation to the proposed National Energy Goals announced April 20, 1977, by President Carter. Four major national goals for 1985 are:

- Reduce the annual growth of total energy demand to below 2 percent.
- Reduce gasoline consumption 10 percent below the 1977 level.
- Reduce oil imports from a potential level of 16 Mbd to 6 Mbd.
- Establish a strategic petroleum reserve of 1 billion barrels.

In the conservation section of the President's plan, four elements have a direct impact on automotive fuel economy standards:

- Automotive efficiency standards (beyond 1985).
- Efficiency standards for light-duty trucks.
- Gas-guzzler tax and rebate.
- Standby gasoline tax.

Automotive efficiency standards (beyond 1985) and efficiency standards for light-duty trucks are NHTSA responsibilities under the Automotive Fuel Economy Program. The gas-guzzler tax and rebate and the standby gasoline tax have been or are being considered by Congress.

3. PASSENGER AUTOMOBILE STANDARDS

RULEMAKING DURING FY 1977

During FY 1977, comments received on the Advanced Notice of Proposed Rulemaking (ANPRM) for establishing fuel economy standards for passenger automobiles of MY 1981-84 were reviewed and analyzed. Comments were received from representatives of the domestic and import automobile manufacturers, industry associations, public interest groups, individual citizens, and Government agencies. The comments were used in formulating a NPRM, which was issued on February 15, 1977. Concurrently, a notice of public hearings to be held in March 1977 was issued. The hearings represented the first application by the Secretary of Transportation of a new program in which participation of public interest groups, which otherwise might be economically unable to participate, was supported in part by DOT funding. Five such public interest groups,[1] along with domestic and import automobile manufacturers, participated in the hearings, which were chaired by the Secretary, and included a panel composed of the Secretary, the FEA Administrator, and the EPA Deputy Administrator.

In addition to the information gained from comments and hearings, data were obtained from foreign automobile manufacturers, domestic suppliers, and other sources by the use of "special orders" requiring response to specific questions. These special orders were issued under section 505(b) of title V of the Motor Vehicle Information and Cost Savings Act as amended.

Concurrently with the rulemaking, DOT exerted maximum effort in the area of research and analysis toward the development of a data base and analysis to support its position for formulating the MY 1981-84 PA fuel economy standards. On February 28, 1977, prior to the public hearings and before the closing date for NPRM comments, five support documents were made available for review and comment by all participants. The titles of these reports are:

- Summary Report–Data and Analysis for MY 1981-1984 Passenger Automobile Fuel Economy Standards.
- Automobile Demand and Marketing.
- Automotive Design Technology.
- Automobile Manufacturing Processes and Costs.
- Financial Analyses of U.S. Automotive Manufacturers.

DETERMINING THE 1981-84 AVERAGE FUEL ECONOMY STANDARDS

In setting standards for the 1981-84 period, it was necessary to consider the options for improving fuel economy that are available to automobile manufacturers. These options include weight reduction through downsizing and material substitution; engine and transmission improvements; reduced acceleration performance; and alternative engines such as the diesel, stratified charge, and variable displacement. Other technological advances can be made in the area of aerodynamics, lubricants, accessories, and rolling resistance.

The final selection of the 1981-84 average fuel economy standards was based on a number of considerations:

- Rapid, but not unreasonable, introduction of technology.
- A 10-percent reduction in average vehicle acceleration.
- Allowing a wide range of technical and marketing options by the industry.

Shifts in the mix of automobile sizes (changes in the proportion of car class market by a manufacturer) and extensive use of diesel engines are not required to meet the standard, although both of these options could be used by industry in improving fuel economy, if desired. The NHTSA analysis assumed that the percent of automobiles in each size class (i.e., subcompact, compact, intermediate, and standard) would remain approximately constant during the 1981-84 period at the current values. The weights of each size are expected to decrease, however.

[1] Public Interest Campaign, Environmental Defense Fund, Public Interest Economic Foundation, Center for Auto Safety, and Citizens for Clean Air, Inc.

Based upon the rationale outlined above, the standards for MY 1981, 1982, 1983, and 1984 were set at 22, 24, 26, and 27 mpg, respectively. In arriving at these values, NHTSA has suggested a number of changes that can be made relative to the 1977 fleet. These include significant weight reduction, the phasing into production of advanced transmissions, improved lubricants, reduced loads for accessories, reduced aerodynamic drag and rolling resistance, and a modest (10 percent) reduction in vehicle acceleration capability. This decrease in acceleration capability, however, should not have an adverse impact on safety.

The steps taken by NHTSA in arriving at the feasible fuel economy schedules included:

- Determining the minimum feasible fleet averaged inertia weight.
- Selecting the minimum feasible fleet averaged acceleration performance.
- Determining the maximum fuel economy at 1977 technology and emissions levels.
- Selecting a feasible schedule for the introduction of certain other technological improvements.
- Considering the effects of other Federal standards.

One effective method of improving fuel economy is by reducing the weight of the vehicle. By MY 1981, the average inertia weight of automobiles produced by U.S. manufacturers is expected to drop 750 pounds from the average 4,200 pounds of the 1977 models. The average weight could decrease another 350 pounds by MY 1985.[2] This predicted decrease to an average weight of 3,100 pounds assumes the completion of the programs to produce lighter automobiles and the substitution of aluminum, plastics, and high-strength steel for heavier materials.

The analysis conducted by NHTSA for each domestic manufacturer predicts weight reductions as shown in table 3. These detailed projections are based on considerations of phased introduction of weight-reduction technology.

More information relating to the detailed procedures and analysis used by NHTSA to support the fuel economy standards selected is contained in the July 1977 "Rulemaking Support Paper Concerning the 1981-1984 Passenger Automobile Average Fuel Economy Standards." This document was issued simultaneously with the final rule for the 1981-84 fuel economy standards and summarizes the NHTSA position both technologically and economically. The paper discusses the methodology employed; the resulting fuel conservation; the technology feasible in the period being considered; and the economic results to the consumer, the automobile industry, and the Nation.

Other documents issued by NHTSA simultaneously with the publication of the final rule include the FIA that deals with economic issues of the automotive fuel economy standards and the final environmental impact statement (FEIS).

The NHTSA analysis concludes that it is feasible for the three largest domestic manufacturers to be at or above the standard between 1981 and 1984. American Motors Corp. (AMC) will have to add more of the available technology from 1982 to 1984 in order to meet the standards. The new president of AMC recently stated that his company would be able to meet the 27.5 mpg standard in the early 1980's.[3] All the manufacturers are expected to be able to meet the current 1985 standard of 27.5 mpg, with most predicted to attain above 28 mpg. The projected average fuel economy by model year for each of the domestic manufacturers is shown in table 4.

PREDICTED IMPACT OF 1981-84 PASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS

The automobile fuel economy standards will have an effect on the consumer, the industry, and the Nation. For the consumer, the result will be more fuel-efficient automobiles. The industry has started to downsize automobiles. Passenger and luggage space will remain the same. Consumers will still have a variety of models from which to choose.

Over the long term, consumers can expect the fuel economy standards to save them money. Retail prices are expected to increase less than $200 (in 1977 dollars) over the 4-year period to pay for the manufacturing costs of more fuel-efficient automobiles. This is an increase of $49 per year, or an annual increase of less than 1 percent of the current vehicle price. The potential retail price increases, however, are more than offset by decreases in the owner's lifetime fuel costs. Gasoline savings, based on a constant 65¢ per gallon, exceed $640 per car (discounted) over its life. When included with increases in initial purchase price and maintenance costs, each automobile will save consumers $490 compared with the base MY 1980. The net effect to the consumer of the fuel economy standards is expected to be a savings.

[2] Average weight estimates are based on today's mix of car sizes.

[3] *Wards Auto World*, June 1977. p. 30.

Table 3.—*Projected fleet average inertia weight, in pounds, by model year (without mix shifts)*

Manufacturer	Model year					
	1977	1981	1982	1983	1984	1985
G.M	4,200	3,550	3,500	3,300	3,100	3,100
Ford	4,270	3,360	3,290	3,170	3,090	3,070
Chrysler	4,260	3,258	3,232	3,145	3,145	3,145
AMC	3,540	3,122	3,122	3,122	3,067	2,834

Table 4.—*Projected average fuel economy of domestic manufacturers (in miles per gallon)*

Manufacturer	Model year				
	1981	1982	1983	1984	1985
G.M.	23.3	24.2	26.5	28.8	28.9
Ford	23.4	24.5	26.1	27.0	27.9
Chrysler	23.8	25.1	26.3	28.1	28.7
AMC	22.2	22.6	23.1	24.7	28.7

The automobile industry and its suppliers are not projected to experience major economic changes as a result of these standards. The total sales of automobiles should rise due to natural demand factors. It is not anticipated that capital availability will be a limiting factor. Each year automobile manufacturers invest billions of dollars in model changes and general product improvement. Some additional investment can be expected due to the imposition of the average fuel economy standards. NHTSA estimates that between 1977 and 1981 the domestic automobile industry will have to spend $4.6 billion for machinery and special tooling in addition to the $8.1 billion that it ordinarily would have spent. Between 1977 and 1984, this figure is expected to be $6.7 billion over the normal $9.5 billion.

The impact of retail price increases on sales has been evaluated with the use of the Wharton Econometric Demand Model. The dotted curve in figure 11 shows the effect of a hypothetical cumulative price increase of 8 percent, or about $400 by 1985.

The most significant national impact will be the reduction in the need to import oil. The 1981-84 average fuel economy standards are projected to result in savings of 590,000 barrels of oil per day in 1985 and 1.2 Mbd in 1995 over what could be achieved if the standards were held at the 1980 level of 20 mpg. By 1995, this will mean a cumulative savings of 4.3 billion barrels, about half of the oil reserves in northern Alaska. When discounted to 1980 at a 10-percent per-annum rate, this oil is worth about $24 billion, assuming $13.50 per barrel.

Without the 1981-84 fuel economy standards (if the 1980 standard of 20 mpg is retained), the total annual consumption of gasoline would experience a slight dip from the current value of 74 billion gallons per year to about 71 billion gallons in 1985 (fig. 12). It would then begin to rise about 1990 and be at about 82 billion gallons in the year 2000. The fuel economy standards will cause gasoline consumption to decrease to 54 billion gallons in 1991 and remain below the current level until beyond the year 2000. The post-1985 estimate assumes that new automobile average fuel economy will remain constant at 27.5 mpg.

With respect to the environment, it should be noted that, since automobile emission standards are specified on a per-mile basis, improving fuel economy will have no effect on air pollution per se. However, there will be desirable secondary environmental effects, including reductions in the need to mine and convert coal or oil shale to liquid fuel, quantity of fuel handled, and in the amount of raw materials required in automobile production.

Fuel economy standards that would require the widespread use of diesel engines do pose environmental concerns, since the effects on health of unregulated emittants currently are unknown. Widespread use of diesel engines may increase particulates and polynuclear aro-

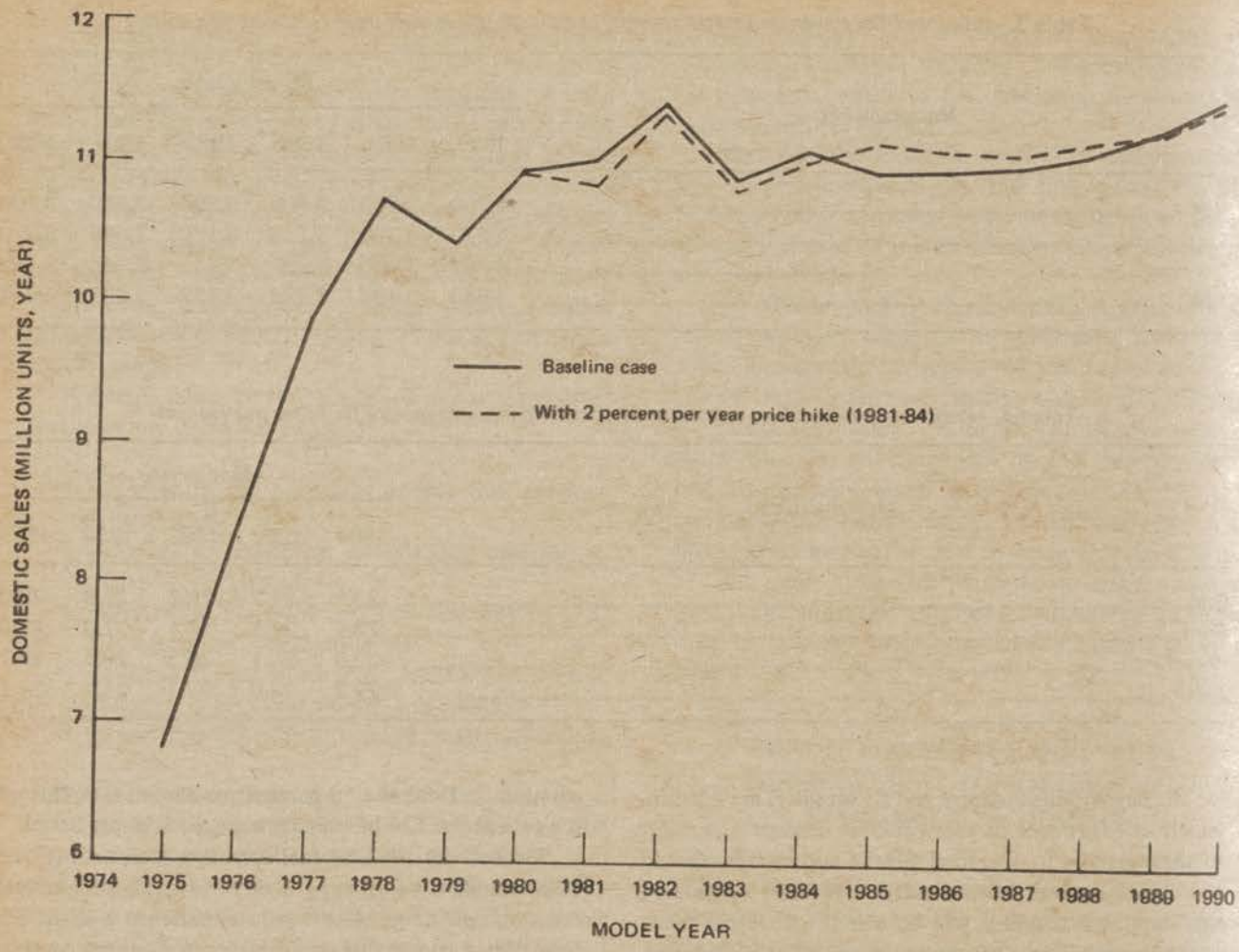


Figure 11.—Effects of price changes on projected U.S. automobile sales.

matics, which can be chemically and biologically active and may constitute a health hazard. EPA is presently studying the problem, coordinating with DOT, and may issue standards for the control of such emissions in the future.

The increased use of diesel engines and smaller and lighter vehicles with smaller spark ignition engines could present a noise problem. Corrective measures, such as increased use of sound-baffling material, are feasible, however. Such design changes could result in a fuel economy penalty because of the added weight. If noise regulations are promulgated by EPA, the trade-offs between noise and fuel economy will be evaluated. In this regard, NHTSA has initiated studies at TSC to determine these trade-offs, particularly in the areas of engine noise and vehicle noise.

The increased use of aluminum, plastics, and high-strength steel in downsized vehicles could result in an improvement in water quality and supply, since the decrease in the amount of cast iron and steel being processed would be significant. At the same time, using more plastics could add to the solid-waste disposal problem. As the price of oil and the amount of petroleum imports continue upward, however, it is expected that more plastics will be recycled.

CHANGES IN PASSENGER AUTOMOBILE DESIGN

Implementation of fuel economy standards has resulted in additional and accelerated action by vehicle manufacturers, as is evident in their 1977 and 1978 Passenger Automobile fleets. Plans that will further improve fuel economy recently have been announced. Some of these plans (e.g., weight reduction, improved transmissions, improved aerodynamics) are discussed later in this

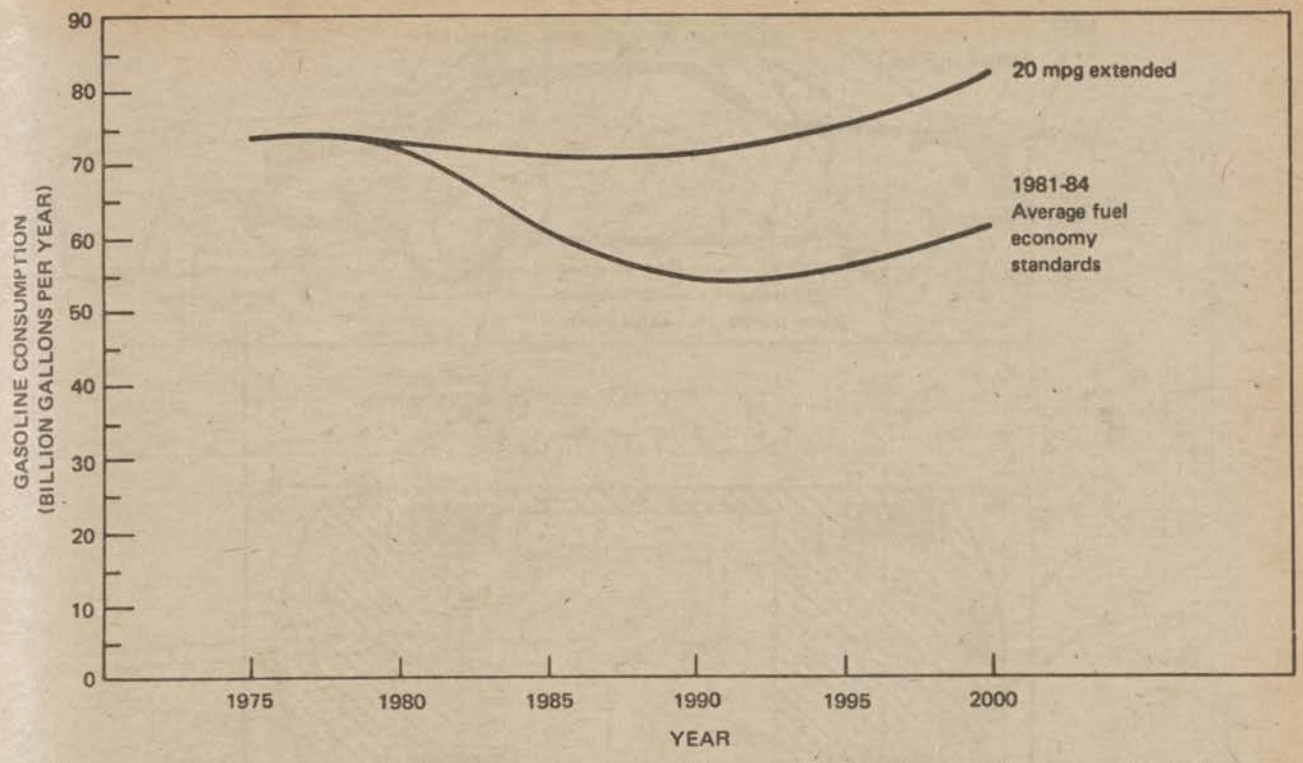


Figure 12.—Gasoline consumption by passenger automobiles for 1981-84 average fuel economy standards.

section. Highlights of specific actions already implemented or planned by the major manufacturers are discussed below.

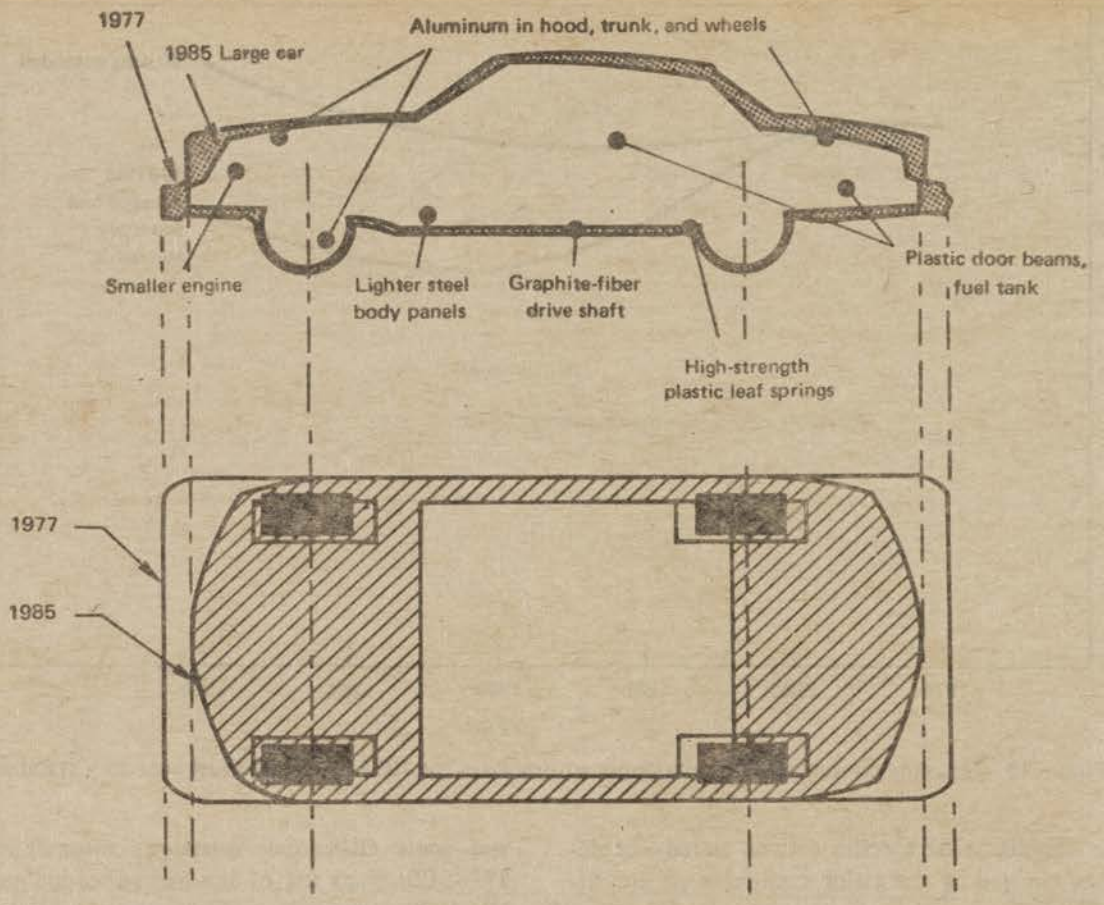
General Motors reduced the weight of its full-size MY 1977 automobiles by 650 to 950 pounds, by downsizing and material substitutions (figs. 13 and 14). Its mid-size MY 1978 automobiles have been reduced by 550 to 850 pounds. Ford's MY 1978 Fairmont and Zephyr are approximately 300 pounds lighter than the automobiles they replace. Chrysler has introduced its front-wheel drive subcompact in MY 1978. The redesigning to reduce weight includes more extensive use of aluminum in bumper systems, intake manifolds, wheels, brake drums, hoods, trunk lids, power-steering systems, pump housings, and radiator supports. High-strength light-weight alloy steels will be used in reinforced bumper systems, door impact beams, shock absorber mountings, upper and lower suspension arms, front side rails, and door structures. More plastics will be used in soft bumper systems, front and rear fascia, headlamp moldings, instrument panels, glove box doors, battery trays, air conditioner and heater cases, window and door handles, cowl panels, window louvers, power-steering pumps, and brake-fluid reservoirs.

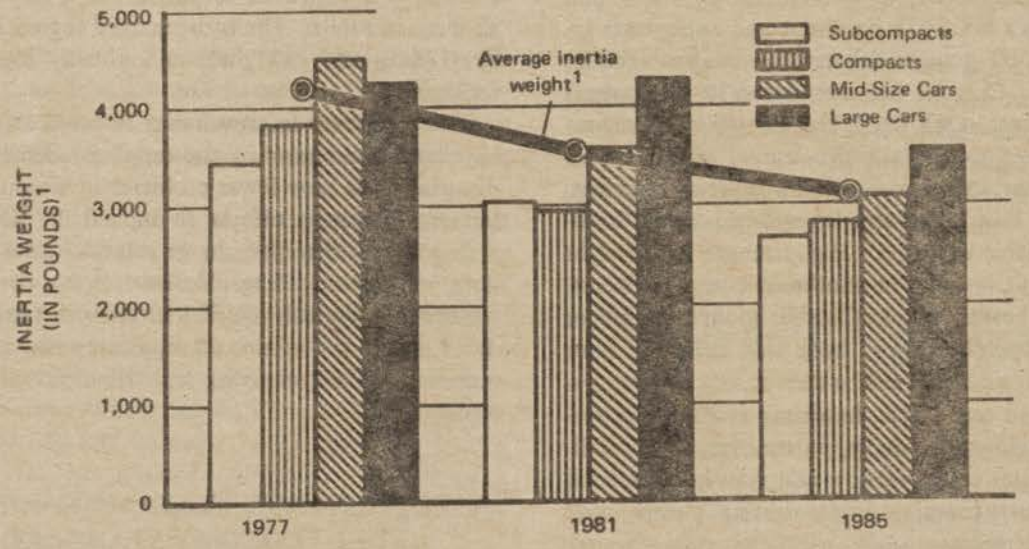
Other innovations implemented or planned to improve fuel economy include further material substitutions—G.M.'s introduction of the diesel engine in trucks and some Oldsmobile passenger automobiles in MY 1978; Chrysler's use of the lockup torque converter in MY 1978 transmissions; Ford's plans for introduction of the PROCO stratified charge engine, the split-torque transmission, and the variable displacement engine. Generally, more extensive use of front-wheel drive, diesel engines, and improved aerodynamics is anticipated for all manufacturers. The turbocharged engine, introduced by G.M. in MY 1978, will undoubtedly become more widespread.

Fuel economy improvements in lubricants and tires have been announced by the supplier industry. Foreign manufacturers have fewer problems in weight reduction but are increasing efforts to expand the use of diesel and, perhaps, stratified charge rotary engines and to reduce aerodynamic drag. Volkswagen has demonstrated a prototype research vehicle that features a turbocharged diesel engine and attains 60 mpg composite average fuel economy while complying with all emission and safety standards.

FUTURE PASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS

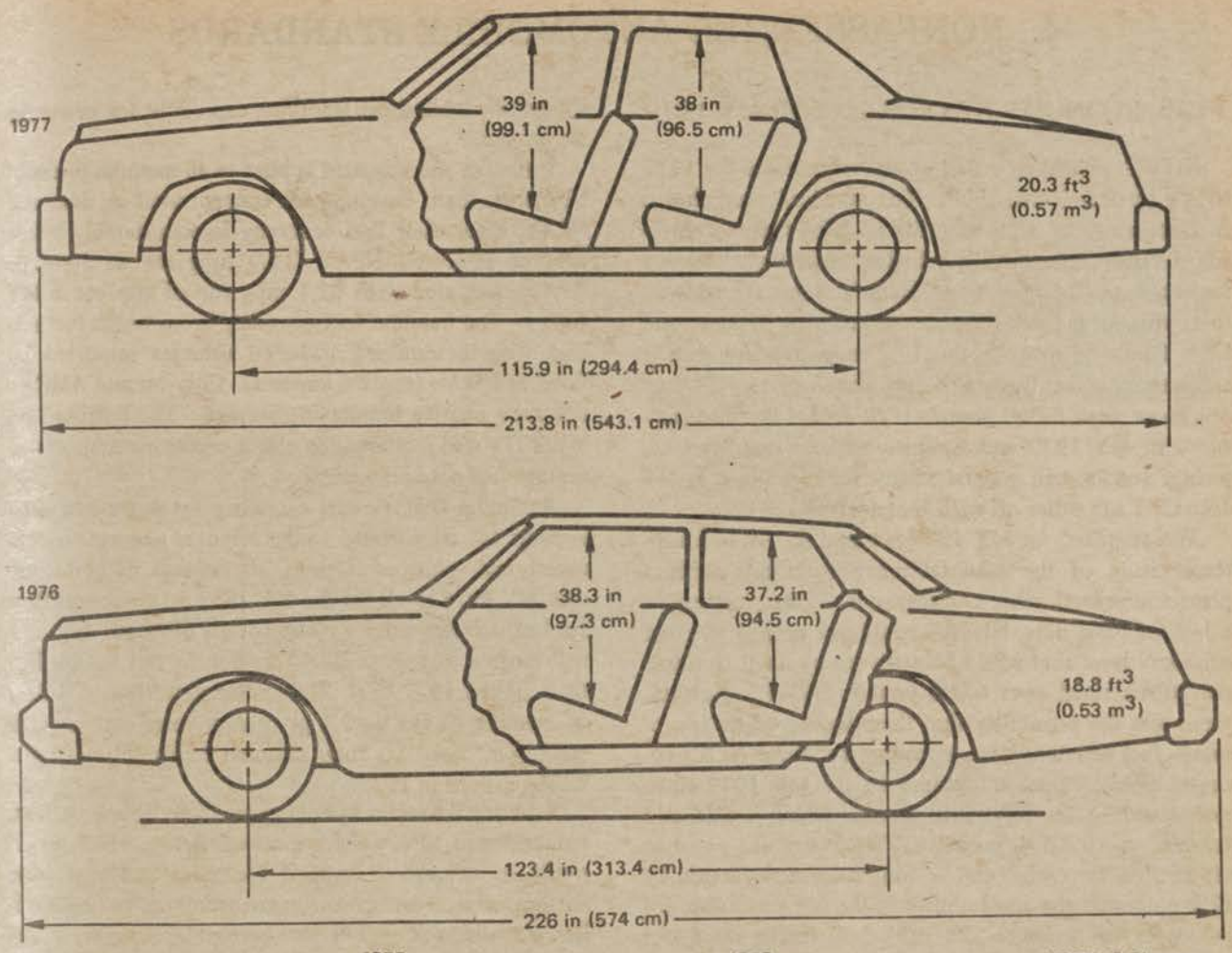
To date, the major effort has been to develop the 1981-84 passenger automobile fuel economy standards.





[1]Data from General Motors.
Artist for top and bottom schematics: Robert McAuley, *Business Week:* May 23, 1977.

Figure 13.—Downsizing and material substitution.



	1977	1976	1977-76 Change
Exterior:			
Length	213.8 in (543.1 cm)	226 in (574 cm)	−12.2 in (31 cm)
Width	75.4 in (191.5 cm)	78.9 in (200.4 cm)	−3.5 in (8.9 cm)
Wheelbase	115.9 in (234.4 cm)	123.4 in (313.4 cm)	−7.5 in (19.1 cm)
Weight	3,685 lb (1,672 kg)	4,423 lb (2,006 kg)	−738 lb (335 kg)
Interior:			
Front head room	38.8 in (98.5 cm)	38.3 in (97.3 cm)	+0.50 in (1.3 cm)
Rear head room	38 in (96.5 cm)	37.2 in (94.5 cm)	+0.80 in (2.0 cm)
Rear leg room	39.5 in (100.3 cm)	38.5 in (97.8 cm)	+1 in (2.5 cm)
Rear knee clearance	3.7 in (9.4 cm)	3.6 in (9.1 cm)	+0.10 in (0.2 cm)
Luggage capacity:	20.3 ft^3 (0.57 m^3)	18.8 ft^3 (0.53 m^3)	1.5 ft^3 (0.011 m^3)

Figure 14.—Comparison of 1976 and 1977 vehicle dimensions demonstrating downsizing.

This task has been completed, and NHTSA has initiated a major research and development program to assess maximum feasible fuel economy standards for 1984-86 and beyond. The 1984 fuel economy standard set in July 1977 and the 1985 standard mandated by Congress will be reevaluated in view of changing technological and economic conditions. The act stipulates that the Secretary may, by rule, amend the standards for 1985 or any subsequent year to a level that he determines to be the maximum feasible (subject to Congressional approval if outside the range of 26.0-27.5 mpg). The 1986 fuel economy standards for passenger automobiles will be a new standard subject to the above conditions. A likelihood exists that the maximum feasible levels for 1984, 1985, and 1986 will exceed the 27.5 mpg level set by Congress.

4. NONPASSENGER AUTOMOBILE STANDARDS

FUEL ECONOMY STANDARD FOR MY 1979

NHTSA published a fuel economy standard for 1979 NPA's on March 14, 1977. The standard prescribes a fuel economy of 17.2 mpg for all NPA's except four-wheel drive, general utility vehicles, which must obtain a fuel economy of 15.8 mpg. Manufacturers are allowed the option of including vehicles in this class in their total NPA fleet and meeting the 17.2 mpg standard that is applicable to the fleet. The standard covers NPA's of not more than 6,000 pounds GVWR that are manufactured in MY 1979 and includes vehicles such as vans, pickup trucks, and general utility vehicles (such as the Jeep CJ-7 and other off-road vehicles) (fig. 15).

The standard for MY 1979 is based on NHTSA's interpretation of the manufacturers' voluntary product plans and several other considerations. First, because of a lack of basic data, NHTSA could not project the fuel economy level that could be achieved by manufacturers for NPA's rated over 6,000 pounds GVWR. Further, there was the possibility that there would be no appropriate fuel economy test procedure for these NPA's because EPA's proposed changes to the MY 1979 emission standard for light-duty trucks, which would add vehicles up to 8,500 pounds GVWR, were not put into effect until December 1976. This rulemaking action by EPA extended the applicability of the test procedure for passenger automobiles and light-duty trucks rated not over 6,000 pounds GVWR to light-duty trucks rated from 6,000 pounds through 8,500 pounds GVWR. For these reasons, NHTSA could not promulgate a fuel economy standard for NPA's rated over 6,000 pounds GVWR.

Second, many of these NPA's between 6,000 and 8,500 pounds GVWR are similar in most characteristics to NPA's rated less than 6,000 pounds GVWR. Thus, they would be a satisfactory substitute for many purchasers. Also, manufacturers could rerate to a higher value those NPA's that were slightly below 6,000 pounds GVWR. Both of these actions would lower the overall level of fuel economy for NPA's. It was concluded that the fuel economy standard for MY 1979 should preclude these possibilities.

Third, the automobile manufacturers' ability to improve fuel economy by MY 1979 was somewhat limited by the available short leadtime, especially for new vehicle designs.

Although the standard applies to all manufacturers of NPA's, standard development concentrated on domestic NPA's, since their fuel economy is considerably below that of imported NPA's (15.9 mpg for all domestic NPA's compared with 22.1 mpg for all imports in MY 1976). The baseline fuel economy from which fuel savings were determined included vehicles imported by Ford and G.M. (captive imports). Chrysler and AMC do not have captive imports at present. The standard for MY 1979 also includes the effect of captive imports on average fuel economy levels.

Assuming that all fuel economy measures and their impacts are attributable to the standard and not to manufacturers' voluntary actions, the savings of petroleum over MY 1976 levels for the MY 1979 nonpassenger fleet for both classes will be 6,684 barrels of oil per day. This will mean a savings of 24.40 million barrels for the lifetime of the 1979 fleet. The annual and lifetime savings in gasoline would be 0.1 percent of total national consumption, based on total national consumption of 102 billion gallons in 1975.

Additional savings in energy are likely to accrue from reductions in NPA weight and engine size, which would result in decreased demand for steel and cast iron. Savings of steel and cast iron are estimated to be 42 million pounds in MY 1979 over current levels of consumption, or 0.108 percent of total national consumption of 236.2 billion pounds recorded in 1975. The saving in energy that would have been used to produce and transport the steel and cast iron and in the manufacturing process is estimated at the equivalent in British Thermal Units (BTU's) of 123,000 barrels of oil, or 0.003 percent of the total national consumption of 4.5 billion barrels in 1975.

The reduction in steel and cast iron production could result in a small improvement in water quality and small decreases in industrial water supply demand and in stationary source air pollution. Since the reduction would be only 0.018 percent of total steel and cast iron production, however, this effect would be minor.

It is estimated that an additional 5.26 million pounds of plastics will be used as substitute materials for vehicle

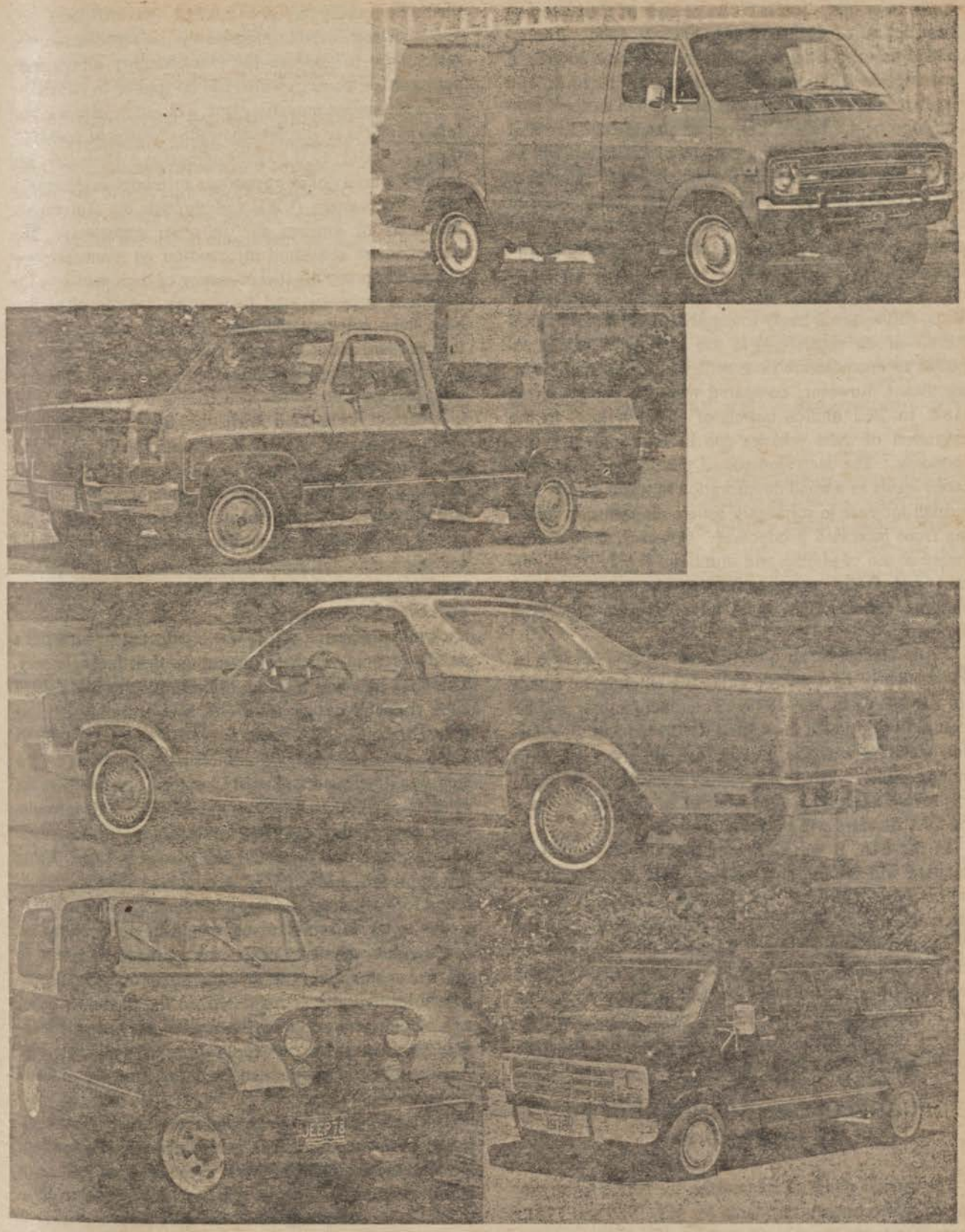


Figure 15.—Typical examples of nonpassenger automobiles.

weight reduction. This is 0.025 percent of total national consumption of 21.2 billion pounds in 1975. The increased use of plastics will result in a one-time additional consumption of energy equivalent in BTU's to 38,100 barrels of oil, or 0.001 percent of the 1975 national consumption of 4.5 billion barrels. It also is estimated that an additional 5.26 million pounds of aluminum will be used as a substitute material for vehicle weight reduction. This is 0.055 percent of 1975 national consumption of aluminum of 9.6 billion pounds. The increased use of aluminum will result in a one-time additional consumption of energy equivalent in BTU's to 10,000 barrels of oil, or 0.002 percent of 1975 national consumption. Thus, this action is likely to result in an increase (15,000 barrels of oil equivalent) in the amount of energy required to manufacture these vehicles. This amount is insignificant, however, compared with the energy saving (18.1 to 29.7 million barrels of oil equivalent) in the operation of these vehicles due to their increased fuel economy. The increased use of plastics and aluminum could result in a small deterioration in water quality and a small increase in stationary source air pollution resulting from increased production. However, since the increase in use of plastics and aluminum is only 0.025 percent and 0.055 percent, respectively, of their total national consumption, these latter impacts should be minor.

Little change in air quality is anticipated because of the standard. EPA will be enforcing an emission standard for NPA's in MY 1979. The manufacturer will be required to optimize the vehicle design to meet the emission standard and the average fuel economy standard simultaneously. The fuel economy standard is not likely to provide additional improvement in air quality, since the EPA standard will be predominant.

In the FIA, it was estimated that the fuel economy standard will impose an additional cost of about $10.8 million (about $11 per NPA) on the domestic manufacturers of NPA's. This cost to consumers could increase to $22 per NPA, assuming 100-percent markup. The operator of an NPA would save about 104 gallons per year over 11,000 miles. At 65¢ per gallon, this amounts to $67.60 per year, or $415.33 (discounted) for the lifetime of the vehicle. NHTSA concluded that the economic impact of this rule is minor.

FUEL ECONOMY STANDARDS FOR MY 1980 AND 1981

The second phase of rulemaking for NPA's is the setting of fuel economy standards for MY 1980 and 1981. These standards, like the standard for MY 1979, are constrained somewhat by the leadtime available for improvements, especially on new models. Nevertheless, there has been considerable progress by the manufacturers in technology to improve the fuel economy of passenger automobiles, some of which can be applied to NPA's.

To determine industry plans, a questionnaire was sent in March 1977 to the five domestic manufacturers (AMC, Chrysler, Ford, G.M., and International Harvester) and to the importers of nonpassenger automobiles [Mercedes-Benz, Volkswagen (VW), and through the Automobile Importers of America for the other importers]. This questionnaire requested information on manufacturers' plans to improve the fuel economy of their vehicles. The questions were designed to identify specific plans that have been incorporated into production and to elicit information about research and development on such improved techniques as advanced engines and transmissions and reduced vehicle weight.

Meetings were held with the five major domestic manufacturers to discuss the questionnaire and, after receipt of their responses, to clarify details of the data provided. All NHTSA fuel economy research reports and prior fuel economy rulemaking records (such as the record on the MY 1981-84 PA standards) were reviewed for applicable information. Automotive publications were scanned for information relating to improvements not covered in the responses.

A major research effort was conducted to establish a data base from which to project the fleet fuel economy. This data base was built on information from MY 1977 EPA emission certification and fuel economy labeling data. Since the EPA data are available only for vehicles having a GVWR of 6,000 pounds or less, a linear regression was developed and used to extend the data base for vehicles of 6,001 to 8,500 pounds GVWR. This information, along with the 1976 sales information, was modified to reflect the projected 1977 trend in sales. Using this approach, a MY 1977 fuel economy fleet was established for each domestic manufacturer.

To verify information contained in publications on new models, a special order was prepared and sent to the five major domestic manufacturers of NPA's. Specific information was requested on the introduction of new models, changes in engine size, and new engine technology, as well as the application of new materials. Answers were incorporated into the analysis of each manufacturer's fleet.

Once the baseline fleet was established, it was adjusted to match the recommended classification option. Vehicles included had a GVWR in the range of 0 through 8,500 pounds, and those vehicles anticipated to have frontal areas exceeding 46 square feet (approximately 2 percent of the fleet) were eliminated. The remaining vehicles were separated into 4 X 2 (four wheels and two-

wheel drive) and 4 X 4 (four wheels and four-wheel drive) categories. Each vehicle then was analyzed for applicability of appropriate fuel economy improvements considering the following alternatives:

- Technological improvements (such as engine improvements, improved automatic transmissions, and reduced aerodynamic drag).
- The above, plus weight reduction.
- Both of the above, plus new models.
- All of the above, plus reduction in performance.

It is important to note that not all improvements apply equally to each vehicle or each manufacturer. The objective was to determine the maximum fleet average fuel economy for the two classes of vehicles, 4 X 2 and 4 X 4, and at the same time determine the maximum fleet average fuel economy levels for each manufacturer. The maximum level is not based on manufacturers' plans but on NHTSA estimates of what could be achieved in the absence of overriding contrary information.

The manufacturers have several ways by which to improve NPA fuel economy; NHTSA does not profess to know the optimum path for each manufacturer. Estimates are based on engineering analysis of data submitted by manufacturers and data gathered from research projects, trade journals, and newspapers.

To estimate the effect of technological improvements on domestic fleet average fuel economy, NHTSA projected certain improvements and a schedule of market proportion to be reached by each manufacturer. Separate estimates were used for 4 X 2 and 4 X 4 fleets and for each model year. The minimum inertia weight for each manufacturer's fleet of NPA's was established by considering the potential substitution of light-weight components developed for automobiles, substitution of lighter materials into existing components, the probable scheduling for major redesign of existing NPA's, and the introduction of smaller pickup trucks and vans.

Weight reduction potentials are based on the assumption that by MY 1980 the industry will concentrate on making weight reductions of components that will be used in subsequent model years. It is not considered practical for the industry to use resources on design improvements for only a short-term weight savings of one or two model years. In MY 1981, the designs of most pickup trucks and vans will be at least 6 years old. Judging from historical trends, lighter vehicles resulting from major design revisions and newly designed smaller pickups and vans may be introduced. A 6-percent penetration of captive imports for both 4 X 2 and 4 X 4 NPA's was assumed for Chrysler, Ford, and G.M.

The reduction of vehicle performance offers another means of increasing fuel economy. As a general rule, a reduction in performance of 10 percent produces a 4-percent improvement in fuel economy. The relationship does not hold for continued reduction of performance to drastic levels, and a point is reached where fuel economy does not increase and may actually decrease. There are also practical limitations to the amount of performance reduction that can take place while still preserving the essential utility characteristics of NPA's, such as minimum acceleration rates and gradeability minima.

Table 5.—*Nonpassenger automobile fleet average fuel economy levels for two vehicle classes, by model year*

NPA manufacturer's fleet	Vehicle class			
	Two-wheel drive[1]		Four-wheel drive[2]	
	1980	1981	1980	1981
Without captive imports	19.2	20.5	16.2	17.7
With 6 percent captive imports	19.7	21.0	16.6	18.0

[1] 1979 standard: 17.2 mpg (with option of including all vehicles).
[2] 1979 standard: 15.8 mpg for four-wheel drive, general utility vehicles.

A detailed analysis, with background information and a complete documentation of results, is being incorporated into the rulemaking support paper (RSP) for 1980 and 1981 NPA fuel economy standards, which is available in Docket 77-05 at NHTSA.

A draft environmental impact statement (DEIS) is being prepared, in cooperation with EPA, to determine the effect on air and water quality, on water use, and on a possible increase in vehicle noise because of smaller engines and increased use of diesel engines.

The results of anticipated material substitutions presently are being evaluated and are expected to show a small reduction in the use of steel and a small increase in use of plastics and aluminum.

The total impact on the environment should not be large, since the magnitude of change in use of materials, water usage, air quality, energy consumption, and other environmental factors appears to be less than the changes brought about by cyclic economic changes in the national economy.

The NHTSA Administrator plans to issue NPA fuel economy standards for MY 1980 and 1981 in the near future.[1] Average fuel economy levels proposed for the two model years and the various classes of vehicles and alternatives are shown in table 5.

[1] NPRM issued December 15, 1977.

5. FUEL ECONOMY REGULATIONS

In order to conduct and administer the passenger and nonpassenger automobile fuel economy regulatory program, the act required the promulgation of certain regulations regarding procedures, definitions, and reporting. The regulations shown in table 6 have been published.

VEHICLE CLASSIFICATION

An NPRM published in October 1976 initiated rulemaking to classify vehicles for the purposes of title V of the Motor Vehicle Information and Cost Savings Act. This classification is slightly different from those made under the Clean Air Act, the National Traffic and Motor Vehicle Safety Act, or for automotive industry purposes.

Title V states the definitional elements for "automobiles" of 6,000 pounds GVWR or less, and only the guiding elements are provided for vehicles that weigh between 6,000 and 10,000 pounds GVWR. Also of concern is the definition of "nonpassenger automobiles" and "automobiles capable of off-highway operations."

The final rule, published July 28, 1977, defines all these vehicles and creates "nonpassenger automobile" as a distinct class from "passenger automobile." Briefly, a passenger automobile is a passenger vehicle (i.e., a sedan, coupe, or station wagon, such as the Mercury Zephyr, Chevrolet Camaro, or Dodge Diplomat Wagon). The definition of passenger automobiles includes all those up to 10,000 pounds GVWR. Approximately 10 million new passenger automobiles are sold in the United States each year.

The NPA class includes pickup trucks, vans (both cargo and passenger carrying), recreational vehicles, and general purpose vehicles. Examples of nonpassenger automobiles are the Tradesman Van, Ford Ranchero, Chevy LUV, and Club Wagon. Four-wheel drive vehicles like the Jeep CJ-7 are classified as automobiles capable of off-highway operation. This is a special subclass of the more general nonpassenger automobile category.

At present, the only nonpassenger automobiles included in the definition are those 6,000 pounds GVWR or less, or about a third of the 2.5 million nonpassenger vehicles produced each year. A proposal to include vehicles up to 8,500 pounds GVWR in the NPA category, beginning with MY 1980, will be published soon for public comment.[1]

MANUFACTURERS OF MULTISTAGE AUTOMOBILES

Some automobiles are manufactured in more than one stage. Examples of these vehicles are ambulances, chassis-mount campers, special body vans, and special purpose trucks that have special bodies or work-performing and load-carrying structures added to chassis-cabs.

The stages of multistage manufacture vary from vehicle to vehicle. At the least, there is one automobile man-

[1] NPRM published December 15, 1977.

Table 6.—*Published regulations*

Title	Date issued	Type
Vehicle Classification	7/28/77	Definitional
Manufacturers of Multistage Automobiles	7/28/77	Definitional
Reduction of Passenger Automobile Average Fuel Economy Standards	(1)	Procedural
Exemption from Average Fuel Economy Standards	7/28/77	Procedural
Automotive Fuel Economy Reports	(2)	Reporting

[1] Published 11/14/77.
[2] Published 12/12/77.

ufacturer who initiates the manufacture of the vehicle and another manufacturer who completes the manufacturing process. There may or may not be one or more intermediate manufacturers.

Section 501(8) of the act requires that rules be prescribed for determining which company is to be treated as the manufacturer of a multistage automobile for the purposes of the fuel economy rules. Following an NPRM that was published by NHTSA on February 14, 1977 (42 F.R. 9040), a final rule, Part 525: Manufacturers of Multistage Automobiles, was published in the *Federal Register* (42 F.R. 38369) on July 28, 1977. In most instances, the rule makes the initial manufacturer of the incomplete vehicle responsible for meeting the fuel economy rules, including those relating to automobile fuel economy standards, fuel economy labeling, and reports.

REDUCTION OF PASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS

The act provides that PA manufacturers may petition to reduce the average fuel economy standards applicable to passenger automobiles produced in MY 1978, 1979, and 1980 to compensate for any adverse fuel economy impact of more stringent Federal motor vehicle emissions, safety, noise, or damageability standards in those years. A rule will be published early in FY 1978[2] establishing the procedures to be followed in petitions for a reduction.

The rule requires the petitions to describe the technology actually used by the manufacturer to comply with applicable emissions, safety, noise, or damageability standards that reduce the fuel economy of the vehicle; describe any alternative or additional technology available to the manufacturer that would have lessened the impact on fuel economy; and state the reasons for not incorporating that alternative or additional technology, including a comparison of the fuel savings, economic costs, and leadtime requirements for the alternative technology and the technology actually used. The petition then must show the fuel economy level that the manufacturer would have achieved if 1975 standards had been applicable.

A petition for reduction will only be granted if NHTSA determines that the petitioner used a reasonably selected technology to comply with the applicable Federal emissions, safety, noise, or damageability standards and that his average fuel economy has been reduced by more than 0.5 mpg from the fuel economy level he would have achieved if the 1975 Federal standards had been applicable. If the petition is granted, the manufacturer will be assessed a civil penalty only if his average fuel economy is lower than the adjusted fuel economy standard. However, the manufacturer will only receive credits, to be applied against any past or future penalties, if his average fuel economy exceeds the unadjusted standard.

[2]Rule published November 14, 1977 (42 F.R. 58938).

EXEMPTION FROM AVERAGE FUEL ECONOMY STANDARDS

A NPRM published December 9, 1976, proposed a new regulation specifying requirements for petitions from manufacturers of less than 10,000 passenger automobiles per year for exemption from the generally applicable average fuel economy standards. A final rule substantially adopting this NPRM was published on July 28, 1977.

Exemptions will be granted only if NHTSA determines that the standard otherwise applicable is more stringent than the maximum feasible average fuel economy level that the low-volume manufacturer can attain. If an exemption is granted, NHTSA must establish a maximum feasible average fuel economy standard applicable to that manufacturer. This is done in one of three ways: A standard may be established for the specific manufacturer; classes, based on such factors as design or size, may be established for the automobiles of exempted manufacturers, with a separate average fuel economy standard applicable to each class; or a standard may be established for all exempted manufacturers.

During 1977, petitions for exemption were received from six manufacturers: Avanti Motor Corporation, Rolls-Royce Motors, Checker Motors Corporation, Aston Martin Lagonda, Excalibur Automobile Corporation, and Maserati. After initial review of their petitions, all six petitioners were asked to submit additional information. Complete information has been obtained from Rolls-Royce and Checker, and a 30-day public comment period on their petitions has been opened by notice in the *Federal Register*. Each petitioner has asked for a 3-year exemption, the maximum allowable under the act. A summary of the low-volume manufacturer petitions received for exemption from average fuel economy standards is shown in table 7 for the affected model years.

AUTOMOTIVE FUEL ECONOMY REPORTS

Paragraph (1), section 505(c) of the act, requires the Secretary of Transportation to promulgate rules specifying the form and content of reports to be submitted semiannually by each automobile manufacturer, stating

Table 7.—*Alternative standards values requested by low volume petitioners for model years 1978 through 1980*

Manufacturer	No. of vehicles produced for the United States annually	Model year		
		1978	1979	1980
		mpg	*mpg*	*mpg*
Avanti	180	15.6	NA[1]	NA
Rolls Royce	1,300	10.9	10.9	11.2
Checker	5,000	16.8	16.7	16.5
Aston Martin	60	11.0	11.4	13.0
Excalibur	250	12.0	12.0	14.0
Maserati	200	4.0	11.2	11.5
Federal average fuel economy standard		18.0	19.0	20.0

[1]NA = not available.

whether and how the manufacturer will comply with applicable average fuel economy standards. In response to this requirement, NHTSA issued a NPRM April 11, 1977, entitled, Automotive Fuel Economy Reports. A final rule will be published in early FY 1978.[3]

The semiannual reports must contain the manufacturer's projected average fuel economy and views on the representativeness of the projection; model-type fuel economy information; certain vehicle configuration technical information; differences in the technology and sales mix of the manufacturer's automobiles for the current model year and the immediately preceding model year; and a description of the manufacturer's advertising, pricing, and dealer-incentive programs during the current model year that will aid the manufacturer in improving his average fuel economy.

The data received in the semiannual reports will enable NHTSA to monitor what each manufacturer is doing to comply with the applicable fuel economy standards, including both technological improvements and marketing strategies, and to assess the effectiveness of those efforts. The semiannual reports also will establish a continuing dialog between the industry and NHTSA, which will broaden NHTSA's understanding of the problems and capabilities existing in the automobile manufacturing industry.

[3]Rule published December 12, 1977 (42 F.R. 62374).

6. ENFORCEMENT AND COORDINATION WITH THE ENVIRONMENTAL PROTECTION AGENCY

NHTSA has several areas of compliance and enforcement responsibility under the provisions of the act. NHTSA is responsible for enforcement of the requirement that Gas Mileage Guides be prominently displayed by automobile dealerships and for compliance determinations and enforcement of PA and NPA fuel economy standards. NHTSA also must coordinate closely with EPA on fuel economy activities.

GAS MILEAGE GUIDES

Under section 506 of the act, EPA is responsible for providing the consumer with fuel economy information in the form of gasoline mileage estimates for new automobiles. This is accomplished by means of a label attached by the manufacturer to the rear window of new automobiles and by means of the Gas Mileage Guide, a booklet that each new automobile dealer is required to furnish free in his showroom. The program has the following objectives:

- To provide comparable mpg operating information on passenger automobiles and on light-duty trucks.
- To inform consumers about the fuel economy (combined city and highway mpg) of vehicles, as this relates to individual automobile model characteristics.
- To promote the purchase of vehicles with good fuel economy.

EPA promulgated regulations concerning display and availability of the Gas Mileage Guides (40 F.R. 600.401-77 *et seq.*). These regulations, which are applicable to 1977 and later model years, require that:

- Each dealer shall prominently display, at each location where new automobiles are offered for sale, the EPA/FEA[1] Gas Mileage Guide or equivalent EPA-approved booklet.
- Each dealer shall display the guides in the same manner and in each location used to display brochures describing the automobiles offered for sale.
- Each dealer shall provide the guides without charge and in sufficient quantity to be available for retention by prospective purchasers upon request.

An excerpt from the 1978 Gas Mileage Guide is shown in figure 16.

On May 10, 1977, the NHTSA Administrator requested that each Regional NHTSA Administrator survey new automobile dealer showrooms in the vicinity of the city where his office was located. The purpose of the survey, conducted from May 20 to June 3, 1977, was to ascertain the extent to which dealers were complying with the EPA regulations. Approximately 40 percent of the dealers were found to be in compliance with current requirements regarding Gas Mileage Guide display and availability. The survey sample consisted of 222 dealers representing 18 automobile makes, distributed relatively uniformly throughout the Nation.

Based upon the above findings, NHTSA published a press release reflecting the results of this informal survey, with the intention of promoting voluntary dealer compliance with the requirements and encouraging publicity through industry channels (e.g., *Automotive News* and manufacturer dealer networks); and sent a letter to each of the approximately 26,000 dealers, informing and reminding them of their responsibilities pursuant to the regulations. This series of actions was intended to induce dealer compliance and thus promote public awareness and availability of fuel economy information.

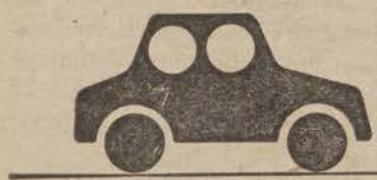
Title V of the act places responsibility for enforcement of the Gas Mileage Guide regulations with NHTSA. As provided in section 508, failure to comply may result in a civil penalty of not more than $10,000 for each violation. For purposes of assessing this penalty, each day of a continuing violation constitutes a separate violation. NHTSA currently is making plans for enforcement of the regulations.

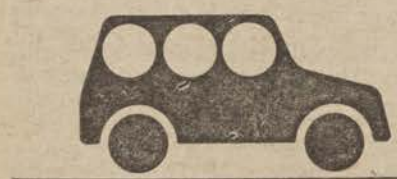
[1]Now EPA/DOE, as of October 1, 1977.

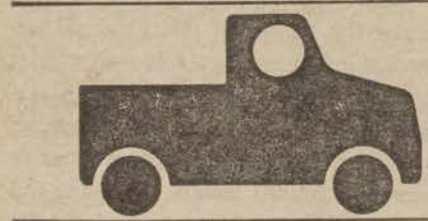
1978 Gas Mileage Guide

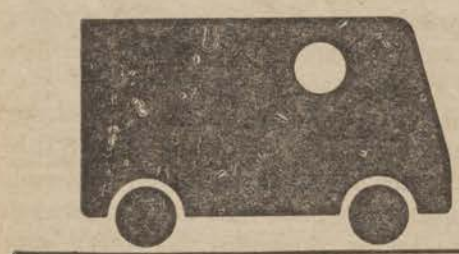
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U.S. Environmental Protection Agency

COMPACT CARS

Manufacturers	Fuel Economy				Vehicle Description			
Manufacturer Car Line	Combined MPG	Average Annual Fuel Costs	City MPG	Highway MPG	Engine Description CID/Cyl Type	Transmission	Fuel System	Body Type Interior Space Passenger/ Trunk or Cargo(Cu. Ft.)
CADILLAC								
SEVILLE	16	$656	14	20	350/8 (GM-CAD)	A	FI	4DR-95/13
CHEVROLET								
NOVA	21	$500	19	26	250/6	M	1	2DR-90/13
	20	$525	18	24	250/6	A	1	4DR-96/13
	17	$617	15	21	305/8	M	2	HTBK-90/16
	19	$552	16	22	305/8	A	2	
	17	$617	15	21	350/8 (GM-CHEV)	A	4	
DODGE								
ASPEN	23	$457	20	28	225/6	M	1	2DR-87/15
	23	$457	20	27	225/6	A	1	4DR-98/15
	21	$500	18	28	225/6	M	2	
	21	$500	18	25	225/6	A	2	
	18	$584	15	25	318/8	M	2	
	18	$584	15	22	318/8	A	2	
	17	$617	15	22	360/8	A	2	
	13	$807	10	17	360/8	A	4	
FORD								
GRANADA	21	$500	18	26	250(4.1L)/6	A	1	2DR-89/15
	19	$552	16	25	302(5.0L)/8	M	2	4DR-93/15
	19	$552	16	23	302(5.0L)/8	A	2	
LINCOLN-MERCURY								
MONARCH	21	$500	18	26	250(4.1L)/6	A	1	2DR-89/16
	19	$552	16	25	302(5.0L)/8	M	2	4DR-93/16
	19	$552	16	23	302(5.0L)/8	A	2	
VERSAILLES	18	$584	16	23	302(5.0L)/8	A	2	4DR-92/15
OLDSMOBILE								
OMEGA	19	$552	16	28	231/6	M	2	2DR-90/14
	21	$500	18	26	231/6	A	2	4DR-96/14
	17	$617	15	21	305/8	M	2	HTBK-90/16
	19	$552	16	22	305/8	A	2	
PEUGEOT								
504	30	$300	28	34	141/4 (DIESEL)	M	FI	4DR-90/10
	28	$321	25	31	141/4 (DIESEL)	A	FI	
PLYMOUTH								
VOLARE	23	$457	20	28	225/6	M	1	2DR-87/15
	23	$457	20	27	225/6	A	1	4DR-98/15
	21	$500	18	28	225/6	M	2	
	21	$500	18	25	225/6	A	2	
	18	$584	15	25	318/8	M	2	
	18	$584	15	22	318/8	A	2	
	17	$617	15	22	360/8	A	2	
	13	$807	10	17	360/8	A	4	

Figure 16.—Excerpt from 1978 Gas Milleage Guide.

NHTSA ENFORCEMENT OF AVERAGE FUEL ECONOMY STANDARDS

If EPA calculations of average fuel economy reported to NHTSA indicate that a manufacturer has failed to comply with average fuel economy standards, the manufacturer will be given an opportunity to present his case at a hearing and to make additional verification tests before penalties are assessed by the NHTSA Administrator. NHTSA has prepared draft regulations governing the procedures for such hearings and anticipates that the regulations will be published in early 1978.

As an additional step in preparation for enforcement of the standards through administrative hearings and possible litigation, NHTSA has initiated a review of the EPA fuel economy measurement system and equipment to identify potential errors that could distort EPA test results.

NHTSA COORDINATION WITH EPA FUEL ECONOMY ACTIVITIES

Under section 503(d) of the act, EPA must promulgate regulations prescribing testing and calculation procedures for determining each manufacturer's average fuel economy. Close coordination between EPA and NHTSA is necessary on these procedures as well as on EPA emissions rulemaking and NHTSA fuel economy rulemaking. The act itself requires the EPA Administrator to consult and coordinate with the NHTSA Administrator in establishing EPA procedures.

NHTSA has worked with EPA in the following areas:

- EPA draft NPRM's and final rules on testing and calculation procedures were reviewed by NHTSA. NHTSA comments, corrections, and recommendations were presented to EPA for consideration in the rulemaking process. NHTSA's review included analysis of the projected effect of EPA rules on fuel economy standards issued or in preparation by NHTSA.
- NHTSA participated in bimonthly meetings set up by EPA with industry representatives for the purpose of communication on technical issues. Such topics as regulations and standards, advisory circulars, clean air, fuel economy labeling, and vehicle certification were discussed.
- NHTSA participated in a series of four public control symposiums conducted by EPA for the purpose of exchanging technical information related to calibration procedures, dynamometer characteristics, gas standards, laboratory correlation, and intralaboratory equipment quality control techniques.
- NHTSA participated in an EPA pilot program conducted during the first half of 1977 to facilitate implementation of title V of the act. The program, attended voluntarily by manufacturers, focused on computer programs, reporting formats, information required for calculating preliminary and final average fuel economy figures, and trial calculations. Information and data to be supplied by EPA to NHTSA at the end of MY 1978 were identified in this pilot program.

7. RESEARCH AND DEVELOPMENT

During the past 4 years, DOT has developed the capability to conduct comprehensive assessments of the impacts of proposed changes in the automobile transportation system due to fuel economy rulemaking. These impact assessments can be made in such areas as technology, engineering, manufacturing cost, cost to the consumer, corporate finance, marketing, and the economy. The capability for performing these assessments can be found in NHTSA's comprehensive R. & D. program. During FY 1977, implementation of the R. & D. program was carried out by private sector contracts, most of which were administered by TSC under the direction of the NHTSA Associate Administrator for R. & D., Office of Vehicle Systems Research, Energy Research Division. The objectives of the R. & D. program are to develop, maintain, and update the data bases and analytical tools necessary for rulemaking and policy formulation activities in the area of automotive energy conservation.

Appendix A details the major R. & D. contracts for FY 1977. In FY 1977, approximately $5.1 million was spent on private sector contracts; $7.3 million in contracts is planned for FY 1978. Major R. & D. reports produced to date are listed in appendix B.

RESEARCH AND DEVELOPMENT ACCOMPLISHMENTS FOR FY 1977

- Developed the technical support for the 1979 NPA fuel economy standards rulemaking. Standards were issued by NHTSA in March 1977.
- Developed the technical support for the 1981-84 PA fuel economy standards rulemaking. Standards were issued by NHTSA in July 1977.
- Developed technical support for the proposed 1980-81 NPA fuel economy standards rulemaking. A NPRM was issued by NHTSA in early FY 1978.[1]
- Currently developing technical support for proposed 1984-86 PA fuel economy standards rulemaking. Standards will be proposed by NHTSA by January 1979.

[1]NPRM issued December 15, 1977.

ACCOMPLISHMENTS BY RESEARCH AND DEVELOPMENT TASK AREAS

R. & D. is divided into five task areas: Assessment of Automotive Technology, Effects of Federal Standards on Fuel Economy, Industrial Analysis, Economic Analyses and Impact Evaluation, and Market Analyses and Impact Evaluation. Following is a description of each task area and a list of specific accomplishments.

Assessment of Automotive Technology

This task area deals with the identification and evaluation of production and projected hardware available to manufacturers for achieving fuel economy improvements. This includes both passenger and nonpassenger automobiles with less than 10,000 pounds GVWR (individually and in fleets) and encompasses weight and acceleration performance reduction, engine and drive train improvements, the use of alternative engines and transmissions, improved lubricants, reduced accessory losses, and reduced aerodynamic drag and rolling resistance. The task area has:

- Formulated a set of technological options that were analyzed and documented as reference reports in the docket for 1979 NPA average fuel economy standards.
- Applied the data base that was developed for the Automotive Energy Efficiency Program (AEEP) by TSC in support of nonpassenger and passenger automobile rulemaking activities.
- Expanded the AEEP data base to determine the impact on fuel economy for the following technologies: (1) lightweight internal combustion engines for low horsepower-to-vehicle-weight ratios for alternative emission levels, (2) advanced transmission subsystems such as additional gears and improved torque converter lockup devices, (3) improved techniques for estimating the potential of lighter weight components in automotive designs and the time to incorporate them, and (4) mass production capabilities for advanced engine designs as a func-

tion of vehicle control systems (emissions, fuel economy, and safety) complexity.

Effects of Federal Standards on Fuel Economy

The second task area deals primarily with possible fuel economy penalties of emission, noise, safety, and damageability standards (either in effect or under consideration). This project also deals with the effects of other Federal standards (occupational safety, health, and environmental) on manufacturing plants and production capabilities and has:

- Established a data base for analyzing the effects of other Federal automotive standards on vehicle fuel economy and manufacturing capability. Major emphasis was placed on establishing the relationships between fuel economy performance and emission levels for various control systems and alternative levels of occupant safety.
- Analyzed the impact on U.S. automobile manufacturers of present and future Federal motor vehicle emission standards as related to specific fuel economy schedules for 1979-80 nonpassenger automobiles and 1981-84 passenger automobiles.
- Evaluated the degree to which diesel engines could satisfy stringent oxides of nitrogen (NO_x) standards while maintaining high fuel economy performance.
- Initiated noise control studies to determine if practical control systems could be designed for exterior and interior noise and the magnitude of the penalty to fuel economy.
- Initiated studies and evaluations on the relationship between future safety and damageability requirements and the resulting impact on fuel economy.
- Started the process of collecting information on changes in automotive industry energy needs to meet future production requirements and to estimate costs for changes in Federal standards [Occupational Safety and Health Administration (OSHA), EPA, etc.] that impact on manufacturers' facilities.

Industrial Analysis

This project addresses the evaluation of manufacturability and costs of technological improvements, both individually and in combinations, the assessment of manufacturers' capabilities and leadtimes in implementing fuel economy improvements, capital requirements and the feasibility of obtaining capital, and the evaluation of each manufacturer's possible strategies in dealing with the standards. The task area has:

- Developed a data base system that provided support for analyzing manufacturing costs; capital, labor, and material requirements; consumer maintenance costs; and engineering risk estimates for alternative component designs.
- Assessed the manufacturing aspects (materials, labor, capital and costs) for future technologies and vehicles. Such items as innovative structures, engine line conversion for downsizing and gasoline-to-diesel fuel conversion were studied.
- Evaluated engineering design changes that show opportunities for major fuel economy benefits. One example is the application of materials that have improved durability along with a reduction in body metal thickness.
- Analyzed the potential for the automotive industry to raise capital and to satisfy labor and material requirements, production scheduling, and costs after consideration is given to present capacities, commitments of resources, materials, changeover intervals, and labor.
- Compared cost data obtained from manufacturers and suppliers for both vehicles and components to verify and calibrate the manufacturing cost data bases.

Economic Analyses and Impact Evaluation

The concerns of this task area are the identification and evaluation of impacts of fuel economy standards (and other related conservation actions) on automobile prices, automobile demand, and employment and on cost of ownership and operation of automobiles. Also, it deals with domestic competition, imports, and aggregated economic effects on the automotive sector of the economy, on the national economy, on petroleum and other national resources, on air quality, and on highway safety. An important consideration in these analyses is fuel availability and price. The project has:

- Modified and expanded on the economic data base used on the AEEP.
- Initiated the collection and analysis of recent business data for major U.S. automotive manufacturers to determine if companies could underwrite technological changes that could improve fuel economy. Additional data sources and analytical tools have been identified to determine what impact future fuel economy standards would have on

manufacturers, consumers, suppliers, and national and international economies.

Market Analyses and Impact Evaluation

The last task area deals with the mutual interactions between automobile products offered by the manufacturers and the acceptance they receive in the marketplace in view of fuel economy standards, Government policies, and fuel prices. Both impacts of consumer behavior on manufacturers and impacts of products offered on consumer choice and usage patterns are of interest. It has:

- Initiated studies to test consumer awareness of energy issues and their willingness to adapt to the vehicles that would be coming in the marketplace to meet the average fuel economy standards.
- Modified existing data bases and analytical techniques so that they could be applied more efficiently in the estimation of future automobile sales and mix.

APPENDIXES

APPENDIX A. RESEARCH AND DEVELOPMENT CONTRACTS FOR FY 1977

Title	Contractor	Contract No.	Start Finish	Amount (dollars)
Passenger Car Spark Ignition Engine Data Base	Volkswagenwerk	DOT-TSC-1269	9/29/76 12/29/77	486,257
Power Plant Evaluation	Energy Research and Development Administration	RA-76-23	3/31/76	75,000
Power Plant Evaluation		RA-77-7	3/14/77-3/78	250,000
Passenger Car Spark Ignition Data Base	Chrysler Corp.	DOT-TSC-1421	9/30/77 2/28/79	633,939
Passenger Car Spark Ignition Data Base	Volkswagenwerk	DOT-TSC-1420	9/30/77 2/28/79	495,072
Passenger Car Spark Ignition Data Base	Fiat Centro Ricerche	DOT-TSC-1422	9/30/77 2/28/79	468,462
Light-Weight Automotive Diesel Data Base	Chrysler Corp.	DOT-TSC-1423	9/30/77 7/30/79	1,024,842
Light-Weight Automotive Diesel Data Base	Fiat Centro Ricerche	DOT-TSC-1424	9/30/77 3/30/79	488,658
Nonpassenger Vehicle Weight Reduction Evaluation	Pioneer Engineering and Manufacturing Co.	DOT-TSC-1451	9/30/77 8/30/78	189,864
Confirmation of Automobile Drivetrain Components to Improve Fuel Economy	Arthur D. Little, Inc.	DOT-TSC-1046	11/4/77 10/78	96,457
Review of Procedures for Determining Average Fuel Economy	Environmental Impact Center	DOT-NS-7-01771	9/30/77 3/31/79	126,344
Satisfaction of the Automotive Fleet Fuel Demand and Its Impact on the Oil Refinery Industry	Stanford Research Institute	DOT-TSC-1064	6/20/75 12/31/77	280,037
Automotive Manufacturing Assessment System	Environmental Impact Center	DOT-TSC-1350	10/21/76 9/77	74,572

Research and Development Contracts for FY 1977—Continued

Title	Contractor	Contract No.	Start Finish	Amount (dollars)
Automotive Manufacturing Corporate Cost Study	H.H. Aerospace Design Co., Inc.	DOT-TSC-1310	11/76 4/77	44,400
Impacts of Fuel Economy Standards for Passenger Cars and Light Trucks	Environmental Impact Center	DOT-TSC-1311	11/15/76 11/1/77	19,450
Automotive Manufacturing Cost Analysis	Jet Propulsion Laboratories	RA-77-9	1/77 10/77	30,000
Automobile Manufacturer Financial Data Development	Arthur D. Little, Inc.	DOT-TSC-1047	1/31/77 10/15/77	94,984
Manufacturing Technology Assessment	Pioneer Engineering and Manufacturing	DOT-TSC-1045	3/77 3/78	190,906
Automotive Manufacturers' Cost/Revenue, Financial and Risk Analysis	H.H. Aerospace Design Co., Inc.	DOT-TSC-1333	6/10/77 2/1/78	81,477
Operate and Expand the Automotive Manufacturing Assessment System	Corporate-Tech Planning, Inc.	DOT-TSC-1383	6/1/77 4/30/78	139,922
Corporate Strategies of Automotive Manufacturers	Harbridge House, Inc.	DOT-HS-7-01783	9/30/77 3/31/79	439,056
Corporate Strategies of Automotive Manufacturing	The Futures Group	DOT-HS-7-01784	9/30/77 3/31/79	213,240
Automobile Demand Analysis	Wharton EFA, Inc.	DOT-TSC-1072	8/20/75 9/16/77	176,423
Analysis of Automobile Related Energy Policy Proposals	Wharton EFA, Inc.	TS-13780	4/22/77 6/77	9,650
Long Run Macro-Economic Model Base and On-Line Data Base Access	Data Resources, Inc.	TS-14075	7/13/77 10/77	5,000

Short-Term and Long-Term Forecasting Systems	Data Resources, Inc.	DOT-TSC-1129	8/11/77 3/31/78	17,300
Historical Data Covering Light Duty Trucks	Chilton Company	PR-322-0008	10/77 5/77	45,000
Historical Light-Duty Truck Data Base	Chilton Company	DOT-TSC-1338	3/8/77 10/77	25,740
Motor Vehicle Demand Analysis	Wharton EFA, Inc.	DOT-TSC-1435	10/26/77 12/78	84,137
Impacts of Automotive Fuel Economy Standards on Competition in the Automotive Industry	Charles Rivers Associates	DOT-HS-7-01786	9/30/77 3/31/79	190,025
Impacts of Automotive Fuel Economy Standards on Competition in the Automotive Industry	A.T. Kearney, Inc.	DOT-HS-7-01787	9/30/77 3/31/79	212,358
Automobile Marketing Methodology	Gilbert R. Green and Co., Inc.	DOT-TSC-1322	3/8/77 9/77	46,400
State of the Art Study in the Automotive Fuel Economy Program from the Standpoint of Manufacturers	Gilbert R. Green and Co., Inc.	DOT-TSC-1399	8/19/77 12/77	24,800
Study of Automobile Marketing Strategies, Pricing, and Product Planning	John Z. Delorean Co.	TS-13509	3/25/77 6/13/77	9,996
Study of Automobile Marketing Strategies, Pricing, and Product Planning	ASL Engineering, Inc.	TS-13632	3/25/77 9/21/77	9,975
Manufacturers' Policies Concerning Average Fuel Economy Standards	Robert Whorf & Associates	TS-13730	4/17/77 9/26/77	9,992
Stochastic Analysis of Future Vehicle Populations: An Evaluation of Marketing Effects of Alternative Federal Policies	The Regents of University of Michigan	TS-13729	4/19/77 3/15/78	10,000
Study of Consumer Automotive Preferences with Regard to Fuel Economy Measures	Rogers National Research, Inc.	DOT-TSC-1391	7/27/77 5/78	35,270

Research and Development Contracts for FY 1977—Continued

Title	Contractor	Contract No.	Start Finish	Amount (dollars)
Impacts of Fuel Efficient Vehicles on the Consumer	Charles Rivers Associates	DOT-HS-7-01178	9/30/77 3/31/79	183,758
Consumer Behavior Towards Fuel Efficient Vehicles	Charles Rivers Associates	DOT-HS-7-01779	9/30/77 3/31/79	158,556
Consumer Behavior Towards Fuel Efficient Vehicles	Cambridge Systematics, Inc.	DOT-HS-7-01780	9/30/77 3/31/79	210,251
Consumer Behavior Towards Fuel Efficient Vehicles	Market Facts, Inc.	DOT-HS-7-01781	9/30/77 3/31/79	93,427
Consumer Behavior Towards Fuel Efficient Vehicles	National Analysts, Inc.	DOT-HS-7-01782	9/30/77 3/31/79	141,816
Augmentation of Research and Analysis Capabilities for Timely Support of Automotive Fuel Economy Activities	Corporate-Tech Planning	DOT-HS-7-01789	9/30/77 3/31/79	297,011
Augmentation of Research and Analysis Capabilities for Timely Support of Automotive Fuel Economy Activities	South Coast Technologies, Inc.	DOT-HS-7-01790	9/30/77 3/31/79	249,033
Support for Analytical Tools for Automotive Fuel Economy Activities	H.H. Aerospace Design Co., Inc.	DOT-HS-7-01691	9/30/77 3/31/79	46,056
Support for Analytical Tools for Automotive Fuel Economy Activities	Automated Science Group, Inc.	DOT-HS-7-01708	9/30/77 3/31/79	48,907

APPENDIX B. RESEARCH AND DEVELOPMENT REPORTS

1. "Data and Analysis for Nonpassenger Automobiles, Model Year 1979 Fuel Economy Standards," October 1976.

2. "Data and Analysis for 1981-1984 Passenger Automobile Fuel Economy Standards." Released to the public in February 1977, in order to support a NPRM. This is a Summary Report and four documents (a) Automobile Demand and Marketing, (b) Automotive Design and Technology, (c) Automobile Manufacturing Processes and Costs, and (d) Financial Analysis of the U.S. Automotive Manufacturers.

3. "Rulemaking Support Paper Concerning the 1981-1984 Passenger Automobile Average Fuel Economy Standards." Released to the public in July 1977, in support of a final rule promulgated by the Secretary of Transportation on June 26, 1977.

4. "Fuel Economy Potential for Model Year 1980 and 1981 Nonpassenger Automobile Fuel Economy." Documents and addenda issued between July and September 1977 in support of a NPRM.

5. "Automotive Manufacturers' Profiles Manual." Review draft issued in July 1977 for applications in analyses more general than those conducted in association with specific rulemaking actions.

6. "Analytical Tools Accounting Models and Data Bases Applicable to Automobile Fuel Economy Research." Review draft issued in July 1977 for similar applications.

7. "Disaggregated Financial Data and Analyses for the Domestic Motor Vehicle Manufacturers." July 1977. Used for the assessment of each major manufacturer's ability to underwrite technological changes for fuel economy improvements and the risks in doing so.

ACRONYMS AND ABBREVIATIONS

AEEP	Automotive Energy Efficiency Program
AMC	American Motors Corporation
ANPRM	Advance Notice of Proposed Rulemaking
BTU	British Thermal Unit
DEIS	Draft Environmental Impact Statement
DOE	Department of Energy
DOT	Department of Transportation
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
EPCA	Energy Policy and Conservation Act
FEA	Federal Energy Administration
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FIA	Final Impact Assessment
FY	Fiscal Year
G.M.	General Motors
GVWR	Gross Vehicle Weight Rating
Mbd	Million Barrels Per Day
MIT	Massachusetts Institute of Technology
mpg	Miles Per Gallon
mph	Miles Per Hour
MY	Model Year
NHTSA	National Highway Traffic Safety Administration
NO_x	Oxides of Nitrogen
NPA	Nonpassenger Automobile
NPRM	Notice of Proposed Rulemaking
OAFE	Office of Automotive Fuel Economy
OPEC	Organization of Petroleum Exporting Countries
OSHA	Occupational Safety and Health Administration
PA	Passenger Automobile
RSP	Rulemaking Support Paper
R. & D.	Research and Development
TEEP	Transportation Energy Efficiency Program
TSC	Transportation Systems Center
VW	Volkswagen

[FR Doc. 78-1605 Filed 1-20-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CARBON STEEL BARS FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of carbon steel bars from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market. Because there is substantial doubt that an industry is being, or is likely to be injured as a result of these imports, this case is being referred to the United States International Trade Commission for a determination as to whether or not there is reasonable indication of injury while this investigation proceeds. If the Commission should find within 30 days that there is no reasonable indication of injury, this investigation will be terminated. Otherwise, the investigation will continue to a conclusion.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Andrysiak, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION:

On December 5, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Armco Steel Corp. indicating a possibility that carbon steel bars from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this investigation, the term "carbon steel bars" means bars of steel, other than alloy, provided for in item numbers 608.45 and 608.46 of the Tariff Schedules of the United States (TSUS).

Margins of dumping are alleged which, if based on a comparison with prices in the home market, range from 2.6 percent to 12 percent. These margins have been computed from home market prices published by the Commission of the European Communities. To the extent the investigation to be undertaken reveals that actual sales prices in the home market have been at other than such published prices, the margins, if any, will be computed on the basis of such actual transactions.

There is evidence on record concerning injury or likelihood of injury to the U.S. steel industry from the alleged less than fair value imports. This evidence includes an increase in imports during the first nine months of 1977, when compared to the same period in 1976; declines in overall employment in the domestic steel industry; and, reduced profit margins for domestic firms producing carbon steel bars.

The evidence also indicates, however, that imports of carbon steel bars from the United Kingdom accounted for only 1.4 percent of domestic consumption during 1977. Furthermore, no evidence has been provided which establishes a causal link between imports from the United Kingdom and the injury alleged by the domestic industry. Therefore, on the basis of such evidence it has been concluded that there is substantial doubt of injury, or likelihood of injury to, or prevention of establishment of an industry in the United States by virtue of such importation from the United Kingdom. Accordingly, the United States International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

JANUARY 17, 1978.

[FR Doc. 78-1826 Filed 1-20-78; 8:45 am]

[4810-22]

CARBON STEEL STRIP FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of carbon steel strip from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market. Because there is substantial doubt that an industry is being, or is likely to be injured as a result of these imports, this case is being referred to the United States International Trade Commission for a determination as to whether or not there is reasonable indication of injury while this investigation proceeds. If the Commission should find within 30 days that there is no reasonable indication of injury, this investigation will be terminated. Otherwise, the investigation will continue to a conclusion.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Andrysiak, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On December, 5, 1977 information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Armco Steel Corporation indicating a possibility that carbon steel cold rolled sheets and coils are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The class or kind of merchandise "cold rolled sheets and coils" alleged by petitioner to be sold at less than fair value included carbon steel cold rolled sheets classified under item number 608.87 of the Tariff Schedules of the United States (TSUS) and carbon steel strip provided for under item numbers 609.02, 609.03 and 609.04 of the TSUS. Since the cold rolled sheets from the United Kingdom which are the subject of this petition are currently the subject of another antidumping proceeding, notice of which was published in the FEDERAL REGISTER of December 2, 1977 (42 F.R. 61353), they are excepted from this investigation.

Therefore, this investigation is limited to carbon steel strip, which for purposes of this investigation means strip of steel, other than alloy, provided for

in item numbers 609.02, 609.03 and 609.04 of the TSUS.

The alleged margins of dumping, if based on a comparison with prices in the home market, range from 24 percent to 26 percent. These margins have been computed from home market prices established under the "Davignon Plan" of the European Community or from home market list prices. To the extent the investigation to be undertaken reveals that actual sales prices in the home market have been at other than such established or list prices, the margins, if any, will be computed on the basis of such actual transactions.

There is evidence on record concerning injury or likelihood of injury to the U.S. steel industry from the alleged less than fair value imports. This evidence includes an increase in imports in the first nine months of 1977, when compared to the same period in 1976; declines in overall employment in the domestic steel industry; and, reduced profit margins for domestic firms producing carbon steel strip.

This evidence also, indicates, however, that imports of carbon steel strip from the United Kingdom accounted for only 0.2 percent of domestic consumption during 1977. Furthermore, no evidence has been provided which establishes a causal link between imports from the United Kingdom and the injury alleged by the domestic industry. Therefore, on the basis of such evidence it has been concluded that there is substantial doubt of injury, or likelihood of injury to, or prevention of establishment of an industry in the United States by virtue of such importation from the United Kingdom. Accordingly, the United States International Trade Commission is being advised of such doubt pursuant to section 201(c) (2) of the Act (19 U.S.C. 160 (c) (2)).

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

JANUARY 17, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-1823 Filed 1-20-78; 8:45 am]

[4810-22]

CARBON STEEL PLATES FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of carbon steel plates from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Andrysiak, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone, 202-566-5492.

SUPPLEMENTARY INFORMATION: On December 5, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Armco Steel Corp. indicating a possibility that carbon steel plates from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this investigation, the term "carbon steel plates" means plates of steel, other than alloy, provided for in item numbers 608.84, 608.87, 609.12 and 609.13 of the Tariff Schedules of the United States (TSUS).

Margins of dumping are alleged which, if based on a comparison with prices in the home market, range from 38 percent to 44 percent. These margins have been computed from home market prices published by the Commission of the European Communities or from home market list prices. To the extent the investigation to be undertaken reveals that actual sales prices in the home market have been at other than such published or list prices, the margins, if any, will be computed on the basis of such actual transactions.

There is evidence on record concerning injury or likelihood of injury to the U.S. steel industry from the alleged less than fair value imports. This evidence includes an increase in imports in the first nine months of 1977, when compared to the same period in 1976; declines in overall employment in the domestic steel industry; and, reduced profit margins for domestic firms producing carbon steel plates. It should also be noted that domestic shipments of these products decreased from 1974 through 1976.

Although the imports from the United Kingdom are small in relation to domestic consumption, there is currently in process an antidumping investigation of this same class or kind of merchandise from Japan. Cumulating the imports from the United Kingdom and Japan, those imports together accounted for approximately 11.6 percent of the United States market for this product during 1976. In assessing the injury caused by the alleged sales at less than fair value from the United Kingdom, it has been considered appropriate to cumulate the shares of the domestic market held by imports from each of the countries subject to investigation. The products appear to be fungible. Under such circumstances, it would be unrealistic to attempt to differentiate the alleged injury by imports from one country rather than another when it is the cumulative effect of all, occurring within a discrete time frame, that creates the problem.

Section 201(c)(2) of the Act, adopted as part of the Trade Act of 1974, requires the Secretary to refer a petition to the United States International Trade Commission for a determination of whether there is "no reasonable indication that an industry is being or is likely to be injured" if he has "substantial doubt" that imports of the subject merchandise at less than fair value are the cause of present or likely injury to an existing industry. Considering the evidence presented and available regarding imports from the United Kingdom, no "substantial doubt" has been determined to exist.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 C.F.R. 153.29) and having determined as a result thereof that there are grounds for so doing, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 C.F.R. 153.30).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 17, 1978.

[FR Doc. 78-1824 Filed 1-20-78; 8:45 am]

[4810-22]

CERTAIN STRUCTURAL CARBON STEEL SHAPES FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of certain structural carbon steel shapes from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Andrysiak, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On December 5, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Armco Steel Corp., indicating a possibility that certain structural carbon steel shapes from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this investigation, the term "certain structural carbon steel shapes" means angles, shapes, sections and sheet pilings of steel, other than alloy, provided for in item numbers 609.80, 609.84, 609.88 and 609.96 of the Tariff Schedules of the United States (TSUS).

Margins of dumping are alleged which, if based on a comparison with prices in the home market, range from 68 percent to 76 percent. These margins have been computed from home market prices published by the Commission of the European Communities or from home market list prices. To the extent the investigation to be undertaken reveals that actual sales prices in the home market have been at other than such published or list prices, the margins, if any, will be computed on the basis of such actual transactions.

There is evidence on record concerning injury or likelihood of injury to the U.S. steel industry from the alleged less than fair value imports. This evidence includes an increase in imports during the first 9 months of 1977, when compared to the same period in 1976; declines in overall employment in the domestic steel industry; and, reduced profit margins for domestic firms producing structural steel shapes. It should also be noted that domestic shipments of these products decreased from 1974 through 1976.

Although the imports from the United Kingdom are small in relation to domestic consumption, there is currently in process an antidumping investigation of this same class or kind of merchandise from Japan. Cumulating the imports from the United Kingdom and Japan, those imports together accounted for approximately 22.4 percent of the U.S. market for this product during 1976. In assessing the injury caused by the alleged sales at less than fair value from the United Kingdom, it has been considered appropriate to cumulate the shares of the domestic market held by imports from each of the countries subject to investigation. The products appear to be fungible. Under such circumstances, it would be unrealistic to attempt to differentiate the alleged injury by imports from one country rather than another when it is the cumulative effect of all, occurring within a discrete time frame, that creates the problem.

Section 201(c)(2) of the Act, adopted as part of the Trade Act of 1974, requires the Secretary to refer a petition to the U.S. International Trade Commission for a determination of whether there is "no reasonable indication that an industry is being or is likely to be injured" if he has "substantial doubt" that imports of the subject merchandise at less than fair value are the cause of present or likely injury to an existing industry. Considering the evidence presented and available regarding imports from the United Kingdom, no "substantial doubt" has been determined to exist.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

JANUARY 17, 1978.

[FR Doc. 78-1825 Filed 1-20-78; 8:45 am]

[4810-22]

VISCOSE RAYON STAPLE FIBER FROM BELGIUM

Antidumping; Withholding of Appraisement

AGENCY: U.S. Treasury Department.

ACTION: Withholding of appraisement.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a tentative determination that viscose rayon staple fiber from Belgium is being sold at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. Appraisement for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested parties are invited to comment on this action not later than February 22, 1978.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

William Trujillo, Operations Officer, Office of Operations, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 17, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Avtex Fibers, Inc., Valley Forge, Pa., alleging that viscose rayon staple fiber from Belgium is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 22, 1977 (42 FR 37610-11). The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States.

It has been determined that a modification of the "class or kind" of merchandise used in the "Antidumping Proceeding Notice" is appropriate. The merchandise covered by this determination is "viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments)."

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in the Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of viscose rayon staple fiber from Belgium is less than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

(a) *Scope of Investigation.* It appears that 100 percent of imports of the subject merchandise from Belgium were sold for export to the United States by S.A. Fabelta H.V. (Fabelta). The investigation was therefore limited to sales by Fabelta.

(b) *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162) was used since all export sales by Fabelta were made to a nonrelated importer in the United States. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales to the United States and in the home market during the period February 1 through July 31, 1977.

(c) *Purchase Price.* For the purpose of this tentative determination of sales at less than fair value, purchase price has been calculated on the basis of the f.o.b. Antwerp price to the U.S. importer, adjusted for inland freight and loading costs.

(d) *Home Market Price.* For purposes of this tentative determination, the home market price has been calculated on the basis of the ex-factory price to an unrelated Belgian dealer who operates at the same level of trade as the U.S. importer. Purchases of the subject merchandise by the dealer constituted 19 percent of total home market sales by Fabelta in the investigatory period, considered an adequate basis for fair value comparisons.

Adjustments have been made for discounts granted on home market sales, differences in the merchandise sold to the United States and in the home market and differences in credit costs in the two markets. Claims for adjustments for expenditures on insurance and technical assistance in the home market have been rejected because it does not appear that these costs were incurred on the specific sales under investigation.

(e) *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on 100 percent of the sales of the subject merchandise to the United States during the period of investigation. Those comparisons indicated that the purchase price of viscose rayon staple fiber was less than the home market price of such or similar merchandise. A margin of approximately 6.7 percent was found on all sales compared.

Accordingly, Customs officers are being directed to withhold appraisement of viscose rayon staple fiber from Belgium in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than February 2, 1978. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 22, 1978. All persons submitting written views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and respondent are requested to serve all written submissions on all other counsel and to file their submissions with the Commissioner of Customs in 10 copies.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective on January 23, 1978. It shall cease to be effective at the expiration of July 23, 1978 unless previously revoked.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

JANUARY 17, 1978.

[FR Doc. 78-1827 Filed 1-20-78; 8:45 am]

[4810-22]

VISCOSE RAYON STAPLE FIBER FROM AUSTRIA

Discontinuance of Antidumping Investigation

AGENCY: U.S. Treasury Department.

ACTION: Discontinuance of antidumping investigation.

SUMMARY: This notice is to advise the public that it has been determined to discontinue the antidumping investigation of viscose rayon staple fiber from Austria. While prices to the United States during the period of investigation were below Austrian home market prices, the elimination of the price differential by the sole Austrian exporter, the provision of assurances of no future sales at less than fair value, and the presence of special circumstances, as detailed in the body of this notice, combine to warrant the discontinuance of the investigation.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Duty Assessment Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On March 4, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Avtex Fibers, Inc., Valley Forge, Pa., alleging that viscose rayon staple fiber from Austria is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19243).

A "Withholding of Appraisement" notice was published in the FEDERAL REGISTER of October 19, 1977 (42 FR 55857) with regard to viscose rayon fiber from Austria.

It has been determined that a modification of the "class or kind" of merchandise used in the "Withholding of Appraisement" notice is appropriate. The merchandise covered by this notice is "viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments)."

FINAL DISCONTINUANCE

On the basis of the information developed in the Customs' investigation, and for the reasons noted below, pursuant to §§ 153.33 (a)(3) and (e) of the Customs Regulations (19 CFR 153.33 (a)(3) and (e)), I hereby discontinue the antidumping investigation concerning viscose rayon staple fiber from Austria.

STATEMENT OF REASONS ON WHICH THIS DISCONTINUANCE IS BASED

(a) *Scope of the investigation.* All known imports of viscose rayon staple fiber from Austria were manufactured by Chemiefaser Lenzing AG (Lenzing). Therefore the investigation was limited to this manufacturer.

(b) *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales by Lenzing were made to an unrelated importer in the United States. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales to the United States and in the home market during the period November 1, 1976, through April 30, 1977.

(c) *Purchase price.* For the purposes of this discontinuance, purchase price has been calculated on the basis of the ex-factory price to the U.S. importer, net of discounts.

(d) *Home market price.* For the purposes of this discontinuance, the home market price has been calculated on the basis of the delivered prices to unrelated Austrian purchasers. Adjustments have been made for cash discounts, quantity discounts, inland freight costs, advertising costs, technical assistance costs, costs of resolving complaints, warranty claims, credit costs, and for differences in packing costs. A claim for an export processing discount was not allowed since it has been determined that the conditions attached to its payment constituted a restriction on the disposition and use which affected the value of the merchandise by the amount of the discount. A claim for salaries paid to Lenzing personnel in providing technical assistance to customers and resolving complaints was disallowed as it could not be demonstrated that the expenses incurred were related to any particular sale or group of sales. Claims for additional adjustments for advertising costs and contributions to a trade institute have been disallowed as these expenses do not bear a direct relationship to the sales under consideration, and they could not be considered to have been incurred on behalf of the purchasers.

(e) *Results of fair value comparisons.* Using the above criteria, comparisons were made on all of the sales of the subject merchandise to the United States during the representative period. Those comparisons indicated that the purchase price of viscose rayon staple fiber was less than the home market price of such or similar merchandise.

It has been determined that all differences between home market price and purchase price would have been eliminated if an adjustment for the export processing discount had been allowed. In a prior antidumping investigation involving this product from Austria in 1961, an adjustment was granted to Lenzing's home market prices for this discount and a "Determination of No Sales at Less Than Fair Value" was issued (26 FR 6276). Lenzing has operated since that time under the assumption that an adjustment for this discount would be made in any future investigation under section 201(a) of the Act. Upon notification at the time of the tentative determination in the instant case that Treasury had changed its interpretation regarding this discount, Lenzing eliminated the export processing discount, thereby eliminating all price differentials between home market price and purchase price. Formal assurances were submitted through counsel that no future sales at less than fair value within the meaning of the Act would be made.

The order issued October 19, 1977, to withhold appraisement on the subject merchandise from Austria, the notice of which is cited above, is hereby terminated, effective on January 23, 1978.

This notice is published pursuant to § 153.33(e), Customs Regulations (19 CFR 153.33(e)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 17, 1978.

[FR Doc. 78-1822 Filed 1-20-78; 8:45 am]

[8240-01]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-17]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corp. (ConRail), the National Railroad Passenger Corp., and any profitable railroad to which rail properties are transferred or conveyed pursuant to section 303(b)(1) of the Act under conditions and for purposes set forth in this subsection. Subsection (b) of section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization," 49 CFR Part 922 (Loan Procedures), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the board of directors of the Association approved that request.

On July 12, 1976, ConRail filed a borrowing application pursuant to subsection 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000.00. On July 29, 1976, the board of directors of the Association approved an additional loan to ConRail in the principal amount of $8,182,352.21.

On November 18, 1976, ConRail filed a borrowing application pursuant to subsection 211(h) of the Act requesting, among other things, new borrowings of $143,804,396.39 and a request for amendment of section 3.01 of the loan agreement to increase the maximum borrowing to $203,143,749.60. On December 6, 1976, the board of directors of the Association approved an additional loan to ConRail in the principal amount of $11,251,396.39.

On February 1, 1977, ConRail filed a borrowing application pursuant to section 211(h) of the Act requesting, among other things, new borrowings of $107,761,877.76. On February 17, 1977, the executive committee of the board of directors of the Association approved an additional loan to ConRail in the principal amount of $107,761,877.76.

On March 16, 1977, ConRail filed a borrowing application pursuant to section 211(h) of the Act requesting new borrowings of $25,333,400. On March 31, 1977, the board of directors of the Association approved an additional loan to ConRail in the principal amount of $25,333,400.

On April 25, 1977, ConRail filed a borrowing application pursuant to section 211(h) of the Act requesting new borrowings of $25,888,400. On April 29, 1977, the executive committee of the board of directors of the Association approved an additional loan to ConRail in the principal amount of $7,825,000, to be effective May 10, 1977.

On June 6, 1977, ConRail filed a borrowing application pursuant to section 211(h) of the Act requesting new borrowings of $10,137,739.43. On June 30, 1977, the board of directors of the Association approved an additional loan to ConRail in the principal amount of $10,137,739.43.

On June 22, 1977, ConRail filed a borrowing application pursuant to section 211(h) of the Act requesting new borrowings of $15,060,000. On June 30, 1977, the board of directors of the Association approved an additional loan to ConRail in the principal amount of $15, 060,000.

On July, 20 1977, ConRail filed a new borrowing application pursuant to section 211(h) of the Act requesting new borrowings of $18,030,000. On July 28, 1977, the board of directors of the Association approved an additional loan to ConRail in the principal amount of $18,030,000.

On September 19, 1977 and September 22, 1977, ConRail filed a new borrowing application pursuant to section 211(h) of the Act requesting new borrowings of $8,086,537.31 and $18,643,403 respectively. On September 28, 1977, the board of directors of the Association approved an additional loan to ConRail in the principal amount of $8,086,537.31, and approved, subject to the availability of section 211(h) funds, an additional loan in the principal amount of $18,643,403.

On January 17, 1977, ConRail filed a borrowing application pursuant to section 211(h) of the Act requesting new borrowings of $11,935,000. The applications include the certification and exhibits required by the loan procedures.

ConRail states that it will apply the $11,935,000 as follows:

1. $9,200,000 to the payment of certain nonemployee related obligations of the Erie-Lackawanna of which $4,200,000 will be applied to suppliers, $3,300,000 will be applied to railroads, and $1,700,000 will be applied to nonemployee personal injuries.

2. $42,000 to the payment of preconveyance wage claims of the Erie Lackawanna.

3. $2,500,000 to the payment of Federal Employer's Liability Act Claims of the Erie Lackawanna.

4. $193,000 to the payment of preconveyance wage claims of the Penn Central Transportation Co.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, on or before February 1, 1978, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 18th day of January, 1978.

EDWIN RECTOR,
Assistant Secretary,
United States Railway Association.

[FR Doc 78-1806 Filed 1-20-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 571]

ASSIGNMENT OF HEARINGS

JANUARY 18, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36667, *Chicago & North Western Transportation Co.* v. *The Belt Railway Co. of Chicago*, now assigned January 23, 1978, at Chicago, Ill., in Room 834 of the Everett McKinley Dirksen Building on January 23, 24, and 27, and Room 1614, on January 25 and 26, of the Everett McKinley Dirksen Building is being transferred to Room 1614 for hearing on January 23 through January 27, 1978, at Chicago, Ill.

AB 18 (Sub-No. 5), Chesapeake & Ohio Railway Co., abandonment between Williamsburg and Elk Rapids, in Grand Traverse and Antrim Counties, Mich.; AB 18 (Sub-No. 19), Chesapeake & Ohio Railway Co., abandonment portion, Petoskey Subdivision between a point near Traverse City and Bay View, in Grand Traverse, Kalkaska, Antrim, Charlevoix, and Emmet Counties, Mich., and AB 18 (Sub-No. 20), Chesapeake & Ohio Railway Co., abandonment portion, Traverse City and Petoskey Subdivisions between Manistee and Traverse City and the Northport Subdivision between Traverse City and Rennies, in Manistee, Benzie, Grand Traverse, and Leelanau Counties, Mich., now assigned March 7, 1978, at Traverse City, Mich., will be held at the V.F.W. Hall, 440 West Front Street.

MC 135684 (Sub-No. 45), Bass Transportation, Inc., now assigned March 1, 1978, at St. Louis, Mo., will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC-F-13262, Beaufort Transfer—Purchase—John Kleffner, d.b.a. Iberia Transfer, and MC-F-13263, Beaufort Transfer Co.—Purchase—Steve E. Bure, d.b.a. Iberia Express, now assigned March 6, 1978, at St. Louis, Mo., will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC 75281 (Sub-No. 10), Righter Trucking Co., Inc., now assigned March 2, 1978, at St. Louis, Mo., will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC 115162 (Sub-No. 376), Poole Truck Line, Inc., now assigned February 28, 1978, at St. Louis, Mo., will be held at Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC-F-13210, System 99—Purchase (portion)-O.N.C. Freight Systems, now assigned February 28, 1978, at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 113325 (Sub-No. 149), Slay Transportation Co., Inc., now assigned March 3, 1978, at St. Louis, Mo., will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC 115311 (Sub-No. 224), J&M Transportation Co., Inc., now assigned March 6, 1978, at Birmingham, Ala., will be held in GSA Conference Room 430, Federal Building, corner of 19th Street and Fifth Avenue.

MC 121664 (Sub-No. 23), G. A. Hornady, Cecil M. Hornady, and B. C. Hornady, d.b.a. Hornady Brothers Truck Line, now assigned March 1, 1978, at Birmingham, Ala., will be held in GSA Conference Room 430, Federal Building, corner of 19th Street and Fifth Avenue.

MC 141410 (Sub-No. 4), Black Angus, Inc., now assigned February 28, 1978, at Birmingham, Ala., will be held in GSA Conference Room 430, Federal Building, corner of 19th Street and Fifth Avenue.

I&SM 29681, Restructured Ltl & A Q Class Rates, December 1977, S.M.C.R.C., now assigned January 25, 1978, at Washington, D.C., is canceled. The schedules have been canceled.

MC 105045 (Sub-No. 69), R. L. Jeffries Trucking Co., Inc., now assigned January 31, 1978, in Houston, Tex., is canceled and application dismissed.

MC 135236 (Sub-No. 17), Logan Trucking, Inc., now assigned January 30, 1978, at Chicago, Ill., is postponed indefinitely.

MC 142466 (Sub-No. 1), Timber Products Transport, Inc., now assigned January 23, 1978, at Los Angeles, Calif., is canceled.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1896 Filed 1-20-78; 8:45 am]

[7035-01]

[No. 572]

ASSIGNMENT OF HEARINGS

JANUARY 18, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be pub-

lished only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION[1]

MC 113678 (Sub-No. 692), Curtis, Inc., now assigned March 7, 1978, for hearing, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1897, Filed 1-20-78; 8:45 a.m.]

[7035-01]

OPERATING AUTHORITY APPLICATIONS

Special Notice

JANUARY 18, 1978.

All interested persons are advised that commencing February 1, 1978, special orders will be promptly issued in all operating authority applications referred to the Office of Hearings for oral hearing. These orders will call upon all parties to confer promptly to determine whether any issues can be reduced or eliminated by amendment or otherwise. Applicants will have 30 days from the service date of the order to request approval of any proposed amendments. Protestants will have 45 days from the service date of the order to notify the Commission of their intent to participate in the hearing or to withdraw. Failure of a protestant to notify the Commission will be construed as a waiver of its right to further participation.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1936 Filed 1-20-78; 8:45 am]

[7035-01]

[Notice No. 284]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

[1] This corrects the sub number 692 instead of 492.

No. MC-FC-77493. By application filed January 6, 1978, GOLLOTT & SONS TRANSFER & STORAGE, INC., P.O. Box 468, Biloxi, Miss. 39533, seeks temporary authority to lease the operating rights of GRAY VAN LINES, INC., 615 SW. 9th Street, Oklahoma City, Okla., under section 210a(b). The transfer to GOLLOTT & SONS TRANSFER & STORAGE, INC., of the operating rights of GRAY VAN LINES, INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1898 Filed 1-20-78; 8:45 am]

[7035-01]

[Notice No. 285]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77307, filed January 13, 1978. Transferee: PRECISION RIGGING & CONTRACTING CO., 4915 West Knox Street, Tampa, Fla. 33614. Transferor: FLORIDA TERMINALS & TRUCKING CO., 1014 East Lanstreet Road, Orlando, Fla. 32809. Applicant's representative: Felix A. Johnston, Jr., 1030 East LaFayette Street, Tallahassee, Fla. 32301. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 96770 (Sub-No. 8), issued September 13, 1972, as follows: Modular and prefabricated homes and buildings designed to be assembled and erected at a permanent site complete or knocked down, or in sections including all component parts, fixtures, appliances, equipment, supplies, and materials incidental to the erection and completion of such homes or buildings and when shipped in connection therewith, restricted against hitchball and tow-away operations and transportation of mobile homes as defined by the Florida Public Service Commission, over irregular routes and irregular schedules between all points in the State of Florida. Transferee presently holds no authority from this Commission but is affiliated with Flamingo Heavy Hauling Co., a motor carrier holding interstate authority under MC 96921. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77409, filed January 12, 1978. Transferee: FAST FREIGHT TRANSFER, INC., 1075 East 21st Street, Hialeah, Fla. 33013. Transferor: ABC BAG & CRATE CO., OF BELLE GLADE, INC., d.b.a. ABC TRANSFER, 1040 Northwest 12th Street, Belle Glade, Fla. 33430. Transferor's representative: John P. Bond, Esq., 2766 Douglas Road, Miami, Fla. 33133. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration, No. MC 121716, issued February 19, 1974, as follows: General commodities, with certain exceptions, between specified points in Florida over specified regular routes. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1899 Filed 1-20-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6714-01]

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:50 p.m. on January 18, 1978, the Federal Deposit Insurance Corporation's Board of Directors met by telephone conference call to consider certain matters which it determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), required its consideration on less than seven days' notice to the public.

The following matter was considered in open session:

Development of plans, in coordination with the other Federal bank and thrift institution regulators, for promulgating regulations to carry out the new Community Reinvestment Act.

The following matter was considered in closed session, pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)), on the basis of the Board's determination, on motion of Chairman LeMaistre, with Director Heimann seconding the motion, that the public interest did not require consideration of the matter in a meeting open to public observation:

Request from an insured bank, pursuant to section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)), for financial assistance from the Corporation in the form of the Corporation's purchasing specified assets of the bank.

In scheduling the meeting, the Board determined that no earlier notice of the meeting was practicable.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at 202-389-4446.

Dated: January 18, 1978.

For the Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

[S-144-78 Filed 1-19-78; 2:06 pm]

6740-02]

2

FEDERAL ENERGY REGULATORY COMMISSION.

JANUARY 19, 1978.

The following notice of meeeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: January 19, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: Docket No. RM74-16, Natural Gas Companies' Annual Report of Proved Domestic Gas Reserves; FPC Form No. 40.

CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, telephone 202-275-4166.

[S-141-78 Filed 1-19-78; 10:48 am]

[6210-01]

3

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Wednesday, January 25, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Possible amendments to the Board's Rules Regarding Delegation of Authority authorizing the Reserve Banks to grant extensions of the time within which a bank or company must dispose of bank shares acquired in the course of securing or collecting a debt previously contracted.

2. Possible amendment or interpretation of Regulation Y (Bank Holding Companies) relating to presumption of continued control of transferred assets and activities. (Proposed earlier for public comment: docket No. R-0083.)

3. The Board's 1977 Annual Report to Congress on Equal Credit Opportunity.

DISCUSSION AGENDA

1. Proposed publication for comment of a revised trade regulation rule under the Federal Trade Commission Improvement Act concerning "Preservation of Consumers' Claims and Defenses." (Proposed earlier for public comment: docket No. R-0019.)

2. Proposal to amend the descriptive billing provisions of Regulation Z (Truth in Lending) as they relate to cash advance checks. (Proposed earlier for public comment: docket Nos. R-0087 and R-0093.)

3. Proposed revisions to the Federal Reserve form: "Monthly Survey of Loan Commitments" (FR 18a).

4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: January 17, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-139-78 Filed 1-19-78; 9:33 am]

[6750-01]

4

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, January 23, 1978.

PLACE: Room 532 (open); Room 540 (closed), Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to public.

MATTERS TO BE CONSIDERED:

Portions open to public: (1) Oral argument in Jay Norris Corp., et al., Docket 9054.

Portions closed to the public: (2) Executive Session for consideration of disposition in Jay Norris Corp., et al., Docket 9054, immediately following oral argument.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-146-78 Filed 1-19-78; 3:54 pm]

[7035-01]

5

JANUARY 19, 1978.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9 a.m., Thursday, January 26, 1978.

PLACE: Office of Chairman O'Neal, Room 3130, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Open Informal Conference.

MATTERS TO BE CONSIDERED:

To facilitate general communication of information and ideas among members of the Commission as to general matters of common concern with respect to the Commission and its work. There will be no discussion or determination of any specific pending proceeding or agency action and there will be no formal agenda.

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, Telephone, 202-275-7252.

[S-150-78 Filed 1-19-78; 3:54 pm]

[7555-01]

6

NATIONAL SCIENCE BOARD.

TIME AND DATE: January 19, 1978—Open Session: 1 p.m. to 5 p.m.; January 20, 1978—Closed Session: 8:30 a.m. to 4 p.m.

PLACE: Room 540, 1800 G Street NW., Washington, D.C. 20550.

STATUS: Change in Agenda.

MATTERS TO BE CONSIDERED:

Addition to portions closed to public: Added item, Consideration of Proposed Legislation.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-140-78 Filed 1-19-78; 9:33 am]

[4910-58]

7

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 1883, January 12, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, January 19, 1978, 9:30 a.m. [NM-78-3].

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below; the first three items will be open to the public, the fourth item will be closed (Exemption 9B of the Government in the Sunshine Act):

1. *Aircraft Accident Report.*—Allegheny Airlines, Inc., Douglas DC-9, N99VJ, Philadelphia, Pa., June 23, 1976.

2. *Discussion.*—NTSB public hearings and how rotation among the members will be established.

3. *Discussion.*—Selection of railroad accidents to investigate.

4. *Discussion.*—Report by the Bureau of Technology on Boeing 747 aircraft, as requested by the Imperial Iranian Air Force.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-426-8860.

[S-148-78 Filed 1-19-78; 3:54 pm]

[4910-58]

8

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 2813, January 19, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, January 26, 1978, 9:30 a.m. [NM-78-5].

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

1. *Aircraft accident report.*—Southern Airways, Inc., DC-9-31, N1335U, New Hope, Ga., April 4, 1977.

2. *Marine accident report.*—Collision of SS *Marine Floridian* with the Benjamin Harrison Bridge, near Hopewell, Va., February 4, 1977.

3. *Railroad accident report.*—Rear end collision of two ConRail freight trains, Stemmers Run, Baltimore, Md., June 12, 1977.

4. *Aviation special study.*—Emergency Locator Transmitters: An Overview.

5. *Discussion.*—Letter to the Secretary of State concerning international aviation investigations and NTSB Order 6220.1, Board policy regarding participation in international aircraft accident investigations.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-426-8860.

[S-149-78 Filed 1-19-78; 3:54 pm]

[7910-01]

9

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, January 25, 1978; 10 a.m.

PLACE: Conference, Room 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Open to public observation.

MATTER TO BE CONSIDERED: Special Board meeting concerning contracting officer's authority.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 18, 1978.

GOODWIN CHASE,
Chairman.

[S-142-78 Filed 1-19-78; 10:48 am]

[7910-01]

10

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, January 19, 1978: 2 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Division meeting concerning MBAssociates, fiscal year ended April 1, 1973.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 18, 1978.

GOODWIN CHASE,
Chairman.

[S-143-78 Filed 1-19-78; 10:48 am]

[8120-01]

11

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., Thursday, January 26, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—Personnel actions—None.

B—Consulting and personal service contracts:

1. Renewal of consulting contract with Dr. Frank E. Perkins, Cambridge, Mass.—Division of Water Management.

C—Purchase awards:

1. Req. No. 822183—High density spent fuel storage racks for Watts Bar nuclear plant.

2. Req. No. 823463—Miscellaneous steel turbine foundation added parts for Hartsville and Phipps Bend nuclear plants.

3. Req. No. 554786—Truck-mounted cranes for construction pool equipment.

4. Req. No. 822606—Mechanical water strainers for Hartsville and Phipps Bend nuclear plants.

5. Req. No. 823255—Requirement contract for type II portland cement for proposed Yellow Creek nuclear plant.

6. Req. No. 557519—75,000-pound GCWR 6x4 diesel truck tractors, including additional equipment, for TVA garage, Muscle Shoals, Ala.

7. Req. No. 553591—Indefinite quantity term contract for galvanized structural steel for transmission line towers and laced and low profile substation steel for any TVA project or warehouse.

D—Project authorizations.

1. No. 3309—Convert the Carthage, Tenn., 161-13-kV substation to 161-46-13-kV.

2. No. 3311—Wood pyrolysis demonstration (in collaboration with Maryville College).

E—Fertilizer items—None.

F—Power items:

1. Lease agreement with city of Murray, Ky.—Section of TVA's Kentucky Dam-Murray District 69-kV transmission line in Calloway County, Ky.

2. Lease and amendatory agreement with Volunteer Electric Cooperative (Decatur, Tenn.) covering lease of Mayland substation and Mayland-Ravenscroft 69-kV line under revised guidelines for facilities ownership.

3. Lease and amendatory agreement with city of Chattanooga, Tenn., and North Georgia Electric Membership Corporation—Oglethorpe 161-kV substation.

G—Real property transactions:

1. Sale of permanent recreation easement to Moor's Resort, Inc., affecting 29.5 acres of Kentucky reservoir land, Marshall County, Ky.—Tract XGIR-879RE.

2. Sale of permanent highway easement affecting a portion of the Nashville Power Service Center property, Davidson County, Tenn.—Tract XNVSC-7H.

3. Abandonment of certain existing road rights-of-way and acceptance of new road rights-of-way affecting a portion of Chickamauga Reservoir land—Tract XCR-51.

4. Filing of condemnation suits.

H—Unclassified:

1. Policy statement relating to TVA implementation of title VI of the Civil Rights Act of 1964.

2. Revised policy statement relating to equal employment opportunity.

3. Settlement agreement with Fulton Shipyard—Contract dispute proceeding.

4. Settlement agreement with Ecodyne Corp. concerning repair and modification of Browns Ferry nuclear plant cooling towers.

5. Adoption of supplemental resolution authorizing 1978 series A bonds.

6. Resolution authorizing the Chairman and certain executive officers to take further action relating to issuance of sale of 1978 series A bonds.

Date: January 19, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information also is available at TVA's Washington Office, 202-566-1401.

[S-145-78 Filed 1-19-78; 3:54 pm]

[6335-01]

12

U.S. COMMISSION ON CIVIL RIGHTS.

JANUARY 19, 1978.

DATE AND TIME: Monday, January 30, 1978, 9 a.m.-4:30 p.m.; 7 p.m.-8 p.m. Tuesday, January 31, 1978, 9 a.m.-5:30 p.m.

PLACE: Departmental auditorium, Department of Commerce, Constitution Avenue between 12th and 14th Streets NW. (open to public). U.S. Commission on Civil Rights, 1121 Vermont Avenue NW., Room 512, Monday, January 30, 1978, 7 p.m.-8 p.m. (closed to public).

STATUS: Part of the meeting will be open to the public and part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public, Monday, January 30, 9 a.m.-4:30 p.m., consultation on "Battered Women: Issues of Public Policy."

MATTERS TO BE CONSIDERED: Portion closed to the public, Monday, January 30, 7-8 p.m., 1121 Vermont Avenue NW., Room 512.

I. Review and approve regional advisory committee membership.

II. Review draft report on "State of Civil Rights."

MATTERS TO BE CONSIDERED: Portion open to the public, Tuesday, January 31, 9 a.m.-5:30 p.m., consultation on "Battered Women: Issues of Public Policy."

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Public Affairs Unit, 202-254-6697.

[S-147-78 Filed 1-19-78; 3:54 pm]

federal register

MONDAY, JANUARY 23, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services—Administration For Children, Youth, and Families—Children's Bureau

■

PROPOSED FISCAL YEAR 1978 CHILD ABUSE AND NEGLECT RESEARCH AND DEMONSTRATION PRIORITIES

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services, Administration for Children, Youth and Families, Children's Bureau

NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

Proposed Fiscal Year 1978 Child Abuse and Neglect Research and Demonstration Priorities

ACTION: Notice of proposed research and demonstration priorities.

SUMMARY: This notice states the research and demonstration (R&D) priorities that the Children's Bureau's National Center on Child Abuse and Neglect proposes to initiate in Fiscal Year 1978 under the Child Abuse Prevention and Treatment Act (Pub. L. 93-247). This notice is being published in order that the final R&D priorities for this fiscal year may incorporate appropriately the expertise and best thinking in the field.

Comments on these proposed priorities or suggestions on other priorities are invited. No proposals, concept papers, or other forms of application should be submitted at this time.

DATE: In order to be considered, comments must be received no later than March 24, 1978.

ADDRESS: Comments should be sent to: Director, National Center on Child Abuse and Neglect (NCCAN), Children's Bureau, P.O. Box 1182, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Director, NCCAN/CB, at the above address.

SUPPLEMENTARY INFORMATION: This statement announces the proposed research and demonstration priorities to be funded in fiscal 1978 under the Federal Child Abuse Prevention and Treatment Act, Pub. L. 93-247. Public review of these proposed priorities is being sought in order to draw upon the experience, expertise, and most advanced thinking of persons in the field and to maximize the potential benefits of the child abuse and neglect research and demonstration program.

Pursuant to Pub. L. 93-247, the Children's Bureau's National Center on Child Abuse and Neglect (NCCAN) conducts activities designed to assist and enhance national, state, community, and citizen efforts to prevent, identify, and treat child abuse and neglect. The activities include: Conducting research and demonstrations; providing technical assistance; gathering, analyzing, and disseminating information and data on research and programs, through a clearinghouse; providing grants to eligible States for strengthening and improving their child abuse and neglect programs; and coordinating Federal activities in child abuse and neglect with those of other Federal agencies, through the Federal Advisory Board on Child Abuse and Neglect. Thus, there are many activities other than research and demonstration which require staff and financial support by CB/NCCAN.

Previous CB/NCCAN research and demonstration activities have tended to approach issues of child abuse and neglect prevention and treatment broadly, in order to develop a basic knowledge base, e.g., multidisciplinary treatment services to parents for various types of child abuse and neglect in enriched project settings and the use of 24-hour hotlines and central registers. The proposed research and demonstration priorities for fiscal year 1978 begin to refine definitional, diagnostic, and service approaches to target attention to specific forms of child maltreatment. The proposed priorities also emphasize that demonstration projects with modest budgets can be institutionalized into on-going service programs more readily than projects with large budgets. The priorities are based also on major shifts in emphasis from increasing public awaremess to improving prevention and treatment services, and to a focus on treatment for the child, as well as parents. Additionaly, emphasis is placed on improving the functioning of public child protective agencies.

Another underlying theme, building on the past generalized treatment center demonstrations, is an emphasis on the crosscutting, multi-agency approach to the delivery of treatment services. Many agencies other than the child protection agency deliver vital treatment services. This theme includes testing hypotheses that are intended to provide information on methods of maximizing the quality, efficiency, and effectiveness of human service programs related to child abuse and neglect.

A final, underlying theme is that all proposed priorities include a particular sensitivity to the special cultural and linguistic needs of minority children (Blacks, Hispanics, Asian Americans and Native Americans) and their families.

The experience of the first generation of CB/NCCAN research and demonstration projects has also resulted in the identification of gaps in information, knowledge, and the testing of designs. The following areas of concern are addressed through the proposed projects:

Epidemiological knowledge. To learn about the characteristics, extent, causes, and effects of child abuse and neglect in order to determine the unmet needs of children and families.

Treatment. To increase the quality and quantity of treatment services provided by community-based human service agencies and to determine what forms of child maltreatment require more intense supervision through child protective agency monitoring.

Child Protective Services. To improve the ability of child protective agencies to receive and investigate reports, provide 24-hour emergency services, develop and implement service plans and, when necessary, initiate court action.

Prevention and Self-help. To increase the quality and quantity of services provided by community-based human service agencies to encourage self-referrals and to prevent "high-risk" situations from becoming overt child maltreatment.

Juvenile Courts. To increase the ability of juvenile and family courts (a) to adjudicate child protective cases promptly, accurately, and fairly, and (b) to determine, implement, and monitor appropriate orders of disposition.

Institutional Child Abuse and Neglect. To further the development of independent investigations, in order to prevent and to take corrective action in cases of institutional child maltreatment.

Resource Enhancement. To encourage advocacy by non-service as well as service providers at national, state and community levels in order to improve the quality and quantity of preventive, protective, and treatment services available.

All of the proposed priorities in this notice, except the evaluations (No. 5, 8, and 10), would be conducted by grant. For each priority, a project title, the number of projects, the approximate funding level, the duration of the projects, statements on the importance and purpose of the project, the background of the project, the proposed methodology, and the future utilization of project findings are given.

Competitive extension of regional resource projects is also proposed, based on the Senate bill extending the Act, which authorizes "* * * giving special consideration to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health, Education, and Welfare) of national or regional scope and demonstrated effectiveness." All proposed priorities are subject to the limits and requirements of program authority under the extension of the Act, as finally enacted.

Specific comments and suggestions are solicited concerning each of the priorities described below. In addition, reviewers are invited to suggest any

additional research or demonstration priorities. Suggested additional priorities would be most helpful if they were presented in the same format and with the same topical areas as the priorities described in this announcement. "No proposals, concept papers, or other forms of application should be submitted at this time." Any such submissions will be discarded. In order to maintain a procedure fair to everyone, applications will be accepted only in response to the final Priority Statements. A summary of them will be published in the FEDERAL REGISTER.

All grant applications received in response to the final Priority Statements will be reviewed by the Administration for Children, Youth and Families' Child and Family Research Review Committee. Requests for contract proposals, i.e., the evaluations of demonstration projects (No. 5, 8, and 10), will be published and will be announced in the Commerce Business Daily of the Department of Commerce. All proposals for contracts are reviewed by Federal panels according to the regulations of the Department of Health, Education, and Welfare.

No acknowledgement will be made of the comments received, but all of them will be considered in finalizing the child abuse and neglect research priorities. In addition, all persons commenting on the proposed priorities will be placed on the child abuse and neglect mailing list and will be sent the final research and demonstration priority statement, which will serve as the invitation for research and demonstration grant applications. It is anticipated that the priority statements will be announced and sent out in the Spring of 1978 and grants awarded in September, 1978, subject to Departmental approvals and the availability of funds.

PROPOSED PROJECT DESCRIPTIONS

(a) EPIDEMIOLOGICAL KNOWLEDGE

PROJECT TITLE: LONGITUDINAL RESEARCH ON CHILD MALTREATMENT: EXPLANATORY CONCEPTS AND DEVELOPMENTAL CONSEQUENCES FOR THE CHILD AND FAMILY

NUMBER, COST, AND DURATION OF PROJECTS

Four grants at $150,000 each for fiscal year 1978, 1979, and 1980; 4th year at $40,000.

IMPORTANCE OF THE PROJECT

Research on the dynamics of families involved in child maltreatment over time is scarce. Most research ingores the historical events and the social contexts in which families are embedded. Ecologically valid studies over time would permit the development of explanatory hypotheses leading to sounder theories concerning maltreatment of children.

PURPOSE OF THE PROJECT

The specific intent is to develop theories based upon a holistic examination of abuse and neglect that takes into consideration historical and ecological factors, the family, and the transition of time. These theories are necessary to guide policy and program development relating to services, technical assistance and research.

BACKGROUND

There are now over a hundred research projects that have attempted to identify the significant "causes" of abuse and neglect through the study of demographic, social, and psychological attributes of the parents and child. In the aggregate the results are not consistent though certain characteristics of the mother and child appear more frequently than others: age of mother, social isolation, knowledge and competence in child rearing, family stress, vulnerable child demanding more attention, poverty, and poor housing.

Despite definitional, sampling and methodological problems, various theories have emerged: (1) The economic, political, and social factors and the associated value premises impact upon the family with resultant consequences for the parents and child; (2) most families living in adverse circumstances do not maltreat their children and only those guardians with psychological problems, low intelligence, or lack of child rearing skills are prone to maltreatment; (3) the child is unwanted and this is manifested by poor maternity care leading to prematurity or congenital handicapping conditions of the infant; (4) the mother has developed a pathological attachment to the child or is an infantile mother characterized by the apathy-futility syndrome.

These and other theories can only be tested through longitudinal research which looks at the settings, events, and circumstances affecting the family overtime.

METHODOLOGY

There are two approaches to longitudinal research: (1) Study new cohorts samples specifically for studying child maltreatment; (2) "piggy-back" on existing longitudinal research in which a sub-sample of the cohorts are identified with maltreatment. The former approach is economically feasible through methodological developments since the early 1960's in life span and life course research. By combining prospective and retrospective methods, data can be collected on two generations. The "piggy-back" approach is far less costly but depends upon identifying appropriate cohorts that will have a sufficient number of maltreatment cases. Several such research projects use a high-risk cohort which would have the highest probablity of containing maltreatment cases.

UTILIZATION

The results from this research would provide essential guidance for policy and planning at the Federal level. It would have immediate impact upon future research direction and methodology and direct the use of scarce resources on the most promising leads.

(b) TREATMENT

(2) PROJECT TITLE: CLINICAL DEMONSTRATIONS OF SPECIALIZED TREATMENT: ADOLESCENT MALTREATMENT, SUBSTANCE ABUSE RELATED MALTREATMENT, AND NEGLECT

NUMBER OF PROJECTS

	Projects
Adolescent abuse and neglect	3
Substance abuse related child maltreatment	3
Neglect	3
Collaborative	1
Total	10

COST AND DURATION

3 years at $120,000 per project annually.

IMPORTANCE

The present generation of treatment demonstration projects has identified gaps in treatment knowledge concerning the following situations: (1) Adolescent abuse and neglect; (2) drug or alcohol related abuse; and (3) all forms of neglect. Adolescent abuse entails the direct participation of the parents and the adolescent in the diagnostic assessment, treatment plan, and services. Alcohol or drug related abuse or neglect involves multi-problem families in which both parents and children are in jeopardy. There are about three times as many cases of neglect as abuse. These are invariably long-term and chronic situations of family dysfunction.

PURPOSE

To validate through clinical field research various treatment approaches to these difficult problems.

BACKGROUND

Between fiscal year 1974 and fiscal year 1977, a total of 32 child abuse and neglect demonstration treatment projects provided undifferentiated services for all cases of high risk and confirmed maltreatment. Much useful information was contributed by this effort relating to costs, organizational sponsorship, administrative structure, case management and treatment techniques, and community impact. Those treatment demonstrations have used a generalist orientation. Demonstrations of the provision of more specialized treatment services are needed.

EXPECTED FINDINGS

These projects are designed to generate information concerning the intake procedures (coordination with police in adolescent and substance abuse cases, especially), methods to increase motivation and improve capacity to utilize services by the involved families, and the viable differential approaches which appear to create positive movement by the clients. They will also indicate the training needs, levels of skill and the diversity of services that are necessary to work with these problems. Particularly important will be an undertanding of the length of time necessary to work with these families and the ability of the agency and the client to sustain that relationship. Important information will also be generated concerning decisions related to removing the child for either a temporary or permanent placement (in foster care).

METHODOLOGY

This entire effort is envisaged as a collaborative clinical field study with independent, but cooperative investigators. The overall design includes the funding of the nine clinical demonstration projects and one collaborative research project, as described above.

Proposals will be invited from interested investigators and clinical facilities to examine in depth the treatment of a cohort in one of the three problem areas, using a formal rather than a naturalistic research design. Projects will be required to work cooperatively with the one collaborative Research project and the outside evaluation (No. 5). These projects will focus on the generic elements common to all projects and provide a forum for the development of common definitions, protocols, and where applicable, procedures useful in the conduct of complex clinical demonstrations. This strategy is based upon the initiation of a critical mass of studies that are independently designed and conducted while the common elements are investigated independently.

UTILIZATION

The knowledge gained from this field research will be of immediate value to agencies involved with these types of cases. It will also lay the foundation for possible future demonstration projects which might examine systems and cost issues necessary for the administration of programs.

(3) PROJECT TITLE: CLINICAL DEMONSTRATIONS OF THE TREATMENT OF SEXUAL ABUSE

NUMBER, COST, AND DURATION OF PROJECTS

Four grants at $120,000 per project annually for 3 years.

IMPORTANCE

The present generation of treatment demonstration projects has identified a significant gap in treatment knowledge concerning those involved in sexual abuse. Sexual abuse of children, expecially in cases of incest, is perhaps one of the least understood and, consequently most mishandled forms of child maltreatment. Estimates of the number of cases of sexual abuse per year nationwide range upward from 50,000.

PURPOSE

To validate through clinical field-studies various approaches to treating families, including the children, involved in sexual abuse.

BACKGROUND

Sexual abuse involves the criminal justice system and the child protective system. It is considered a gross violation of community standards and moral beliefs. It is particularly distressing to professionals who are called upon to deal with it. An earlier study indicated that there often is as much harm done to the child by the system's handling of the case as the trauma associated with the abuse.

EXPECTED FINDINGS

Techniques for the investigation, intake and diagnosis, treatment of the parents and child, and the utilization of community resources for such cases. The projects will also generate knowledge relating to whether the child should be placed in temporary or long-term permanent placement. Equally important will be the knowledge generated about staff skills, training needs, support systems, and caseload composition, e.g., should workers be assigned caseloads consisting solely of sexual abuse cases. Upon closer examination we expect to learn more about the varied structure, functions and dynamics of the families involved in sexual abuse.

METHODOLOGY

Proposals will be invited from interested clinical facilities and investigators except those associated with hospitals. NIMH and LEAA have funded several demonstrations in hospital settings relating to sexual abuse. These proposed projects will complement the demonstrations based in hospitals with demonstrations based in social service agencies, mental health centers, and the courts which are actively involved with sexual abuse.

These projects will be required to cooperate with the Collaborative Research Project (No. 2), and the outside evaluation (No. 5), along with the other clinical projects proposed under No. 2, for the same reasons.

UTILIZATION

The information generated by these projects will be of immediate value to a variety of agencies involved with sexual abuse. This information will also provide the basis for curriculum development at the pre-service and in-service settings involved in training staff.

(4) PROJECT TITLE: CLINICAL DEMONSTRATIONS OF TREATMENT FOR ABUSED AND NEGLECTED CHILDREN

NUMBER, COST, AND DURATION OF PROJECTS

Five grants at $80,000-$150,000 per grant for each of 3 years.

IMPORTANCE OF PROJECT

An estimated million children are abused/neglected every year. The protective sevices system seeks to assure the physical safety of the case reported to them and may direct a variety of services to the involved parents. However, there are very few treatment, rehabilitative, or developmental services for the children, apart from medical care.

PURPOSE OF PROJECT

To develop and evaluate a variety of treatment services for abused/neglected children with special attention to the differing age ranges, particularly 0-5 and 6-12, to facilitate the child's social, emotional and educational development and adjustment.

BACKGROUND

Research indicates that abused and neglected children show a high incidence of developmental disabilities. These physical and medical difficulties are accompanied by a range of social, emotional and educational disturbances. However, while there is no specific, detailed pattern which could be described as the profile of abused children, many can be described as having a very low or inadequate self-concept, and as being unable to relate to other people, particularly adults, in any trust relationship. Even when treatment services directed to parents are successful in stopping the maltreat-

ment, they do not address improving the child's adjustment.

One project which regularly assessed child development and competence while the parents were under treatment documented a continuing deterioration in the children's development, even though the parental treatment was progressing satisfactorily. In addition, children are frequently held to be responsible for instigating abuse through provocative behaviors.

Other findings indicate a very high correlation between abuse/neglect and the onset of status offenses and juvenile deliquency involvement at a later date.

On the behavioral level, these children are not usually distinguished from other emotionally disturbed or developmentally disabled children. As such, they receive treatment, but such treatment is not provided jointly to the parents, nor is it related to treatment being provided to the parents by another agency. Further, the critical act of putting the child and the parents back together again at a new level of functioning is usually not attempted.

EXPECTED FINDINGS

That treatment models can be developed and demonstrated which: (1) Teach parents new and more appropriate interactional patterns, preferably in group settings; (2) diagnose children and develop specific and individualized treatments centering on coping skills, interactional modes with adults and other children; and (3) develop and describe a process for child-family interaction which begins under carefully controlled settings and proceeds into the home and independent control by the parents.

METHODOLOGY

A CPS public agency must apply jointly with a day care/Head Start facility or an elementary public school system. Many elements of the child treatment mode, e.g., community health resources, community mental health services, the wide range of school services available for disabled or handicapped children are available and must be utilized. A project should include a Children's Treatment Coordinator who is a part of the CPS agency. Diagnosis, treatment plans and training of day care, Head Start and school personnel should be provided by the Child Protective Agency.

Treatment services should not be purchased by the special project. Grant money may be used to develop community resources which are funded under health, educational, mental health or social services at the State, county or Federal level. Teachers and guidance personnel should be included in multidisciplinary team reviews.

Each project must have a clinical research specialist who is responsible for the overall research input. Such an individual shall also be responsible for additional clinical studies as needed, and shall provide the government with a description of the methods of diagnosis, development of treatment plans, and outcomes for children and families. It is strongly advised that such a researcher be involved in the original development of the project proposal.

UTILIZATION

Too frequently, local day care and school system staff have no established design to follow in treating problems of learning disabilities on a family basis. If effective designs can be developed for the use of school and community resources within the school context, they might be disseminated to the entire elementary school system.

PROJECT TITLE: EVALUATION OF CLINICAL DEMONSTRATIONS OF THE TREATMENT OF CHILD ABUSE AND NEGLECT

NUMBER, COST AND DURATION OF PROJECT

1 contract at $200,000 for 3 years and $100,000 for 4th year.

IMPORTANCE OF PROJECT:

An outside evaluation of the projects under Nos. 2, 3, and 4 must be carried out in order to assess the implementation and related cost, child protection system impact, and community impact issues across projects; to glean and record important program findings; and to maximize dissemination of these findings in a manner which engenders supports, and facilitates replication efforts in other settings.

PURPOSE

This evaluation will assess the processes utilized and outcomes of demonstration efforts by the project to (1) identify the degree to which distinct child abuse and neglect problems require unique investigative and treatment approaches and (2) develop and test replicable total case management strategies.

BACKGROUND

There will be a total of 18 three-year projects demonstrating the clinical handling of sexual abuse, children's treatment, adolescent abuse, drug and/or alcohol related abuse or neglect, and child neglect (Nos. 2, 3, and 4, above) (and one collaborative research project).

EXPECTED FINDINGS

The projects under numbers 2, 3, and 4 are grouped together and will be evaluated as a group because the hypothesis underlying them is that the prognosis for families (and children) with the presenting problems discussed above can be significantly improved through the application of investigative and treatment approaches that have been modified and/or designed to meet their particular needs.

For each of the particular presenting problems described above:

(1) These projects are expected to identify specialized: (a) Intake procedures, (b) investigative procedures, especially for adolescent abuse cases, (c) emergency services, (d) case planning and management, (e) use of multidisciplinary teams, (f) referrals to community agencies, (g) resort to civil and criminal court action, and (h) termination and follow up. (2) The Children's treatment projects, especially, are expected to identify easily replicable physical, emotional, and cognitive treatment techniques, such as special education, individual and group counseling, and play, art, and dramatic therapy for children, involving parents as appropriate. (3) All of the projects are expected to: (a) Identify the types of families needing such care, (b) determine the most cost effective development and techniques of providing such services as: lay therapists, parent surrogates, home management, intensive parent/child clinics (in both residential and day settings), as well as more-traditional parent education, individual and group counseling and psychiatric services, and concrete services, and (c) define case termination and/or permanent planning considerations.

METHODOLOGY

Routine evaluation processes will be required, including the planning and use of information gathering aids, site visits, and analyses.

UTILIZATION

The evaluation is expected to provide impact and efficiency data that will be widely disseminated to (1) child protective agencies, (2) State policymakers and legislators, (3) professional and community-based human service agencies that might be capable of providing similar services, (4) child advocacy organizations, and (5) schools of social work.

(6) PROJECT TITLE: CHILD PROTECTIVE SERVICES DEMONSTRATIONS OF CHILD PROTECTIVE AGENCY PROGRAM IMPROVEMENTS

NUMBER, COST AND DURATION OF PROJECTS

10 grants at $80,000—$120,000 each annually for 2 years.

BACKGROUND

Most child protective agencies report problems of large caseloads, too few resources for diagnosis and treatment, weak administration and supervisory practices, and consequently high staff

"burn out" rates. Child abuse projects funded as demonstrations have shown the economic feasibility of a number of successful interventive techniques. However, in general, few designs have been incorporated into ongoing agency activities.

IMPORTANCE OF PROJECT

There are over 3,000 local child protective agencies in this country serving over 500,000 children each year. Child protective agencies are increasingly aware of a variety of improved methods to deliver and manage services but most of them have not installed such program improvements and integrated them into on-going programs. The facility with which such improved components can be added to on-going programs must be demonstrated so that they will be widely implemented.

PURPOSE OF THE PROJECTS

These projects will demonstrate ways in which small amounts of funds can be used to substantially improve the delivery of child protective services through the installation of additional and/or modified program components.

EXPECTED FINDINGS

It is expected that the functioning of child protective agencies can be substantially improved by the addition and/or modification of specific program components, not requiring substantial additional funding. The projects will identify cost effective program components and the best means of their installation and institutionalization.

METHODOLOGY

Grants will be awarded to 10 child protective agencies at the State, sub-State regional, or Standard Metropolitan Statistical Area (SMSA) level. Each project will install one or more new or modified program components in three geographically separate sites at which it presently provides services. An effort will be made to fund projects in demographically diverse settings. Each project will be required to specify the particular program components to be installed at each site. Such program components may include: 24-hour intake services, hotlines, multidisciplinary teams, group work and other therapeutic approaches beyond one-to-one therapy, parent aides, paraprofessionals, and volunteers, cultural and linguistic responsiveness, and internal management, supervision, and accountability procedures. Each project will also identify three additional sites which are demographically and programmatically comparable, but at which no additional or modified program components are installed. Through an outside evaluation involving all sites (see project No. 8) the impact of the various program components will be measured with regard to: (1) Cost, (2) child protective system impact, and (3) community impact.

UTILIZATION

The information gained and examples set by these projects will be communicated to (1) the Nation's over 3,000 public child protective agencies, (2) State social adminstrators, legislators, and other policymakers, (3) child advocacy organizations, and (4) schools of social work, for their possible use.

(d) PREVENTION AND SELF-HELP

(7) PROJECT TITLE: DEMONSTRATION OF CHILD PROTECTION AGENCY MANAGEMENT OF SELF-REFERRALS

NUMBER, COST AND DURATION OF PROJECTS

Four grants at $150,000 for each annually for 2 years.

IMPORTANCE

Since motivation and self-awareness are important elements in any effort to change behavior, both public and private agencies seek ways in which to build upon the motivation of families who seek their help voluntarily. Many public child protection agencies, which are accustomed to assuming a high degree of involuntary intervention, are uncertain as to how to sensitively handle self-referrals, while private agencies are equally concerned about referring their voluntary clients to a mandated and sometimes impersonal system of reporting, investigation and protection. Thus, a demonstration effort which attempts to maximize the willingness of families to request assistance through the careful management of services which are both appropriate and acceptable, would be a key part of a coordinated public/private strategy aimed at avoiding duplication of services, enhancing early prevention efforts, increasing agency accountability and cooperation, and insuring that cases are not permitted to fall between the public and private sectors.

PURPOSE

These projects will demonstrate ways in which child protective agencies can work cooperatively with private agencies to develop systems for the case management and treatment of self-referrals which are responsive to the needs and special concerns of voluntary clients. In addition, procedures for establishing accountability for voluntary, private treatment of identifed abuse and neglect cases and referral of high risk cases to sources outside the formal child protection system will be developed. Efforts will be aimed at the development of a comprehensive service network from intake to followup which will provide compassionate, fair, and voluntary services to self-referred families.

BACKGROUND

Increased public awareness concerning the availability of treatment for child abusing and neglect families has increased the rate of self-referrals in recent years. According to statistics of reported CA/N cases from 31 States, approximately 7 percent (or 6,700) of the cases reported to public child protection agencies fall into the category of self-referral. An even greater number of self-referrals from families whose problems include or potentially include child maltreatment are believed to be received by private family service agencies each year.

A key issue for both public and private service agencies involves ways in which they can be responsive to the needs and fears of self-referred families by providing supportive services in a nonthreatening environment, while maintaining accountability to the formal child protection system. Although some individual CPS agencies have modified their procedures in an effort to improve the handling of self-referrals, for most public agencies, caseloads are too large, available resources are too few, and too little is known about the needs of voluntary clients to establish a management system for the sensitive and appropriate handling of self-referrals. Private agencies, hospitals, and mental health professionals, on the other hand, which often see themselves as the most appropriate long-term resources for their own self-referred caseload, need a system of accountability to the mandated CPS agency which does not jeopardize the therapeutic relationship established with abusive and neglectful families under their care.

METHODOLOGY

Four grants will be awarded to State, regional or SMSA public child protection agencies. Each project will be responsible for coordinated self-referral program components in three geographically separate sites at which it presently provides services. An effort will be made to fund projects in demographically and culturally diverse settings. Each project will be required to document the cooperation of the appropriate community prevention and treatment referral resources.

Each project will also identify one additional site which is demographically and programmatically comparable, but at which no additional self-referral programs are installed. Through an outside evaluation (No. 8) involving the sites in this project and in No. 6, the impacts of the presence of the various specific self-referral components will be measured with regard to: (1)

Cost, (2) client impact, (3) child protective system impact, and (4) community impact.

UTILIZATION

The information gained and the program components developed will be communicated to the more than 3,000 public child protective agencies across the country. It is expected that reporting and referral guidlines, model contracts of inter-agency cooperation, and specialized procedures for the management and treatment of voluntary clients will be utilized by CPS agencies both to restructure their own systemic management of self-referred cases, and to improve community coordination and handling of self referrals.

(8) PROJECT TITLES: EVALUATION OF PUBLIC CHILD PROTECTIVE AGENCY PROGRAM IMPROVEMENT AND MANAGEMENT OF SELF-REFERRAL PROJECTS

NUMBER, COST, AND DURATION OF PROJECTS

One contract at $225,000 (FY 78), $275,000 (FY 79) and $75,000 (FY 80).

IMPORTANCE

An evaluation of the demonstrations in numbers 6 and 7 (Agency Program Improvement and Management of Self-Referrals) will be conducted in order to provide information about the effectiveness of these methods of technology transfer.

PURPOSE

This evaluation will assess the process utilized and outcomes of various approaches to using small amounts of funds to substantially improve the delivery of child protective services.

BACKGROUND

The projects under No. 6 and No. 7 are grouped together for evaluation purposes because the generic hypothesis is that the service delivery systems can be significantly improved through a small investment in technology transfer.

METHODOLOGY

Routine evaluation processes will be required, including the planning and use of information gathering aids, site visits, and analyses.

UTILIZATION

Should the projects prove cost-effective, the evaluation may have a significant impact on planning and operations, especially at the local and State levels. Agencies may institutionalize tested and proven designs.

(9) PROJECT TITLE: DEMONSTRATIONS OF COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROJECTS

NUMBER, COST, AND DURATION OF PROJECT

10 grants at $120,000 (1st year), $100,000 (2nd year), and $70,000 (3rd year) per grant.

IMPORTANCE OF PROJECT

Almost all communities have human service resources that are not fully brought to bear to help prevent and treat CA/N. These projects are meant to show how such services can be made part of community-wide strategies and how this can be done with limited funds. Greater use and coordination of existing community agencies for prevention and treatment of actual and high risk situations should result. In addition, the preventive impact of highly targeted supportive services (such as services in hospital delivery and new born facilities) will also be assessed. This experience will be translated into models of effective coordination for replication in all States.

PURPOSE

These projects seek to demonstrate how already existing human services in such settings as schools, mental health centers, family service centers, day care programs and medical facilities (1) can prevent child abuse and neglect by encouraging self-referrals providing early services to vulnerable (high-risk) families, (2) can assist child protective efforts through prompt identification and reporting of known and suspected cases, and (3) can assist diagnostic and treatment efforts by accepting referrals from child protective agencies.

BACKGROUND

Based on current research findings and the experience of the first group of child abuse demonstration treatment projects, we know that many of the families reported to child protective agencies have a history of previous personal and family problems and have been subjects of concern to schools and other community agencies. At best, these families may have received segmented and sporadic assistance insufficient to stop the process of family deterioration before it reached actual abuse or neglect. If agencies are alert to these "early warning signals" and if early services are made available to these families in a non-threatening atmosphere, then real progress in preventing child maltreatment will be possible.

Even after the child protective services unit becomes involved effective treatment may often be provided by other agencies. Furthermore, any attempt to create the broad range of treatment services necessary to deal with complex child abuse and neglect situations within child protective agencies would be a costly duplication of existing resources not likely to receive the support of budgeting authorities.

EXPECTED FINDINGS

The hypothesis underlying these projects is that, even without infusions of large amounts of additional funds, community human service agencies can help reduce the level of child abuse and neglect in a community by providing preventive services to vulnerable families and by accepting referrals for treatment from child protective agencies. These projects are expected to (1) develop means of identifying vulnerable (high-risk) families, (2) identify those early services most effective in preventing child abuse and neglect, (3) identify those service elements of their present programs of most value in the treatment of cases referred by child protective agencies, and (4) demonstrate that these services are accessible at a feasible cost.

METHODOLOGY

Ten grants will be awarded to direct service agencies, able to install program components in three geographically separate sites each at which they presently provide services related to child abuse and neglect. This includes health, mental health, school, law enforcement, and private social service agencies. Public social service agencies providing protective care are excluded.

Each project will be required to specify the particular early services or referral services they will provide at each site and will also be required to document the agreement of the appropriate child protective agency to make referrals for treatment. Such services may include: for medical centers—pre- and peri-natal counseling, post-natal follow-up (including home visitors), and Early and Periodic Screening, Diagnostic and Treatment (EPSDT) and well-baby clinic family counseling; for schools—parent education programs for parents and/or teenagers, and school guidance and family counseling services; for family service centers—parent counseling and training services (including infant stimulation and nutrition programs), marital and family stress counseling, respite child care, and emergency family shelters; for mental health centers—individual and group therapy and community education; for day care and other preschool programs—parent education, crisis nursery, parent involvement and mutual support programs and therapeutic services for children.

Each project will also identify three additional sites which are demographically and programatically comparable, but at which no additional prevention

and/or treatment components will be installed. Through an outside evaluation involving all sites, No. 10, the impacts of the presence of the various specific prevention and treatment components will be measured with regard to: (1) Cost, (2) client impact, (3) child protective system impact, and (4) community impact.

Because these projects are also designed to demonstrate the degree to which prevention and treatment services can be integrated into existing programs without large amounts of additional funding, there will be a planned 20 percent reduction in Federal assistance in the second program year and another 30 percent reduction in the third and final year of support. Each applicant will be required to describe how this increased local share will be met.

UTILIZATION

Useful designs will improve and expand nationwide attempts to develop multiagency approaches to family-support and child protection. Funding sources are available to institutionalize such services; for example the Community Mental Health Act now specifically requires mental health centers to have program components relating to children.

(10) PROJECT TITLE: EVALUATION OF DEMONSTRATION OF COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROJECTS

NUMBER, COST AND DURATION

One contract at $150,000 for 2 years and $100,000 for the third year.

PURPOSE

This evaluation is necessary in order to determine and analyze the results of the demonstration to be conducted under No. 9.

METHODOLOGY

Routine evaluation processes will be required, including the planning and use of information gathering aids, site visits, and analyses.

UTILIZATION

The results will be broadly disseminated to aid Federal, State and local policy, planning, and operations staff.

(e) JUVENILE COURTS

(11) PROJECT TITLE: DEMONSTRATION OF PROVISION OF COUNSEL IN CHILD PROTECTIVE PROCEEDINGS AND IMPROVED JUVENILE COURT HANDLING OF SUCH CASES

NUMBER, COST AND DURATION

5 at $100,000-$200,000 for 2 years, $80,000-$160,000 for the 3rd year, and $65,000-$130,000 for the 4th year.

IMPORTANCE OF PROJECT

Juvenile Courts annually handle over 150,000 cases of alleged child abuse and neglect. The actions of the court can have profoundly important consequences for the children and parents involved. The process itself can be a confusing experience and may ultimately result in the children being removed from their parents and placed in foster care for months or years. In a few cases, termination of the parent-child relationship results. Furthermore, juvenile court action is usually only commenced in cases of severe problems, where the injuries have been unusually serious or the family refuses to cooperate with treatment efforts. For those cases, judicial child protective proceedings may become the catalyst to an effective child protective system in a community.

PURPOSE OF PROJECT

These projects will develop and demonstrate modes (1) of the provision of counsel to indigent parents, endangered children, and child protective agencies, (2) the improved procedural handling of child protective cases, and (3) the use of modern technology to manage court related word processing and statistical systems.

BACKGROUND

Juvenile or family court child protective actions are necessary and crucial elements of community-wide responses to the need to treat child abuse and neglect. Essential to any properly functioning court system is the provision of counsel for all necessary parties. In child protective proceedings, this includes at a minimum the accused parents, the endangered children, as well as the agency representatives seeking to take protective action. However, in too many communities, representation is haphazard. In some cases, the parents are represented; in others the agency; and in a few, the child. Partly in response to a requirement for State grant eligibility under Pub. L. 93-247, 42 States guarantee the appointment of a guardian ad litem to represent the child in juvenile court proceedings. However, only 25 States provide an attorney as the guardian ad litem. The increasing attention accorded to the needs of the abused child has made more agencies and courts anxious to take effective action to protect endangered children. However, in their good faith efforts, their action may impact differently on the rights of parents. Counsel for parents should therefore be provided. However, the right to counsel in civil child protective proceedings has not been held by the courts to be required by the Constitution and is provided in few States. These projects are designed to explore and document the needs and modes of providing counsel for all necessary parties in the proceedings. Only in that way can the fairness and effectiveness of juvenile court child protective proceedings be best insured.

Present court procedures are not designed for sensitive child protective matters. Generally patterned after their juvenile delinquency analogs, many have never developed specialized case handling and evidenciary rules necessary to protect children in emergency situations, determine short and long term custody, and select the most appropriate treatment alternatives. There is a need to clarify roles, procedures and personal skills in judicial child protective decision-making, as well as to apply modern management techniques, such as automated word processing, to improve the efficiency of the courts.

EXPECTED FINDINGS

The hypothesis underlying these projects is that the provision of counsel to parents, children and agencies and the modernization of case handling will result in fairer, prompter, and more appropriate court action. These projects are expected to (1) develop procedures for appointing counsel and delineating their roles, (2) develop specialized case handling procedures, and (3) demonstrate the effective use of automated data processing technology.

METHODOLOGY

Five grants will be awarded to rural, suburban and urban juvenile or family courts. Each project will develop and then install the procedures described above. Each applicant will be required to describe how it would evaluate the project from two points of view: (1) The increased efficiency of the courts, compared to base line data collected before the installation of the project activities; and (2) the impact of the grant activities on those represented, i.e., the parents, the children, and the agency. Among the issues to be explored in the second category will be the parents' perception of the fairness of the system, the agency's understanding of the use of court action and its acceptance of the needs of the litigation process, and the degrees to which the needs and wishes of the child are taken into account. Evaluation of funded projects will be performed by program office staff using the evaluation data provided by the projects.

UTILIZATION

There are approximately 3,000 juvenile courts in this country, with 3,500 juvenile court judges hearing and determining cases each year. Through the information gained from these

projects, model procedures, guidelines, and protocols will be developed that can be integrated into in-service training and technical assistance activities related to these court systems.

(f) INSTITUTIONAL CHILD ABUSE AND NEGLECT

(12) PROJECT TITLE: DEMONSTRATIONS OF INVESTIGATIONS AND CORRECTION OF INSTITUTIONAL CHILD ABUSE AND NEGLECT

NUMBER, COST, AND DURATION

4 grants at $75,000 for 3 years each.

IMPORTANCE OF PROJECT

As a result of the Pub. L. 93-247 eligibility requirements, 42 states now make provision for the independent investigation and correction of institutional child abuse and neglect.

However, since such efforts are of such recent origin, there is no body of practical experience that states and child advocacy groups can look to in fashioning their own programs.

PURPOSE OF THE PROJECT

These projects will develop and test methods of operating on-going programs to receive, investigate, and where appropriate, take corrective action concerning reports of known and suspected child abuse and neglect in institutional and other out-of-home placement.

BACKGROUND

Over 100,000 children live in residential institutions such as treatment centers, temporary and long term shelters, detention homes, centers for the mentally retarded and developmentally disabled and group homes. In the past, allegations of institutional child maltreatment—if acted on at all—have been handled on an ad hoc basis, often through grand jury investigations or the creation of "blue ribbon" panels. The 42 Pub. L. 93-247 eligible states, as well as some others, are now seeking to develop operating procedures to implement the legally binding investigating policies that have recently been enacted. However, because so little has been done in the past toward installing on-going programs to protect endangered children living in residential facilities, the states are implementing their program with no guidance from previously demonstrated approaches.

EXPECTED FINDINGS

The hypothesis underlying these projects is that there are certain fundamental approaches to handling reports of known and suspected institutional child maltreatment which can be effectively demonstrated for later widespread replication. The results of these projects will be protocols, procedures and case materials that can be used as blueprints by other States in implementing on-going systems to handle institutional child abuse and neglect.

METHODOLOGY

Four grants will be awarded to State agencies independent of service delivery agencies but with authority for the investigation and correction of institutional child abuse and neglect. These projects will: (1) Prepare a state-of-the-art-paper on the nature, extent, explanatory reasons, and guidelines for preventing and correcting this form of child maltreatment; (2) develop multi-agency protocols; (3) develop procedures for receiving reports; (4) develop fact finding procedures including investigations, surveys, and consultations; (5) develop corrective actions including personnel actions, policy and program changes, and legislative and budgetary recommendations; and (6) develop procedures for the monitoring of agency effectiveness.

UTILIZATION

The materials developed by these projects will be directly disseminated to State Child Protective agencies, other relevant State agencies, and decision-makers, private and quasi-public advocacy organizations (such as Committees for Children and Youth) for their consideration and possible use.

(g) RESOURCE ENHANCEMENT

(13) PROJECT TITLE: NATIONAL RESOURCE CENTERS FOR PROFESSIONALS AND MINORITY POPULATIONS

NUMBER, COST AND DURATION

5 grants for $200,000 each for 3 years.

IMPORTANCE OF PROJECT

National professional organizations are prime shapers of the professional behaviors within service delivery and administrative settings. These projects will demonstrate how the energies of national professional organizations can be directed toward enhancing state and local child abuse and neglect treatment efforts. Minority group organizations serve their constituencies as major sources of information on human service issues and as advocates before public and private service delivery agencies to insure the adequacy and sensitivity of service to those constituencies. These projects will specifically focus attention on minority, cultural sensitivity in the development, staffing and delivery of child protective services by all the relevant disciplines and service systems.

PURPOSE OF THE PROJECT

These projects will identify the ways in which national organizations can: (1) Raise professional awareness, (2) improve professional skills, (3) foster interdisciplinary cooperation, and (4) improve and expand minority participation in relation to the prevention and treatment of child abuse and neglect.

BACKGROUND

With the burgeoning of information and technical resources available for the upgrading of activities to prevent and treat child abuse and neglect, there is a need to develop and test approaches for disseminating that information and applying those resources in a highly targeted and efficient manner. Without effective dissemination channels, such as the ones which already exist in nascent forms in the professional and minority organizations to which the relevant individual human service providers and law enforcement personnel belong, the information and technical resources being generated both by federally supported research and demonstration and by the state and private sectors will have no ameliorative effects.

A specific concern is that the field of service delivery to abused and neglected children and their families is still under-represented in terms of professionals capable of responding to the cultural and linguistic diversity of their client populations.

NCCAN's experience in supporting 16 Regional State and Special Population demonstration resource projects since FY 1974 has proved the efficiency and effectiveness of forming partnerships with academic and private nonprofit agencies in the dissemination of information and provision of basic education on the identification and reporting of child abuse and neglect for the public in general. In addition, NCCAN's experience in demonstrating the use of a multidisciplinary curriculum on the identification, referral and case management of child abuse and neglect in FY 1977 through the auspice of national professional associations has provided convincing evidence of their efficient and credible access to their constituents. The convergence of these two sets of demonstrations suggests the usefulness of a program to test the utility of a federal-private association partnership to disseminate information and technical resources to specific audiences in the field.

EXPECTED FINDINGS

The hypothesis underlying these projects is that national organizations are a largely untapped resource which can leverage significant service delivery improvements at the state and local level and within specific minority populations. The projects are expected to identify cost-efficient strategies for the development and dissemination of

information on services and professional and lay practice in the field of child abuse and neglect prevention and treatment.

METHODOLOGY

Three grants will be awarded to national professional organizations in the fields serving children and families, such as social work-social services, medicine and health, mental health, law and law enforcement, and education. Two grants will be awarded to minority group organizations with capability for national program implementation and specific concerns for human service delivery to the minority populations which they represent. Each applicant will be required to describe how it will implement the following program components: (1) The development of profession specific or minority group-related written materials, including policy guides, curricula, and investigative, diagnostic and treatment aides and manuals; (2) the dissemination of relevant materials and other information; (3) the provision of technical assistance to programs and advocacy groups; (4) the training of service providers; (5) the development and acceptance of accreditation and/or specialization standards; (6) the advocacy for implementation of program improvements; and (7) interdisciplinary and intercultural exchanges. Each applicant will be required to describe the procedures it will use to evaluate the cost and impact of project activities.

UTILIZATION

These projects are expected to be highly visible and to themselves insure utilization of the benefits to their respective constituencies during the demonstration period. Following the demonstration period, and based on NCCAN staff evaluation, the experience of the projects will be analyzed and used to develop recommended organization roles in the improvement of state and local child abuse and neglect prevention and treatment services.

Dated: January 11, 1978.

BLANDINA CARDINAS
Commissioner, Administration for Children, Youth and Families.

Approved: January 12, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

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