

MONDAY, JANUARY 30, 1978



highlights

SUNSHINE ACT MEETINGS 3990

AID TO FAMILIES WITH DEPENDENT CHILDREN

HEW/SSA issues interim regulations on disclosure of official records and personal information; effective 1-30-78 3907

BOWHEAD WHALES

Commerce/NOAA withdraws proposal regarding the taking of certain whales by Indians, Aleuts, or Eskimos for subsistence purposes; effective 1-30-78 3921

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

DOE/ERA proposes clarification of the proper calculation of entitlements to be issued to certain refineries located in the State of Alaska; hearings on 3-13 and 3-16-78; comments by 3-9-78 3916

CERTAIN TEXTILES AND TEXTILE PRODUCTS

Treasury/Customs notifies public of receipt of countervailing duty petitions from Governments of Brazil, India, Argentina, China, Columbia, Korea, Philippines, and Uruguay; effective 1-30-78 (8 documents) 3963-3977

LEATHER HANDBAGS AND NON-RUBBER FOOTWEAR FROM URUGUAY

Treasury/Customs waives countervailing duties; effective 1-30-78 (3 documents) 3904-3906

POTATO RESEARCH AND PROMOTION PLAN

USDA/AMS proposes to clarify the responsibilities of potato handlers regarding assessments; comments by 2-15-78 3915

CITY BLOCK STATISTICS IN THE 1980 CENSUS OF POPULATION AND HOUSING

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PROMPT REFUNDS

VA defines "prompt refund" to correct a problem arising from unreasonable delay by some schools; effective 1-23-78 3908

TREASURY SECURITIES

Treasury announces auction of 3¼-year notes, 7-year notes, and 27¼-year bonds (3 documents) 3979-3982

1978-1979 BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

HEW/OE amends current regulations dealing with the Family Contribution Schedule 3909

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
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	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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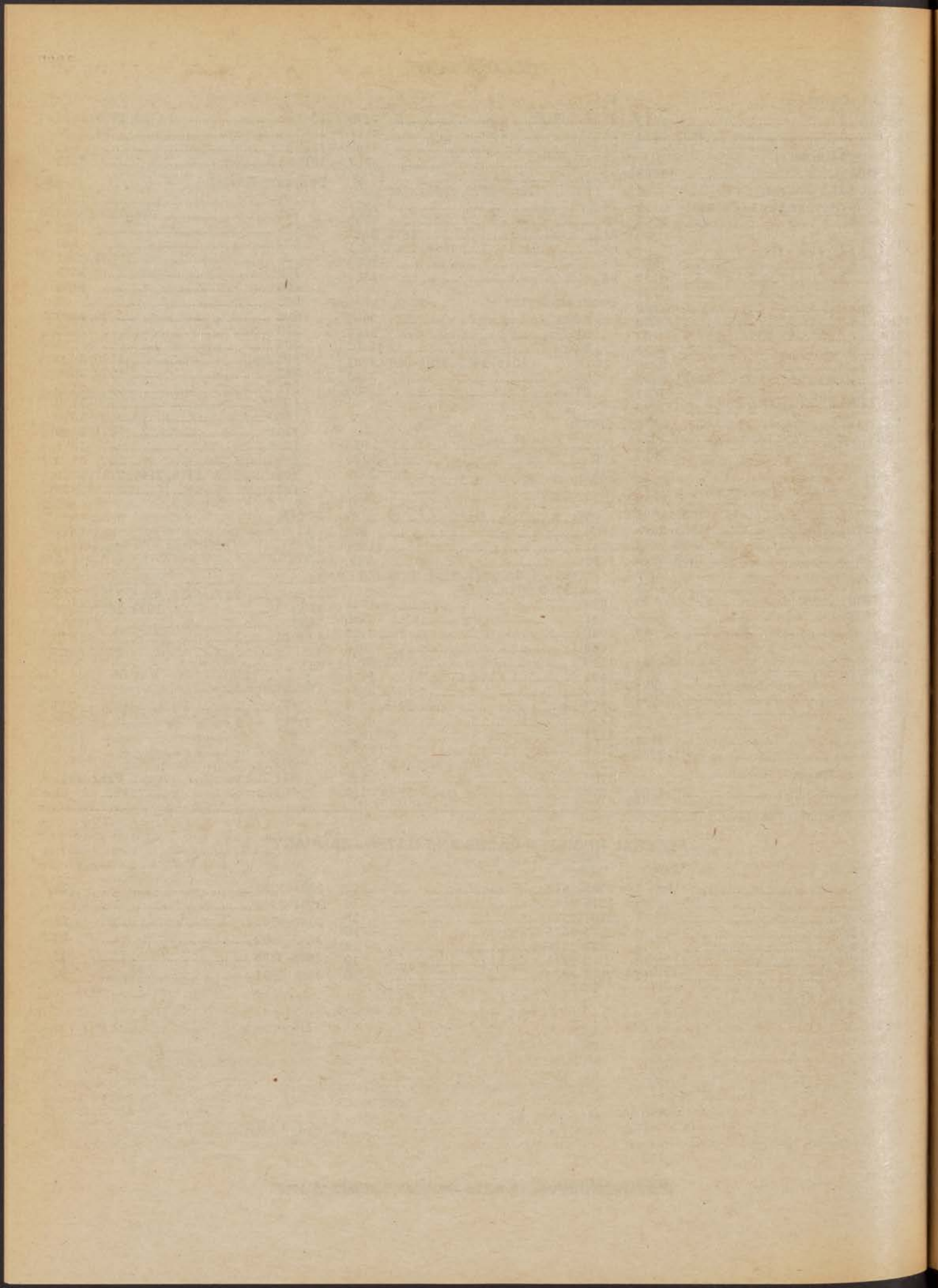
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment: (1) Revokes the Schedule C exception for the position of Adviser to the Secretary (Counselor to the Chairman, Economic Policy Board), Office of the Secretary; and (2) excepts from the competitive service under Schedule C one position of Assistant Secretary (Enforcement and Operations), Office of the Under Secretary, Office of the Secretary because the position is confidential in nature.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION:

On Position Authority Contact: Sallie E. West, Civil Service Commission, 202-632-3782.

On Position Content Contact: Henry DeSeguirant, Department of the Treasury, 202-566-2707.

Accordingly, 5 CFR 213.3305(a)(59) is revoked and (78) is added as set out below:

§ 213.3305 Department of the Treasury.

(a) Office of the Secretary. * * *

(59) [Revoked]

* * *

(78) Assistant Secretary (Enforcement and Operations), Office of the Under Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the U.S. Civil Service Commission.

JAMES C. SPRY
Executive Assistant
to the Commissioners.

[FR Doc. 78-2601 Filed 1-27-78; 8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 427]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes a minimum size requirement of 2.20 inches in diameter for fresh California-Arizona navel oranges shipped to market from District 2 during the period February 3 to July 13, 1978. This requirement is designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On December 28, 1977, notice was published in the FEDERAL REGISTER (42 FR 64703) inviting written comments not later than January 16, 1978, on a proposed minimum size requirement of 2.20 inches for shipments of California-Arizona navel oranges from District 2, under Marketing Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Shipment of this season's navel orange crop is now in progress, and ample supplies of navel oranges meeting this size requirement are available to satisfy the demand in fresh domestic markets. Navel oranges which do not meet this size requirement may be shipped to fresh export markets, left on trees to attain further growth, or utilized in processing. The regulation reflects the Department's appraisal of the need for regulation based on the current and prospective crop and market conditions, and it would tend

to promote orderly marketing in the interest of producers and consumers.

After consideration of all relevant matter presented, including the proposal in the notice, the recommendation of the committee, and other available information, it is hereby found that the regulation, as hereafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to engage in further public rule-making and good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) as: (1) Shipment of navel oranges from District 2 is now in progress; (2) currently domestic shipments of fresh District 2 California-Arizona navel oranges are required to be at least 2.20 inches in diameter under Navel Orange Regulation 419 (42 FR 63379; 43 FR 753), and this requirement expires February 2, 1978; (3) notice of this proposed minimum size requirement was published in the FEDERAL REGISTER, and no comments were filed during the 19 days provided; and (4) handlers subject to this regulation will have adequate time to make any necessary preparations prior to the effective time.

§ 907.727 Navel Orange Regulation 427.

(a) During the period February 3, 1978, through July 13, 1978, no handler shall handle any navel oranges grown in District 2 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) As used in this section, "handle", "handler", and "District 2", mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31 as amended; (7 U.S.C. 601-674).)

Dated: January 25, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-2444 Filed 1-27-78; 8:45 am]

[3410-02]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Amendment of Budget of Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes an increase of \$20,450 in expenses for the 1977-78 fiscal period, to be used to fund a market development and promotion project for avocados by the Avocado Administrative Committee, which locally administers the Federal Marketing order covering fresh avocados. The funds will be transferred from committee reserve, and no assessments will be collected from avocado handlers.

DATES: Effective April 1, 1977, through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On January 5, 1978, a notice was published in the FEDERAL REGISTER (43 FR 974) inviting written comments not later than January 23, 1978, on proposed amendment of budget of expenses, under Marketing Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. None was received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal in the notice, it is found that § 915.216 (42 FR 35142; 63636) should be and hereby is amended to read as follows:

§ 915.216 Expenses and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during fiscal year April 1, 1977, through March 31, 1978, will amount to \$88,210.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which the amendment is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. Immediate increase in the previously approved ex-

penses is necessary in order for the committee to meet obligations incurred in accordance with the provisions of the marketing order during 1977-78.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: January 25, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-2446 Filed 1-27-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg Z; FC-0139 through FC-0142]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3946.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 U.S.C. 1640(f).

§ 226.4(i) Preemption of State laws regarding usury, credit cost disclosure and permissible credit charges granted by the Act for "qualified" cash discounts applies to nonconsumer credit card transactions.

§ 171 Preemption of State laws regarding usury, credit cost disclosure and permis-

ible credit charges granted by the Act for "qualified" cash discounts applies to non-consumer credit card transactions.

DECEMBER 5, 1977.

This is in response to your letter of . . . , in which you inquire about the scope of the preemption from State law that is provided by § 171(c) of the Truth in Lending Act to encourage and facilitate the offering of cash discounts in accordance with § 167(b) of the Act. Your question, specifically, is whether the preemptive effect of § 171(c) extends to transactions which have been otherwise excluded from the scope of Federal Truth in Lending law by § 104(1) of the Act (e.g., transactions involving the extension of business credit or credit to a governmental agency).

The circumstances prompting your request are as follows: Your company operates a substantial number of retail outlets throughout the country and is studying the feasibility of offering discounts to customers who pay by cash, check, or similar means. As a part of that study you have discovered several State laws which, in your opinion, would characterize such a discount as a cost of credit for usury and disclosure purposes in business, as well as in consumer credit transactions. You further explain that, as a practical matter, it is often impossible to distinguish at the point of sale whether a particular purchase, paid for by use of a credit card, involves an extension of business or consumer credit. As a result you believe that if the preemptive provisions of § 171(c) were only to apply to consumer credit transactions, sellers in a number of States, particularly some of the large commercial States, will be reluctant to offer cash discounts.

Section 226.4(i)(5) of Regulation Z, which essentially mirrors the language of § 171(c) of the Act, reads as follows:

"(5) Notwithstanding any other provisions of this Part, any discount which, pursuant to paragraph (1) (§ 226.4(b)(1)) is not a finance charge for purposes of this Part shall not be considered a finance charge or other charge for credit under the laws of any State relating to:

- (i) Usury; or
- (ii) Disclosure of information in connection with credit extensions; or
- (iii) The types, amounts, or rates of charges or the element or elements of charges permissible in connection with the extension or use of credit." (Emphasis added.)

Staff believes that Congress's purpose in adopting § 171(c) was to facilitate the implementation of discount programs pursuant to § 167(b) of the Act. Staff believes it would be inconsistent with that purpose to read the preemptive provisions of § 171(c) to apply only to State laws regarding consumer credit and not to State laws regarding business credit. To interpret this section so as not to preempt State laws regarding business credit would result in requiring a merchant who wished to implement such a program to ascertain which credit transactions are for business purposes and which are for consumer purposes. In light of the fact that many credit cards are used for both business and consumer transactions, such a requirement, if read into the Act and regulation, would be a particular difficulty for credit card transactions. Consequently, in staff's view, § 171(c) of the Act and § 226.4(i)(5) of Regulation Z preempt the types of State laws listed therein with respect to business transactions.

Staff believes that its opinion is supported by the statutory and regulatory language. Section 171(c) begins by stating, "Notwithstanding any other provisions of this title * * *". As previously noted, this language is mirrored in the underlined portion of § 226.4(i) (5) reproduced above. Staff believes that this language can be read to indicate that the general exemption from coverage of business credit contained in § 104(1) of the Act and § 226.3(a) of the regulation does not apply with regard to matters that § 171(c) and § 226.4(i) (5) govern. Therefore, in staff's opinion, the preemptive effect of § 171(c) of the Act and § 226.4(i) (5) of the regulation operate with respect to State laws, of the types listed therein, that pertain to business credit.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d) (3) and limited in its scope to the facts and issues discussed above. I trust that this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.4(i) With regard to gasoline service stations, if credit card price for gasoline is clearly disclosed on the pump, that price shall be considered the "regular price," and other signs and posters located in the service area and visible from the road may be considered advertisements. With regard to gasoline service stations, the disclosure of the availability of cash discounts required at public entrances is satisfied by any sign located so that it is clearly visible to all customers entering the service area.

DECEMBER 5, 1977.

This is in response to your letter of . . . in which you requested an official staff interpretation of § 226.4(i) of Regulation Z. Your client, a national retail gasoline dealer, is considering various alternative methods of enabling its branded dealers to offer customers a discount if they pay for gasoline purchases with cash rather than by use of a credit card. It is contemplated that this discount will not apply to purchases of other types of goods or services generally available at the service stations.

Section 226.4(i) specifies varying price and other disclosure requirements and limitations with regard to notification of the availability of discounts for cash, advertising, and price tagging/posting when discounts for cash are offered. Because of the unique nature of gasoline service stations vis a vis the normal enclosed store-type retail establishments, some questions have arisen as to the permissible disclosures on signs of varying types which may be displayed at gasoline service stations.

Along with your letter, you have submitted prototype designs of five signs which you have asked staff to review for content as well as proposed placement at a service station. Staff feels that to review the signs which you have submitted and approve their use in an official staff interpretation would be tantamount to approving a disclosure form, and the staff generally refrains from issuing official staff interpretations for such purposes. However, the staff does feel that, due to the unique nature of gasoline service stations, some general comments with respect to compliance with § 226.4(i) may be helpful in answering the questions you raised.

First, with regard to the advertising and price tagging/posting provisions of § 226.4(i), staff recognizes that, because of the "open air" nature of gasoline service

stations, there may be some question as to what constitutes a tagged or posted price and what constitutes an advertisement. Pole and free standing signs which are visible from the road may be intended as advertisements to attract customers, but also might be viewed as disclosing the "posted price." If they are viewed as disclosing the "posted price," this would cause the price differential to be classified as a prohibited surcharge. However, staff feels that when the credit card price for gasoline is clearly disclosed on the pump itself, that price shall be considered the "regular price." In such a situation, other signs and posters located in the service area and visible from the road can be considered advertisements and, as such, may state the cash price without also disclosing the credit card price. Of course, there must be some indication on such signs and posters that the stated price is not available to credit card purchasers as required by § 226.4(i)(1)(iii).

With regard to the § 226.4(i)(1)(ii) requirement that establishments offering discounts for cash disclose the availability of such discounts at or near each public entrance and at all locations where a purchase may be made, staff feels that the public entrance portion of that requirement will be satisfied by a sign/poster/etc. located anywhere on the premises so long as it is clearly visible to any customer entering the service station area. The latter portion of that provision clearly requires similar notifications at all locations where a purchase may be made.

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the regulation, and limited in scope to the facts and issues discussed herein. I trust that it provides sufficient guidance to determine whether your proposed disclosures are in compliance with the regulation.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.7(a) "Other charges" include charges that are automatically imposed upon default by the customer.

DECEMBER 5, 1977.

This is in response to your letter of . . . in which you inquired about the scope of the phrase "other charges" which appears in § 226.7(a)(6) of Regulation Z. Specifically, you ask whether a bank which "desires to have its [credit] cardholders contractually agree to pay all costs including attorneys' fees incurred by it in legal proceedings to collect the cardholder's indebtedness in the event of delinquency by the cardholder" would be imposing an "other charge" so as to necessitate making the disclosures described in § 226.7(a)(6).

Public Information Letters 331, 386, and 797 (copies of which are enclosed) state that charges imposed in the event of delinquency or late payment are "other charges" under § 226.7(a)(6). Staff believes that charges imposed in the event of default similarly are "other charges" so as to require the disclosures set forth in that section. The question you raised, however, is whether the various costs which may be incurred by your client in legal proceedings to collect an overdue debt owed by a cardholder, and which the cardholder is contractually obligated to pay, are charges imposed in the event of default.

It is staff's opinion that if the imposition of these costs is automatic upon default (for example, if they become immediately due and collectible by virtue of default), they

constitute "other charges" to be disclosed pursuant to § 226.7(a)(6). If, however, the imposition of the charges is not automatic but, rather, is conditioned upon employment of the services of an attorney to effect collection or expenditure of other amounts in conjunction with collection efforts, then they are not the type of charges intended to be disclosed pursuant to § 226.7(a)(6).

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3), and limited in scope to the facts and issues herein. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.4(a) Charge imposed for customer's exceeding his or her credit card credit limit may be considered a default charge (to be disclosed as an "other charge" under § 226.7(a)(6)), rather than a finance charge under § 226.4(a).

§ 226.4(c) Charge imposed for customer's exceeding his or her credit card credit limit may be considered a default charge (to be disclosed as an "other charge" under § 226.7(a)(6)), rather than a finance charge under § 226.4(a).

§ 226.7(a) Charge imposed for customer's exceeding his or her credit card credit limit may be considered a default charge (to be disclosed as an "other charge" under § 226.7(a)(6)), rather than a finance charge under § 226.4(a).

JANUARY 9, 1978.

This responds to your * * * letter and your * * * letter (amending your letter of * * *) in which you request an official staff interpretation of § 226.4(c) of Regulation Z.

You state that your client, a bank, issues credit cards and, in doing so, sets a credit limit for its customers. You indicate that the bank's Customer Agreement provides that exceeding an established credit limit by 10 per cent is an "Event of Default" and provides further that such an event is neither desired nor anticipated. You indicate that your client does not knowingly allow a customer to exceed his or her credit limit by 10 or more per cent. Rather, such may occur, for example, when a customer makes small purchases for which authorization is not needed.

You also state that the customer will be sent a notice within a week of exceeding the credit limit by 10 or more per cent indicating that no further purchases are to be made until the balance is once again below the credit limit and requesting immediate payment of the amount in excess of the customer's credit limit. You also state that if the customer's balance remains in excess (by 10 or more per cent) of his or her credit limit at the end of each monthly billing cycle, there will appear on the customer's billing statement the following notice:

You are over your credit limit by \$—. Do not use your card until your "New Balance" is once again below your credit limit.

You state further that your client may also request that the customer return his or her credit card, depending upon the amount of the balance and the amount by which the customer has exceeded the credit limit. Moreover, you indicate that the authorization center will be instructed that no further authorizations are to be made until the customer's account is below 110 per cent of the customer's credit limit.

You indicate that the entire amount over 110 per cent of the limit may not be included in the "minimum payment due" appearing on the monthly billing statement. However, the "minimum payment due," since it is calculated on the new balance including the amount in excess of 10 per cent of the customer's credit limit, will reflect at least a portion of the excess amount. If the customer continues to make the "minimum payment due" and no further charges are made, the bank will not institute any collection activity, other than suspending further privileges and possibly requiring that the customer return the credit card(s) to the bank until the customer's account is once again below the credit limit.

You indicate that your client proposes to charge a customer an "over-the-limit" charge of \$5.00 for each monthly billing cycle at the end of which the balance is over 110 per cent of the credit limit. You question whether the charge is a finance charge as defined in § 226.4(a), or whether it is a default charge, as provided in § 226.4(c), to be disclosed pursuant to § 226.7(a)(6).

Section 226.4(c) provides that "[a] late payment, delinquency, default or other such charge is not a finance charge if imposed for actual unanticipated late payment, delinquency, default, or other such occurrence." It has long been staff's position with regard to late payment charges (and staff would apply this same criteria to a default or delinquency charge) that:

The continuing status of a late payment charge is dependent upon the actions taken by the creditor in connection with the customer's account following the imposition of a late payment charge. If the creditor imposes a late payment charge periodically, but continues to allow the delinquent customer to use his credit plan without informing him that the account is considered in default and that continued delinquency will result in his credit privileges being cancelled, such late payment charges would properly be interpreted as additional finance charges. (See Public Information Letter 797, a copy of which is enclosed for your convenient reference.)

Staff regards the charge which your client intends to impose as being within the purview of § 226.4(c) and thereby excludable from the finance charge determination. Your client's collection procedures, such as, the suspension of credit privileges, which may include the return of the credit card to your client, and the inclusion within the minimum payment due of a proportionate part of the amount over the customer's credit limit, appear to support categorization of the above-described charge as a default charge rather than as a finance charge.

Staff would caution you, however, that its conclusion is based on the assumption that your client's credit program does not facilitate such customer activity. Practices which appear to do so could indicate that the creditor anticipated such customer activity, that the customer's activity is considered a routine part of the creditor's plan and, therefore, that the \$5.00 charge is an additional finance charge.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation. It is limited to the issue of whether the charge your client intends to impose comes within the purview of § 226.4(c). Nothing in this interpretation is to be construed as a comment

on or an approval of any aspect of the above-described credit program other than the § 226.4(c) issue. If you have questions in the future, please feel free to contact the Federal Reserve Bank of New York or this office.

I note that you may represent creditors subject to the laws of the State of Connecticut. Since Connecticut has been granted an exemption under the applicable portions of the Truth in Lending Act, you may wish to contact the office of Mr. David H. Neiditz, Bank Commissioner of the State of Connecticut, for his views.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, January 24, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-2687 Filed 1-27-78; 8:45 am]

[1505-01]

Title 14—Aeronautics and Space

CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Dockets Nos. 14684 and 14324; Amendment Nos. 1-29, 21-46, 23-21, 25-42, 27-14, 29-15, 91-145, and 121-1381]

AIRWORTHINESS REVIEW PROGRAM

Amendment No. 6: Flight Amendments

Correction

In FR Doc. 78-1034 appearing at page 2302 in the issue for Monday, January 16, 1978, in the heading the last Amendment No. appearing in brackets read " * * * 121-1381". It should have read " * * * 121-138" as set forth in the heading above.

[1505-01]

[Docket Nos. 14684 and 14324; Amendment Nos. 1-29, 21-46, 23-21, 25-42, 27-14, 29-15, 91-145, and 121-1381]

AIRWORTHINESS REVIEW PROGRAM

Amendment No. 6: Flight Amendments

Correction

In FR Doc. 78-1034 appearing at page 2302 in the issue for Monday, January 16, 1978, make the following corrections:

(1) On page 2303, in the middle column, in the second full paragraph, between the third and fourth lines, insert: "be possible to show that the effect of".

(2) On page 2309, in the middle column, in the first full paragraph, the 34th line should read: "quires that VMC₀ must be determined to".

(3) On page 2323, in the third column, in amendatory paragraph 55, in the fifth line, the reference to "\$25.1595" should read "\$25.1585".

(4) On page 2325, in the third column, in § 27.1545(b)(1)(ii), insert a period after "(power on)".

(5) On page 2327, in the third column, in § 29.1545(b)(1)(ii), delete the semicolon after "VNE".

[4910-13]

[Docket No. 17563; Amdt. Nos. 47-19 and 91-146]

PART 47—AIRCRAFT REGISTRATION

PART 91—GENERAL OPERATING AND FLIGHT RULES

Aircraft Registration Eligibility Identification and Activity

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to delete the requirement in the Federal Aviation Regulations that each holder of a certificate of aircraft registration file an annual report on the current eligibility of the aircraft for registration, and to discontinue the request for voluntary annual reports providing other information about the aircraft and its activity. The FAA has determined that there is no current need for these annual reports. These amendments are intended to relieve the public of this burden.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Virginia Swimmer, Technical Section, FAA Aircraft Registry, Aeronautical Center, P.O. Box 25082, Oklahoma City, Okla. 73125, telephone 405-686-2284.

SUPPLEMENTARY INFORMATION: Section 47.44 of the Federal Aviation Regulations (14 CFR 47.44) presently requires the holder of a Certificate of Aircraft Registration to submit a report by April 1 of each year, providing information pertinent to the aircraft's continuing eligibility for registration. The report, made on Part 1 of AC Form 8050-73 (Aircraft Registration Eligibility Identification, and Activity Report), must state: (1) The name and address of the owner, (2) whether he is a United States citizen (if not a governmental unit); (3) the aircraft's make, model, and registration and serial number; and (4) whether the aircraft has been registered under the laws of a foreign country.

Section 91.53 (14 CFR 91.53) presently provides for the voluntary submission of Part 2 of AC Form 8050-73. Part 2 requests (but does not require) that the certificate holder submit the

following information: (1) The name and address of the principal operator of the aircraft (if not the owner); (2) the make and model of the aircraft's engines; (3) the communications and navigational aids capability of the aircraft's equipment; (4) the airport where the aircraft is based; and (5) the activity of the aircraft for the previous calendar year (as shown by hours flown and purpose of flight).

Sections 47.44 and 91.53 were adopted in 1970, as Amendments Nos. 47-10 and 91-72 (published in the *FEDERAL REGISTER* on February 5, 1970; 35 FR 2578). The purpose of § 47.44 was to provide for updating and revising the aircraft register, so that it would reflect, to the extent possible, only those aircraft eligible for registration. The FAA has received these reports annually from 1970 through 1977. As a result, approximately 32,000 obsolete aircraft records have been removed from the aircraft register, and the register is now reasonably current.

Moreover, the FAA has determined that the aircraft register can now be kept current, for the most part, with the use of information that is submitted to the FAA in the ordinary course of business. This information includes: notices of the sale, export, destruction, theft, and cannibalization of aircraft; notices of change of address and of the death of aircraft owners; and requests for change of registration number.

With respect to those aircraft for which no information is received within a reasonable period of time, it may be necessary to require some holders of Certificates of Aircraft Registration to file a report similar to that required by § 47.44. Such a reporting system would be considerably less of a burden on the public and on the FAA than the present one. The FAA may initiate rulemaking in the near future to propose such a requirement.

The purpose of § 91.53 was to collect statistical information useful in long-range aviation planning and in forecasting FAA workload. In addition, the name and address of the principal operator, if other than the owner, was requested to assist in distributing airworthiness directives.

However, voluntary compliance with § 91.53 has not proven to be an effective means of collecting information on aircraft activity. After study of the matter, the FAA has determined that statistical sampling methods will be more effective. Moreover, because information as to the operator of the aircraft is collected on a voluntary basis and only once a year, § 91.53 has not been a satisfactory means of maintaining a mailing list for Airworthiness Directives. For these reasons the FAA has determined it should no longer re-

quest the voluntary submission Part 2 of AC Form 8050-73, and will consider other means of maintaining a suitable mailing list for Airworthiness Directives.

Revoking §§ 47.44 and 91.53 will relieve any burden that may be imposed by these annual reports, and will not result in any other burden on the public. It will also eliminate agency costs incurred for computer use, mail distribution, report processing, and legal enforcement.

In the past the FAA has mailed a partially preprinted AC Form 8050-73 to each holder of a Certificate of Aircraft Registration in January each year, for submission by April 1. These forms will not be sent out in January of 1978. To delay revoking §§ 47.44 and 91.53 could cause confusion among certificate holders as to their reporting responsibility for 1978. For this reason, the FAA has determined that notice and public procedure hereon would be impractical and contrary to the public interest and that good cause exists for making this amendment effective on less than 30 days notice.

Although these amendments are being adopted without prior notice and public procedure, interested persons may wish to comment on the revoking of these reporting procedures. Accordingly, they are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or amendment number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591.

DRAFTING INFORMATION

The principal authors of this document are Virginia Swimmer, Technical Section, FAA Aircraft Registry, and Joseph M. Dorsey, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Parts 47 and 91 of the Federal Aviation Regulations (14 CFR Parts 47 and 91) are amended, effective January 30, 1978, by revoking and reserving §§ 47.44 and 91.53 as follows:

§ 47.44 [Reserved]

§ 91.53 [Reserved]

(Secs. 313(a), 501, 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1401, 1421(a)); 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, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 25, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-2570 Filed 1-27-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-68]

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

Alteration of Control Zone: Tyler, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of operation of the Tyler, Tex. (Pounds Field Airport), control zone to coincide with the hours of operation of Tyler, Airport Traffic Control Tower (ATCT) which are reduced from continuous to 0700 to 2300 local time daily. This reduces the availability of special weather observations accordingly and necessitates the change in the control zone hours of operation to conform to the air traffic control tower hours of operation.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F, 71.171 (42 FR 355) of FAR Part 71, the Tyler, Tex., control zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the airport traffic control tower hours of operation. Special weather observations are provided on a 24-hour basis which is one of the requirements for a continuous control zone operation.

A traffic survey was completed on March 31, 1977, which indicated insufficient activity to retain the continuous control tower operation. On March 23, 1978, the airport traffic control tower hours of operation will be reduced to 0700 to 2300 local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 355) is amended, effective 0901 G.m.t., March 23, 1978 as follows.

In Subpart F, 71.171 (42 FR 355), the Tyler, Tex., control zone is amended by adding the following sentence:

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)).)

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 Fort Worth, Tex., on January 17, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-2466 Filed 1-27-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WE-21]

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

Designation of Temporary Control Zone, Daggett, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a temporary control zone for the Barstow-Daggett Airport, Daggett, Calif. This action will provide controlled airspace for aircraft/helicopters making instrument approaches to the Barstow-Daggett Airport during the "Brave Shield XVII" joint military exercise.

EFFECTIVE DATE: April 1, 1978.

ADDRESS: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch,

AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the Barstow-Daggett Airport, Daggett, Calif., during the April 1, 1978 through April 23, 1978 time period.

A temporary control tower will be furnished by the Department of the Army with air traffic control services provided by U.S. Army air traffic controller personnel.

Approximately 150 rotary-wing aircraft will be temporarily based at the Barstow-Daggett Airport.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic 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, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective April 1, 1978 through April 23, 1978, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

DAGGETT, CALIF.

Within a five mile radius of Barstow-Daggett Airport (latitude 34°51'20" North; longitude 116°47'10" West).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), 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 Los Angeles, Calif., on January 18, 1978.

ROBERT H. STANTON,
Director, Western Region.

[FR Doc. 78-2467 Filed 1-27-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS (Reg. ER-1044, Amdt. 41)

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Tariff Filing Deadline

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment conforms our regulation with the statutory requirement that foreign indirect freight carriers file tariffs at least 45 days before the date they are to become effective.

DATES: Effective: February 21, 1978. Adopted: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Associate General Counsel, Rates and Agreements, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5436.

SUPPLEMENTARY INFORMATION: ER-1038, amendment 40, to Part 221 (43 FR 1322, January 9, 1978) provided in part that indirect domestic freight carriers file tariffs with the Board at least 45 days from the date on which the tariff would become effective. Pub. L. 65-162 requires that this tariff filing deadline apply to both foreign and domestic indirect freight carriers. The prior amendment inadvertently left foreign carriers outside of the new deadline, and this amendment is designed to include such carriers, thereby conforming the Board's economic regulations with the statutory requirement. This editorial amendment is issued by the undersigned pursuant to delegation of authority from the Board to the General Counsel, in 14 CFR 385.19. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, paragraph (a)(2) of § 221.160 is amended to read as follows:

§ 221.160 Required notice.

- (a) *Statutory notice required.* * * *
- (2) For tariffs pertaining to air transportation of property, at least 60 days if filed by an air carrier or foreign air carrier directly engaged in the operation of aircraft, or at least 45 days if filed by an air carrier or foreign air carrier not directly engaged in the operation of aircraft.

(Secs. 204 and 403 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, as amended (49 U.S.C. 1324, 1373).)

By the Civil Aeronautics Board.

PHILIP J. BAKES,
General Counsel.

[FR Doc. 78-2489 Filed 1-27-78; 8:45 am]

[3510-07]

Title 15—Commerce and Foreign Trade

CHAPTER 1—BUREAU OF THE CENSUS,
DEPARTMENT OF COMMERCE

PART 50—SPECIAL SERVICES AND STUDIES BY
THE BUREAU OF THE CENSUS

Fee Structure for Statistics for City Blocks in
the 1980 Census of Population and Housing

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Final rule.

SUMMARY: As part of the 1980 decennial Census of Population and Housing, the Census Bureau is planning to tabulate and publish block data for each urbanized area in the United States and for each incorporated place over 10,000 inhabitants. State and local government authorities will be able to contract with the Bureau of the Census to produce block data for areas not included in the regular block statistics program. This notice contains information on fees and other requirements to be met by requesting authorities in undertaking contracts for block statistics.

FOR FURTHER INFORMATION
CONTACT:

Arthur F. Young, Chief, Housing Division, Bureau of the Census, Washington, D.C. 20233, 301-763-2863.

EFFECTIVE DATE: January 30, 1978.

SUPPLEMENTARY INFORMATION: In accordance with the rulemaking provisions of administrative procedure 5 U.S.C. 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

In accordance with the provisions of title 13, United States Code, section 8, authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structure is hereby established. No transcript of any record will be furnished under authority of this act which would disclose data on individual housing units or violate existing or future acts requiring that information furnished be held confidential.

15 CFR 50.40 is revised as follows:

§ 50.40 Fee structure for statistics for city blocks in the 1980 Census of Population and Housing.

(a) As part of the regular program of the 1980 census, the Census Bureau will publish printed reports containing certain summary population and housing statistics for each city block, drawn from the subjects which are being covered on a 100-percent basis. For these subjects, a substantial amount of additional data by block will be available on computer tape.

(b) The 1980 block data under the regular program will be prepared for:

(1) Each urbanized area in the United States. An urbanized area is delineated by the Census Bureau in each standard metropolitan statistical area and generally consists of a city or group of contiguous cities with a 1970 population of 50,000 or more, together with adjacent densely populated land (i.e., land having a population density of at least 1,000 persons per square mile).

(2) And, outside urbanized areas, for each incorporated place (such as a city or village) that was reported as having 10,000 or more inhabitants in—(i) The 1970 census, or (ii) The 1973, 1975, or 1976 official population estimates published by the Bureau, or (iii) A special census conducted by the Bureau on or before December 31, 1977.

(c) Outside the above-mentioned urbanized areas and places, State and local government authorities will be able to contract with the Bureau of the Census to produce block data for their areas. In undertaking this contract, the requesting authority will be required to pay a fee, supply certain maps, and meet certain time deadlines as follows:

(1) Fee: (i) Population size:

	Fee per area
Under 2,500	\$500
2,500 to 4,999	600
5,000 to 9,999	700

(ii) The final fee will be based upon the 1980 census population counts. A refund or additional charge will be made if the contracting area is in a different population size group as a result of the census.

(iii) The cost for an area with a population of 10,000 or more will be determined on an individual basis.

(iv) Multiple area contracts may be negotiated at a savings.

(v) The fee is based on estimated 1980 costs. If the 1980 cost exceeds the estimated cost, an additional fee may be requested from the contracting area. If actual costs are less than the estimated cost, a refund may be made.

(vi) Any incorporated place which contracts for block statistics and which reaches a population of 10,000 or more in the 1980 census will have

the fee completely refunded, as the place will then be considered to be part of the regular block statistics program.

(vii) If the area submits maps which are not adequate for the Bureau's purposes (see Maps, below) and therefore have to be redrafted by the Bureau, a surcharge of \$300 per map sheet requiring revision will be applied to the fee for the particular area.

(2) Maps: (i) In order for the Bureau to provide data on a block-by-block basis, it must have a map which clearly delineates each block. The contracting government authority must supply such maps. A copy of the specifications for preparing the block maps will be provided upon request and, in any event, will accompany the copy of the contract which is sent to the government authority for signature.

(ii) The maps must be furnished to the Census Bureau within 30 calendar days after the government authority signs the contract.

(iii) The Bureau will review the maps and, if revision is necessary, return them within 30 calendar days to the government authority.

(iv) Within 30 calendar days thereafter, the revised maps must be transmitted to the Bureau and, if they are still inadequate and must therefore be redrafted by the Bureau, the above-mentioned surcharge of \$300 per map sheet requiring revision will be imposed.

(3) Timing: (i) The contract must be signed, and a downpayment of \$250 per area made, by April 1, 1978. A check or money order should be made payable to "Commerce—Census."

(ii) If an area decides to withdraw after signing a contract and making a downpayment, the cost of work performed to date will be deducted from the refund.

(iii) The balance of the fee must be mailed to the Bureau by January 1, 1980.

(d) In consideration of the fees paid and maps supplied, the Bureau will:

(1) Identify the individual blocks in its records and tabulations.

(2) Make available the block data for the particular area in the same manner as for areas in the regular block statistics program (i.e., both in terms of printed reports and computer summary tapes). Two copies of the printed report (including the printed maps) which contain the block statistics for the particular area will be furnished to the contracting government authority.

(e) Requests for participation in the contract block statistics program or for further information should be addressed to the Director, Bureau of the Census, Washington, D.C. 20233.

Dated: January 24, 1978.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

[FR Doc. 78-2533 Filed 1-27-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS
SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-34]

PART 159—LIQUIDATION OF DUTIES

Waiver of Countervailing Duties—Non-Rubber
Footwear and Handbags From Uruguay

AGENCY: Department of the Treasury, Customs Service.

ACTION: Waiver of countervailing duties.

SUMMARY: This notice is to inform the public that a determination has been made to waive countervailing duties that would otherwise be required by section 303 of the Tariff Act of 1930 on imports of non-rubber footwear and handbags from Uruguay. The waiver is being issued based on actions by the Government of Uruguay to phase out the effective export subsidy on these items. The waiver will expire on January 4, 1979, unless revoked earlier.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 202-566-8585.

SUPPLEMENTARY INFORMATION: In T.D.'s 78- and 78- , published concurrently with this determination it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed directly or indirectly upon the manufacture, production, or exportation of non-rubber footwear and handbags from Uruguay.

Section 303(d) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the four-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultations with interested agencies and parties with direct interest in this proceeding, I have concluded that steps have been taken to reduce substantially the adverse effects of the bounty or grant. Specifically the Government of Uruguay is committed toward the total removal of the net bounty derived from the tax rebate certificate program (reintegró) (or any equivalent or comparable benefit) on all leather products, except tanned leather as such, to all export markets between January 1, 1978 and January 1, 1979. Such elimination will be staged according to the following schedule: 50-percent reduction by January 1, 1978 (such reduction took place December 28, 1977); 50-percent reduction of the remaining balance on or before July 1, 1978; and total elimination of any remaining subsidy on or before January 1, 1979.

The waiver is conditions further that the Government of Uruguay will proceed with its previously stated decision to eliminate the reintegró (or equivalent) for all exports from Uruguay on or before January 1, 1983.

The issuance of this waiver of countervailing duties would not inhibit in any way the right of the U.S. Government to take appropriate actions in the event that future imports of non-rubber footwear and handbags from Uruguay were having a disruptive effect on U.S. industry.

After consulting with appropriate agencies, including the Department of State, the Department of Labor, the Department of Commerce, and the Office of the Special Representative for Trade Negotiations, I have further concluded: (1) That there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) That the imposition of countervailing duties on non-rubber footwear and handbags from Uruguay would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D.'s 78- and 78- , on non-rubber footwear and handbags from Uruguay.

This determination may be revoked, in whole or in part, at any time and

shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on non-rubber footwear and handbags imported directly or indirectly from Uruguay in accordance with T.D.'s 78- and 78- , published concurrently with this determination.

§ 159.47 [Amended].

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry from Uruguay under the commodity headings "Non-rubber footwear" and "Handbags" the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624.)

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 24, 1978.

[FR Doc. 78-2469 Filed 1-27-78; 8:45 am]

[4810-22]

[T.D. 78-33]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Leather Handbags
From Uruguay

AGENCY: United States Customs Service, Treasury Department.

ACTION: Final countervailing duty determination.

SUMMARY: This notice is to advise the public that an investigation has resulted in a determination that the Government of Uruguay has provided benefits considered to be bounties or grants within the meaning of the countervailing duty law to manufacturers who export leather handbags to the United States. However, countervailing duties are being waived, based upon the criteria established by the Trade Act of 1974, including the ac-

tions taken and to be taken by the Government of Uruguay to reduce significantly the bounty or grant.

EFFECTIVE DATE: January 30, 1978.
FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On December 7, 1977, a "Preliminary countervailing Duty Determination" was published in the FEDERAL REGISTER (42 FR 61908).

The notice stated that it had been determined preliminarily that benefits had been received by the Uruguayan manufacturers/exporters of leather handbags which may constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act"). The benefits preliminarily determined to be bounties or grants were:

- (1) Income tax exemptions on certain export related income;
- (2) Preferential financing for export; and
- (3) The granting of tax certificates, known as "reintegros," upon exportation of the goods.

The rebate of value added taxes upon export of goods and the rebate of import duties paid on raw materials used in the production of leather handbags for export were determined not to constitute a bounty or grant within the meaning of the Act.

The handbags subject to this determination are classified under item number 706.0820 of the tariff schedules of the United States as leather handbags, other than reptile. The term "handbags" as used in the petition covers "pocketbooks, purses, shoulder bags, clutch bags, and all similar articles by whatever name known, customarily carried by women or girls, but not including luggage or flatgoods."

Programs found not to have been utilized by the leather handbag industry include government sponsored export insurance, a tax holiday for new industries and benefits for locating within certain free ports and zones. These are, therefore, not addressed by this Determination.

The Tentative Determination also indicated that it was the Treasury's intention to waive countervailing duties based on steps by the Uruguayan government to reduce significantly and relatively quickly the effective bounty or grant that was found to exist. However, before a Final Determination was to be made, consideration would be given to any relevant data, views, or arguments submitted in writing within 15 days from the date of publication of the Preliminary Determination.

Based on additional information received and considered, it is hereby determined that the payment granted to the tanners upon the export of the finished handbags does constitute a bounty or grant within the meaning of the Act. Based on the information available, however, the tanners subsidy serves only to make tannery prices for hides in Uruguay equal to hides sold in neighboring countries which are readily available to handbag manufacturers in Uruguay. The net amount of this bounty is, therefore, zero, since the cost of producing handbags, absent the subsidy, would not be increased if handbag producers merely shifted their sources of supply to neighboring countries.

In addition, the net effect of the principal export subsidy found is offset by certain fiscal charges which are indirect taxes directly related to the exported leather handbags. These taxes are not rebated upon export; however, they could be rebated without being considered a "bounty" or "grant" under the Act as consistently interpreted by the Treasury Department. Thus, these unrebuted taxes act to reduce the effective export benefit. Such indirect taxes include: (1) Export taxes charged on the value of the handbags exported, plus a tax on the value of the export rebate certificate; (2) Value added taxes that are charged in manufacturing the exported handbags, (the Government of Uruguay generally rebates 75 percent of the value added taxes paid); (3) Taxes on agricultural transactions which in this case involve a 4 percent tax on the value of hides purchased by tanners; and (4) Import taxes and other special taxes which are assessed on the non-leather items of the handbag.

Finally, the effective export benefit is reduced through a regular devaluation of the peso to the dollar since the certificate tendering the benefit is not received before 90 days after application has been made for it.

After consideration of all the information received, it is hereby determined that the subject leather handbags from Uruguay receive bounties or grants within the meaning of the Act. The bounties or grants are in the form of the payments referred to in the Preliminary Determination, taking into account the offsets described in this Notice.

Accordingly, notice is hereby given that dutiable leather handbags, imported directly or indirectly from Uruguay, entered, or withdrawn from warehouse, for consumption on or after January 30, 1978, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303 of the Act, until further notice the net

amount of such bounties or grants has been estimated and declared to be 17.4 percent of the f.o.b. price for export to the United States of leather handbags from Uruguay.

Effective January 30, 1978, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable leather handbags imported directly or indirectly from Uruguay, which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration. To the extent that it can be established to the satisfaction of the Commissioner of Customs that imports of leather handbags from Uruguay are subject to a bounty or grant smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be assessed and collected.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production, or exportation.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers leather handbags from Uruguay subject to this investigation in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting under the column headed "Country", the name "Uruguay" and by inserting the words "leather handbags", in the column headed "Commodity," the number of this treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared-Rate" in column headed "Action."

(R.S. 251, as amended, secs. 303, as amended, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised November 2, 1954 and section 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to

the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 24, 1978.

[FR Doc. 78-2470 Filed 1-27-78; 8:45 am]

[4810-22]

[T.D. 7832]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Nonrubber Footwear From Uruguay

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary and final countervailing duty determination.

SUMMARY: This notice is to advise the public that an investigation has resulted in a determination that the Government of Uruguay has provided benefits considered to be bounties or grants within the meaning of the countervailing duty law to manufacturers who export non-rubber footwear to the United States. However, countervailing duties are being waived, based upon the criteria established by the Trade Act of 1974, including actions taken and to be taken by the Government of Uruguay to reduce significantly the bounty or grant.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer,
Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On September 1, 1977, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 45977). The notice stated that a petition had been received alleging that the payments or bestowals conferred by the Government of Uruguay upon the manufacture, production, or exportation of nonrubber footwear constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On December 7, 1977, the Treasury indicated its intention to waive countervailing duties against nonrubber footwear imports from Uruguay based on certain steps the Government of Uruguay planned to take to reduce significantly and relatively quickly the effective bounty or grant that was found to exist (42 FR 61908). Interested parties were given a period of 15 days in which to submit written views on this proposed action.

The nonrubber footwear specified in the petition is classified under items 700.05 through 700.85 inclusive of the Tariff Schedules of the United States Annotated (TSUSA), except items 700.28, 700.51, 700.52, 700.53, 700.54 and 700.60.

On the basis of an investigation conducted pursuant to §159.47(c) of the Customs regulations (19 CFR 159.47(c)), it has been determined that benefits have been received by Uruguayan manufacturers/exporters of nonrubber footwear which constitute payment or bestowal of a bounty or grant within the meaning of the Act. These benefits have been conferred under the following programs:

(1) The granting of tax certificates, known as "reintegros," to manufacturers of nonrubber footwear, upon the exportation of the goods;

(2) Income tax exemptions on certain export-related income; and

(3) Preferential financing for exports.

The rebate of value-added taxes upon export of goods and the rebate of import duties paid on raw materials used in the production of nonrubber footwear for export have been determined not to constitute bounties or grants within the meaning of the Act.

Programs found not to have been utilized by the nonrubber footwear industry include government-sponsored export insurance, a tax holiday for new industries, and benefits for locating within certain free ports and zones. These are, therefore, not addressed by this determination.

The payment granted to the tanners upon the export of nonrubber footwear does constitute a bounty or grant within the meaning of the Act. Based on the information available, however, the tanners' subsidy serves only to make tannery prices for hides in Uruguay equal to hides sold in neighboring countries, which are readily available to nonrubber footwear manufacturers in Uruguay. The net amount of this bounty, therefore, is zero, since the cost of producing nonrubber footwear absent the subsidy would not be increased if nonrubber footwear producers merely shifted their sources of supply to neighboring countries.

In addition, the net effect of the principal export subsidy found is offset by certain fiscal charges which are indirect taxes directly related to the exported footwear. These taxes are not rebated upon export; however, they could be rebated without being considered a "bounty" or "grant" under the Act as consistently interpreted by the Treasury Department. Thus, these unreduced taxes act to reduce the effective export benefit. Such indirect taxes include:

(1) Export taxes charged on the value of the nonrubber footwear exported, plus a tax on the value of the export rebate certificates;

(2) Value-added taxes that are charged in manufacturing the exported nonrubber footwear (the Government of Uruguay generally rebates 75 percent of the value-added taxes paid);

(3) Taxes on agricultural transactions which in this case involve a 4-percent tax on the value of hides purchased by tanners; and

(4) Import taxes and other special taxes which are assessed in the non-leather items of the footwear.

Finally, the effective export benefit is reduced due to a regular devaluation of the peso to the dollar since the certificate tendering the benefit is not received before 90 days after application has been made for it.

After consideration of all the information received, it is hereby determined that the subject nonrubber footwear from Uruguay receive bounties or grants within the meaning of the Act. The bounties or grants are in the form of the payments referred to in this notice, taking into account the offsets described.

This notice combines the preliminary and final countervailing duty determinations required under section 303 of the Act.

Accordingly, notice is hereby given that dutiable nonrubber footwear, imported directly or indirectly from Uruguay, entered, or withdrawn from warehouse, for consumption on or after January 30, 1978, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303 of the Act, until further notice the net amount of such bounties or grants has been estimated and declared to be 23 percent of the f.o.b. price for export to the United States of nonrubber footwear from Uruguay.

Effective on or after the date of publication of this notice in the FEDERAL REGISTER and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable nonrubber footwear imported directly or indirectly from Uruguay, which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration. To the extent that it can be established to the satisfaction of the Commissioner of Customs that imports of non-rubber footwear from Uruguay are subject to a bounty or grant smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be assessed and collected.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant

if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production, or exportation.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers non-rubber footwear from Uruguay subject to this investigation in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs regulations (19 CFR 159.47(f)) is amended by inserting under the column headed "Country," the name "Uruguay," and inserting the words "Nonrubber footwear" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "bounty-declared rate" in the column headed "Action."

(R.S. 251, as amended secs. 303, as amended, 624, 46 Stat. 687, 759 19 U.S.C. 66, 1303, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, revised November 2, 1954, and § 159.47(d) of the Customs regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 24, 1978.

(FR Doc. 78-2471 Filed 1-27-78; 8:45 am)

[4110-07]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 1]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Aid to Families With Dependent Children Programs

AGENCY: Social Security Administration, HEW.

ACTION: Interim regulation.

SUMMARY: The Social Security Administration (SSA) is changing its reg-

ulation on disclosure of official records and information (Regulation No. 1). The changes are required by Pub. L. 95-216 which amended the Social Security Act and the Federal Unemployment Tax Act. This new law requires SSA and State unemployment compensation agencies to give earnings information to State and local government agencies and officials for administering programs of Aid to Families with Dependent Children (AFDC), established by title IV-A of the Social Security Act. This law also requires the Secretary of Health, Education, and Welfare (HEW) to decide by regulation what earnings information the State or local agencies and officials need, and what safeguards should be observed to make sure the information disclosed is used only for proper AFDC purposes. Because of time constraints, this change in the regulation deals only with disclosures by SSA, not by unemployment compensation agencies. The latter will be added after discussions with the Department of Labor.

EFFECTIVE DATE: The amendments are effective January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John Renner, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7336.

SUPPLEMENTARY INFORMATION: SSA's regulation dealing with disclosure of personal information is 20 CFR Part 401, or Regulation No. 1. The version of Regulation No. 1 now in effect is an interim regulation, containing only general guidelines for deciding when personal information may be disclosed. (A more detailed revision is being prepared.) Since the new law, Pub. L. 95-216, requires the Secretary of HEW to decide specifically what information the State or local agencies and officials need and what safeguards there should be to protect the information, the current interim regulation is being expanded. The general rules now in effect will become Subpart A of Regulation No. 1, and a new Subpart B will be added to contain just the rules required by the new law.

The new law became effective as soon as it was enacted (December 20, 1977), and so the new regulation is also needed immediately. For this reason the Secretary finds that there is good cause for dispensing with prior notice and a delayed effective date. Therefore, as authorized by the Administrative Procedure Act, 5 U.S.C. 553(b)(B), these regulation changes go into effect immediately.

The new law covers disclosures not only by SSA but also by State unemployment compensation agencies covered under section 3304(a) of the Fed-

eral Unemployment Tax Act (26 U.S.C. 3304(a)). However, since discussions will be necessary with the Department of Labor as to how this regulation will affect the unemployment compensation agencies, the present revision provides only for disclosures by SSA. Provision for disclosures by unemployment compensation agencies will be added at the earliest practical date.

Disclosures under this new subpart are not in conflict with the Privacy Act (5 U.S.C. 552a). Wage information requested by State or local agencies or officials for purposes of administering AFDC programs is not exempt from the Freedom of Information Act (FOIA, 5 U.S.C. 552). Since the wage information will be disclosed after a written request, the FOIA requires the disclosures. Section 552a(b)(2) of the Privacy Act (5 U.S.C. 552a(b)(2)) permits disclosure when required by the FOIA.

(Secs. 1102, 1106(a), Social Security Act (42 U.S.C. 1302, 1306(a)); sec. 411, Social Security Act (42 U.S.C. 611), as added by Pub. L. 95-216 (91 Stat. 1561).)

(Catalog of Federal Domestic Assistance Programs No. 13.800-13.807, Social Security Programs.)

NOTE.—SSA has decided that this document does not need an Economic Impact Statement under Executive Order 11949 and OMB Circular A107.

Dated: January 11, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: January 24, 1978.

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

Part 401 of Title 20 of the Code of Federal Regulations is revised as follows:

1. The heading "Subpart A—General" is added before § 401.1, to read as follows:

Subpart A—General

§ 401.1 Purpose and scope.

§§ 401.1 and 401.2 [Amended]

2. The word "part" is changed to "subpart" each place that it occurs in Subpart A, §§ 401.1 and 401.2.

3. A new Subpart B is added following § 401.3, to read as follows:

Subpart B—Disclosures of Wage Information for Programs of Aid to Families with Dependent Children

- Sec.
401.101 Purpose and scope.
401.102 Definitions.
401.103 When information may be disclosed.
401.104 Information which is necessary.
401.105 Protection of confidentiality.

AUTHORITY: Secs. 1102, 1106(a), Social Security Act (42 U.S.C. 1302, 1306(a); sec. 411, Social Security Act (42 U.S.C. 611), as amended by Pub. L. 95-216 (91 Stat. 1561).

Subpart B—Disclosures of Wage Information for Programs of Aid to Families With Dependent Children

§ 401.101 Purpose and scope.

(a) This subpart sets out the rules covering disclosure of wage information by the Social Security Administration (SSA), and received by an agency or official of a State or local government for purposes of determining an individual's eligibility for aid or services, or the amount of such aid or services, under a program of Aid to Families with Dependent Children (AFDC) under title IV-A of the Social Security Act. This subpart also sets out how the agency or official may use this information.

(b) This subpart implements §§ 402(a)(9), 411, and 1106(a) of the Social Security Act. Releases of wage information which are not provided for in this subpart are restricted by section 6103 of the Internal Revenue Code, as well as section 1106(a) of the Social Security Act and regulations implementing each of these statutory provisions.

§ 401.102 Definitions.

(a) "Wage information." "Wage information" includes:

(1) Information about both "wages" and "self-employment income" as those terms are defined in title II of the Social Security Act; and

(2) The name, address, and employer identification number of an employer reporting wages for social security purposes.

(b) "Wage reporting period." "Wage reporting period" means the period for which earnings are required to be reported for social security tax purposes.

(c) "Aid to Families with Dependent Children" or "AFDC." "AFDC" means a program of aid or services under title IV-A of the Social Security Act.

(d) "Client." "Client" means someone who receives or has applied for aid or services under an AFDC program, or someone considered to be a member of that person's family for AFDC purposes.

§ 401.103 When information may be disclosed.

SSA may release wage information to an agency or official of a State or local government only if the agency or official:

(a) Needs the information for purposes of determining an individual's eligibility for aid or services, or the amount of such aid or services, as it relates to the administration of the AFDC program (for example, deciding a client's initial or continuing eligibility or pursuing an investigation or

prosecution of alleged or suspected fraud or similar abuse of the AFDC program);

(b) Requests the information in writing, certifying that the information is to be used only for the purpose described in paragraph (a) of this section.

(c) Makes any reimbursement requested by SSA for the costs of furnishing the information; and

(d) Agrees to comply with the provisions of § 401.105.

§ 401.104 Information which is necessary.

The following wage information is considered necessary for purposes of deciding whether someone is eligible for AFDC aid or services, or the amount of the aid or services:

(a) Wage information relative to any AFDC client for the most recent available wage reporting period; and

(b) Wage information for specified earlier reporting periods regarding a specified client, when the requesting agency or official certifies that the information is needed for that period.

§ 401.105 Protection of confidentiality.

Agencies and officials receiving wage information under this subpart shall observe the following measures to protect the confidentiality of the information against inappropriate or illegal access or disclosure.

(a) The agency or official may redisclose the information only as follows:

(1) Any wage information may be given to the individual who is the subject of the information.

(2) A client may be given wage information about other clients in the same family, if the information is needed in connection with an AFDC claim.

(3) Wage information about a client or someone else in the client's family may be given to an attorney or other person representing the client, if the information is needed in connection with an AFDC claim.

(4) Wage information may be given to another State or local agency or official who needs the information for a purpose described in § 401.103(a).

(5) Any wage information may be released without restriction if the information has become public in a court proceeding.

(b) The information shall not be given to employees or officials who do not need the information in connection with determining an individual's eligibility for aid or services, or the amount of such aid or services as it relates to the administration of the AFDC program.

(c) The agency or official shall not use the information for any purpose other than determining an individual's eligibility for aid or services, or the amount of such aid or services as it relates to the administration of the AFDC program.

(d) The information shall be stored in a place physically secure from access by unauthorized persons.

(e) Information in electronic format, such as magnetic tapes or discs, shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal, or other means.

(f) The agency or official shall instruct all personnel who will have access to the information as to the confidential nature of the information, the requirements of this subpart, and the criminal and civil sanctions against illegal use or disclosure of wage information covered by this subpart contained in Federal statutes (such as section 1106(a) of the Social Security Act and section 7217 of the Internal Revenue Code), and any relevant State statutes.

(g) The agency or official shall permit SSA to make on-site inspections to ensure that the requirements of Federal statutes and regulations are being met.

[FR Doc. 78-2513 Filed 1-27-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

Part 21—Vocational Rehabilitation and Education

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

PROMPT REFUNDS

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This amendment is intended to provide a definition of "prompt refund" to correct a problem arising from unreasonable delay by some schools in making refunds. It is hoped that the schools will be more expeditious and uniform in their refunds. An error is also corrected which has erroneously told the schools to refund the portion of the tuition earned and to keep the portion not earned. This rule is correctly stated in all places except one where this erroneous phrasing is longstanding.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C., 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: On page 54954 of the FEDERAL REGIS-

TER of October 12, 1977, there was published a notice of proposed regulatory development to amend Part 21 relative to defining the prompt refund schools offering nonaccredited courses are required to give their students. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. Three comments were received.

One person commenting objects to implementation of the proposed change to § 21.4255 on the grounds that the Veterans Administration has no authority to define "prompt refund."

The requirement that a school offering nonaccredited courses provide a pro rata refund to a student who withdraws or discontinues his or her training is a requirement of the law (38 U.S.C. 1776(c)(13)). The Administrator has authority to make all rules and regulations necessary or appropriate to carry out the laws administered by the Veterans Administration (38 U.S.C. 210(c)). Many problems can result if schools unreasonably delay making a refund.

Consequently, the authority granted the Administrator in 38 U.S.C. 210(c) is sufficient authority to allow the term "prompt refund" to be defined by regulation.

Another person commenting suggests that prompt refunds are necessary only when a student withdraws entirely from a school. He suggests that if a student enrolls in several unit subjects, withdraws from some, but not all of them, the school should not have to give a refund to the student until after the term is over.

The pro rata refund policy of a school offering nonaccredited courses should apply to both a partial and a complete withdrawal from training. It is not clear what purposes would be served by not promptly refunding tuition fees to those who partially withdraw from a school. This suggestion is rejected.

A third person used this opportunity to oppose a provision of the regulations which was not proposed to be amended and which has long been in effect.

The proposed change to § 21.4255 is deemed proper and is hereby adopted.

Approved: January 23, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 21.4255, paragraphs (d) and (e) are revised and paragraph (f) is added so that the revised and added material reads as follows:

§ 21.4255 Refund policy; nonaccredited courses.

A refund policy will meet the requirements of § 21.4254(c)(13), if it

provides that the amount charged for tuition, fees, and other charges for a portion of the course does not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to the total length when the school makes provision for refund within the following limitations:

(d) *Books, supplies, and equipment.* Where the veteran or eligible person purchases his or her books, supplies, and equipment from a bookstore or other source, and the cost of such items is separate and independent from the charge made by the school for tuition and fees, he or she may retain or dispose of such items at his or her own discretion. Where the school furnishes the books, supplies, and equipment, with the cost thereof included in the total charge payable to the school for the course, and the veteran or eligible person withdraws or is discontinued prior to the completion of the course, refund will be made in full for the amount of the charge for the unissued books, supplies, and equipment. Issued items may be disposed of at the discretion of the veteran or eligible person.

(e) *Tuition and other charges.* Where the school either has or adopts an established policy for the refund of the unused portion of tuition, fees, and other charges subject to proration, which is more favorable to the veteran or eligible person than the approximate pro rata basis as provided in this section, such established policy will be applicable. Otherwise, the school may charge a sum which does not vary more than 10 percent from the exact pro rata portion of such tuition, fees, and other charges that the length of the completed portion of the course bears to its total length. The exact proration will be determined on the ratio of the number of days of instruction completed by the student to the total number of instructional days in the course.

(f) *Prompt refund.* In the event that the veteran, spouse, surviving spouse or child fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion of the course, the unused portion of the tuition, fees and other charges paid by the individual shall be refunded promptly. Any institution which fails to forward any refund due within 40 days after such a change in status, shall be deemed, prima facie, to have failed to make a prompt refund, as required by this section.

[FR Doc. 78-2460 Filed 1-27-78; 8:45 am]

[4110-02]

Title 45—Public Welfare

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

PART 104—STATE VOCATIONAL EDUCATION PROGRAMS

PART 105—COMMISSIONER'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

State Administered Programs and
Commissioner's Discretionary Programs;
Correction

AGENCY: Office of Education, HEW.

ACTION: Correction, final regulations.

SUMMARY: In the regulations published in the FEDERAL REGISTER on October 3, 1977, Pages 53822-53891, certain technical corrections need to be made. The document is corrected as follows:

(1) On page 53830, second column, § 104.3(b) should read: (b) Section 100b.17—General Application;

(2) On page 53830, second column, § 104.3(e) should be deleted.

(3) On page 53830, second column, § 104.3 (f), (g) and (h) should be redesignated § 104.3 (e), (f) and (g).

(4) On page 53860, first column, § 105.603(e), the words, educational or training, should be deleted.

(5) On page 53865, first column, under the definition of vocational instruction, the words, including cooperative education, should be deleted.

FOR FURTHER INFORMATION CONTACT:

Michael Brustein, telephone 202-245-8952.

Dated: January 19, 1978.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 78-2447 Filed 1-27-78; 8:45 am]

[4110-02]

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedule

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This final rule amends current regulations dealing with the Family Contribution Schedules for the Basic Educational Opportunity Grant Program for the 1978-79 academic year. The amendments (a) revise the

criteria for determining which parent's annual adjusted family income shall be considered in computing eligibility for a student whose parents are divorced or separated, (b) allow an applicant to file a supplemental Form in the instance of a loss of unemployment benefits, (c) provide that a revision in previously reported asset amounts may be submitted if the applicant or the applicant's family has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States, (d) increase the personal asset reserve amount to \$17,000 and the farm and business asset reserve amount to \$50,000 and (e) increase the amount of the family size offsets to reflect inflation during 1977, as measured by the 1977 Consumer Price Index.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provision Act, as amended (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the *FEDERAL REGISTER*. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment. However, the regulation shall be effective only with regard to Basic Educational Opportunity Grants made for the period of July 1, 1978 through June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Bill Moran, 202-245-1744.

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the *FEDERAL REGISTER* on July 12, 1977 (42 FR 35948), to amend Subparts C and D of Part 190 of Title 45 of the Code of Federal Regulations. Interested persons were given the opportunity to submit comments, suggestions, or objections regarding the proposed rule.

Of the ten written responses received from the public, all agreed with the proposed changes in the 1978-79 Family Contribution Schedules. In addition, three of the comments received concerned the treatment of the independent student in the Basic Grant need analysis computations. These comments are discussed below.

The Commissioner's recommendation to revise the criteria for determining which parent's annual adjusted family income shall be considered in computing Basic Grant eligibility for a student whose parents are divorced or separated did not receive any negative comments and most commenters indicated that they felt the recommendation substantively improved program

equity. As noted in the notice of proposed rulemaking, this revision was proposed as part of the efforts to develop common data elements for the Basic Grant application and the applications of the major need analysis services. The final regulation, therefore, requires income information from the parent who has custody of the student or, in cases in which the term "custody" is no longer applicable, the parent with whom the student resided for the greater portion of the twelve month period preceding the date of application. If the applicant resided with neither parent during that period, the income of the parent who is providing the greater portion of the applicant's support shall be considered.

The proposed revision to include the loss of unemployment benefits as a permissible condition for filing a Supplemental Form brought widespread approval from the commenters. Two commenters suggested that this concept be extended to include the automatic loss of social security educational benefits at age twenty-two. One commenter indicated that this could be accomplished by allowing the applicant to file a Supplemental Form when such benefits terminated, while the other urged that an automatic exclusion of such income, keyed to the student's birthdate, take place during the processing of the application (with reasonable assumptions about the continuation of benefits through the end of an academic year). The suggestion was not adopted at this time. Since, beginning with the 1978-79 academic year, Basic Grant eligibility may be computed from information submitted on the forms of other need analysis services which are using common data elements, the suggestion will be subject to further study and discussion with these organizations before a decision will be reached by the Commissioner.

A number of commenters responding to the notice of proposed rulemaking on the 1978-79 Family Contribution Schedules suggested changes concerning the treatment of the "independent student." One commenter recommended that the family size offset for the single independent student be raised to half the amount of the family size offset for an independent student with one dependent. Another suggested that special criteria should be developed in the Family Contribution Schedules to determine the eligibility of a dependent spouse. Currently, the dependent spouse is considered as an independent student. Also, several commenters suggested that the Family Contribution Schedules should provide an asset reserve specifically for the home equity of independent students with dependents.

To respond fully to these suggestions as well as to other concerns

which have been expressed by members of Congress, the financial aid community, and the general public, the Commissioner is undertaking an extensive study of independent students, their differentiating characteristics, and any special difficulties or problems they may encounter in financing their postsecondary education. The suggested changes noted above have not been adopted for the 1978-79 Family Contribution Schedules. However, they will be given careful consideration during the overall review of the treatment of the independent student.

In the course of this study of independent students, the Office of Education will be in continuing consultation with the financial aid community and the various committees of the Congress. It is the Commissioner's belief, that through the gathering and analysis of data on the independent student, together with the views of the Congress and the financial aid community, a reasonable, effective and judicious treatment of the independent student will result. The Commissioner expects to present to the Congress recommendations based upon this study in the Spring of 1978.

The proposed revision in the definition of an "independent student" which was published as a notice of proposed rulemaking simultaneously with the publication of the proposed 1978-79 Family Contribution Schedules will not be implemented for 1978-79. Because of the broad diversity of opinions which were received on the proposed changes, the Office of Education is undertaking an extensive and detailed study of independent students, their differentiating characteristics and any special difficulties or problems they may encounter during their educational experience. The Commissioner has decided to include the criteria for determining self-supporting status, the family size offset for single independent students, the status of home equity for independent students with dependents, and the expected contribution towards educational costs from an adult spouse as some of the items to be studied in the comprehensive study of the independent student.

The proposed change in the regulations allowing revisions in previously reported asset amounts to be submitted if the applicant or the applicant's family has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States received unanimous approval from the commenters. One commenter suggested that the filing of corrections to reflect asset losses from natural disasters be permitted in all cases rather than being limited to those losses re-

sulting from natural disasters in an area which has been declared a national disaster area by the President. This recommendation was not incorporated into the final regulation, however, because, as the notice of proposed rulemaking discussed, if a student's family should suffer a loss of assets because of an individual disaster after the Basic Grant application has been submitted, the financial aid officer at the student's institution may take this loss into account in determining eligibility for aid under the campus-based programs (National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant). If that loss of assets has been of such magnitude that the family can no longer be expected to contribute the amount which had originally been expected, the financial aid officer has the discretion under the regulations governing each of the campus-based programs to reduce the expected family contribution to a level which reflects the family's current financial circumstances and to increase the awards from the three campus-based programs accordingly. The purpose of this change for the Basic Grant Program is to reflect losses of assets when those losses are so widespread among students and their families in a particular area that the campus-based program would be taxed to such an extent that the additional need could not be met.

As stated in the notice of proposed rulemaking, the six percent figure for the rise in the cost of living was used as an estimate to determine the family size offsets with the expectation that it would need to be adjusted. In actuality, the Consumer Price Index rose 6.5 percent, and the family size offsets have been altered to reflect that figure.

In addition to the changes submitted in the notice of proposed rulemaking, the final regulations also contain modifications not included under the proposed rulemaking procedure. After the publication of the notice of proposed rulemaking with regard to the Family Contribution Schedules, several public comments were received from the Congress and interested organizations urging an increase in the asset reserves currently in effect for the personal and farm and business categories. The arguments in favor of asset reserve increases are based on the following reasons. By increasing the asset reserve allowances to a level more in keeping with the average asset holdings of the various population groups, greater equity in the program can be achieved. Secondly, the increase in the asset reserve allowance would help to relieve the increased burden of middle income Americans who have experienced most severely the influence of rapid inflation on their personal and other assets.

In response to these recommendations, the final regulations have been amended. The personal asset reserve allowance is increased from \$12,500 to \$17,000 and the farm and business asset reserve allowance is increased from \$25,000 to \$50,000. In view of equity considerations, the Commissioner believes that these increases are both reasonable and necessary.

In view of the pressing need to incorporate the provisions dealing with the treatment of the personal asset reserve and the farm and business asset reserve allowances as part of the application process for 1978-79 academic year, and since the proposed change will only have a positive effect upon Basic Grant applicants, it has been determined in accordance with 5 U.S.C. 553(b) that to resort to proposed rulemaking procedures with respect to this provision would be impractical, unnecessary and contrary to public interest.

In light of the foregoing, Part 190 of Title 45 of the Code of Federal Regulations is amended by the revision of Subpart C and D as set forth below.

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

(Catalogue of Federal Domestic Assistance Number 13.539, Basic Educational Opportunity Grant Program.)

Dated: December 20, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: January 24, 1978.

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

Part 190 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

**PART 190—BASIC EDUCATIONAL
OPPORTUNITY GRANT PROGRAM**

1. In § 190.32a, paragraphs (c), (e) and (f) is amended to read as follows:

§ 190.32a Annual adjusted family income.

(c) For a student whose parents are divorced or separated, only the income as described in paragraph (a) of this section of the parent who has custody of the applicant shall be considered in determining the annual adjusted family income. If custody was not awarded, if neither parent now has custody, or if the parents have equal custody, only the income of the parent with whom the applicant resided for the greater portion of the twelve-month period preceding the date of the application shall be considered. If the applicant did not reside with either parent during the twelve-month period preceding the date of applica-

tion, the income of the parent who is providing the greater portion of the student's support shall be considered.

(e) If a parent whose income is taken into account under paragraph (c) of this section has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student:

(1) Has received or will receive financial assistance of more than \$600 per year from that parent's spouse in the calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested, or

(2) Has lived or will live for more than 6 weeks in the home of that parent's spouse during the calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

(f) If a parent whose income is taken into account under paragraph (a) of this section was a widow or widower and that parent has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student:

(1) Has received or will receive financial assistance of more than \$600 per year from that parent's spouse in the calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested, or

(2) Has lived or will live for more than 6 weeks in the home of that parent's spouse during the calendar year in which aid is received or the calendar year prior to the academic year for which aid is requested.

2. In § 190.33, subparagraph (b)(1) is amended to read as follows:

§ 190.33 The expected family contribution for dependent students from dependent students from effective income.

(b) ***

(1) Family size offset. A family size offset is the amount specified in the following table. Family members include the student, the student's parents and the student's parent's dependents. If the parents are divorced or separated, family members include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents. If the parents are divorced and the parent whose income is taken into account for the purpose of computing the annual adjusted family income has remarried, or if the parent was a widow or widower who has remarried, family members shall also in-

clude any dependents of that spouse if the new spouse's income is taken into account in determining the annual adjusted family income.

Family size offsets

Family members:	Amount
2.....	\$4,100
3.....	4,950
4.....	6,300
5.....	7,400
6.....	8,400
7.....	9,300
8.....	10,300
9.....	11,250
10.....	12,200
11.....	13,100
12.....	14,050
13.....	15,000

Plus \$950 for each additional family member over 13.

3. In § 190.35, subparagraph (a)(2) is amended to read as follows:

§ 190.35 Computation of standard expected contribution from parent's assets.

(a) * * *

(2)(i) If the net assets determined in paragraph (a)(1) of this section do not include farm or business assets, deduct an asset reserve of \$17,000 from the net assets. (ii) If the net assets determined in paragraph (a)(1) of this section include farm assets or business assets, deduct an asset reserve of \$50,000 from the net assets. However, in this case an asset reserve of not more than \$17,000 may be deducted from non-farm and/or non-business assets owned by the parents.

4. In § 190.39, subparagraph (a)(5) and paragraph (c) are added to read as follows:

§ 190.39 Extraordinary circumstances affecting the expected family contribution determination for dependent students.

(a) * * *

(5) A parent whose income was included in the calculation of expected family contribution as determined in § 190.33 has experienced a loss of unemployment benefits in the base year or the tax year subsequent to the base year.

(c) An applicant may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the applicant or the applicant's family has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

5. In § 190.43, subparagraph (b)(1) is amended to read as follows:

§ 190.43 The expected family contribution for independent students from annual adjusted family income.

(b) * * *

(1) Family size offset. A family size offset is the amount specified in the following table. Family members include the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

Family size offsets

Family members:	Amount
2.....	\$4,100
3.....	4,950
4.....	6,300
5.....	7,400
6.....	8,400
7.....	9,300
8.....	10,300
9.....	11,250
10.....	12,200
11.....	13,100
12.....	14,050
13.....	15,000

Plus \$950 for each additional family member over 13.

An offset of \$1,100 shall be made for the single independent student.

6. In § 190.48, Subparagraph (a)(6) and paragraph (c) would be added to read as follows:

§ 190.48 Extraordinary circumstances affecting the expected family contribution determination for independent students.

(a) * * *

(6) An applicant or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.43 has experienced a loss of unemployment benefits in the base year or the tax year subsequent to the base year.

(c) An applicant may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the applicant or the applicant's spouse has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

[FR Doc. 78-2512 Filed 1-27-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1297]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1297).

SUMMARY: An acute shortage of several types of freight cars exists throughout the country. Service Order No. 1297 applies to all loaded and empty cars of mechanical designations "XM" and "XMI" boxcars, "LO" covered hopper cars and "FC" flat cars. Service Order No. 1297 requires these loaded cars to be placed within 24 hours following arrival at destination; empty cars must be removed from point of unloading or interchange tracks within 24 hours, and loaded and empty cars shall be forwarded within 24 hours. Cars held for light repairs or cleaning shall be placed not later than the first 7 a.m. after car is carded, and these repairs shall be completed within 24 hours. Empty cars, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from provisions of this order.

DATES: Effective 11:59 p.m., January 31, 1978. Expires 11:59 p.m., May 31, 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 24th day of January 1978.

There are acute shortages of freight cars throughout the country resulting in failures of carriers to furnish an adequate supply of freight cars to shippers located on their lines. These shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities. The existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the

requirements of shippers. 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 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:

§ 1033.1297 Car Service Order 1297.

(a) *Railroad operating regulations for freight car movement.* 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) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars listed in the Official Railway Equipment Register ICC-R.E.R. No. 405, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," "LO," or "FC."

(iii) *Exception.* Empty cars owned by the Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(iv) *Exception.* Empty cars described in part (ii) of this section owned by and bearing the registered reporting marks assigned to the line holding the car, and empty cars of private ownership reported and awaiting instructions from the car owner, are exempt from the provisions of this order.

(v) *Exception.* To alleviate hardships or inequities, including, but not limited to those caused by extreme weather disruptions, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(vi) *Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other than public delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.*

(vii) Holidays shall be those listed in item 525 of Agent D. M. Rogers' tariff 4-K, ICC H-74, general car demurrage rules and charges, supplements thereto, or successive issues thereof.

(2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

(ii) Empty cars which after placement will be subject to demurrage, storage, or detention rules applicable to cars for loading, or which are subject to storage rules and charges applicable to assigned cars held empty awaiting placement for loading by the assignee, shall be actually placed or appropriate notice as required by applicable tariffs issued within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange tract or to an other than public delivery track, cannot be made because of any condition attributable to consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Saturdays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside to be cleaned, repaired, or weighed, if to be weighed at that point, within 24 hours following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instruction covering the cars. Such cars must be forwarded, weighed, if to be weighed at that point, or set aside for repairs within 24 hours following release and removal.

(iii) Cars subject to parts (i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of rules 14 and 27 of the Uniform Freight Classification, ICC 8, issued by J. D. Sherson, supplements thereto, or reissues thereof.

Exception. Dunnage being returned to shipper under provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipping instructions are received by the carrier prior to 5 p.m. of the first day, which is not a Saturday, Sunday, or holiday, immediately following release of the car.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in parts (ii), (iii), or (iv) of this section, or cars described in part (ii) of section (2).

(ii) *Exception.* Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) *Exception.* Cars held for repairs, weighing, or cleaning. (See section (5).)

(iv) *Exception.* Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs, weighing, or cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays and holidays, after time carded for repairs or cleaning. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars held awaiting such material, repairs shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(iii) Cars which must be weighed shall be weighed and restenciled, if required, within 24 hours, exclusive of Sundays and holidays, after arrival at the point at which weighing is to be accomplished, or after request for weight is received, if weights are requested by shipper or by car owner.

(iv) Cars which have been repaired, cleaned, or weighed shall become subject to sections 2, 3, or 4, as applicable, from the date such repairs, cleaning, or weighing have been accomplished.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Backhauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from cosignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 11:59 p.m., January 31, 1978.

(d) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1978, unless otherwise modified, changed, or

suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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. Member Robert S. Turkington not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2529 Filed 1-27-78; 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 930]

CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Change in Assessment Procedure

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comment on a proposal to set exact dates on which handler assessments shall be billed by the Cherry Administrative Board. The uncertainty of the billing dates under the present procedure has caused some administrative problems for the Board and for cherry handlers.

DATE: Comments must be received by February 15, 1978.

ADDRESS: Comments should be addressed to: Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments should be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Currently, the Cherry Administrative Board bills each cherry handler for the first one-third of his total program assessment at the time the handler completes his packing for the season; the second one-third is billed 60 days after pack completion; and the final one-third is billed 90 days after pack completion. The uncertainty of the billing dates under the present procedure has caused some administrative problems for the board and for cherry handlers. The proposal would establish exact dates for the billing of these assessments. The proposal was submitted by the Cherry Administrative Board, established under marketing order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in eight designated states, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal would amend § 930.107(a) to read as follows:

§ 930.107 Assessment procedure.

(a) Each handler shall be billed for the first one-third of his total assessments on September 1, the second one-third of such assessments on October 1, and all remaining unpaid assessments on November 1.

Dated: January 25, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-2530 Filed 1-27-78; 8:45 am]

[3410-02]

[7 CFR Part 1207]

[Amdt. 7]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Amendment Regarding Designated Handler

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites comments on an amendment proposed by the Potato Board to clarify the responsibilities of potato handlers regarding assessments. This proposed amendment would elaborate on regulations concerning who is responsible for paying assessments for seed potatoes.

DATE: Comments due by February 15, 1978.

ADDRESSES: Comments may be addressed to the Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D. C. 20250. Two copies of all written comments shall be submitted and they will be made available for inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D. C. 20250, phone 202-447-6393.

SUPPLEMENTARY INFORMATION:

The Potato Board is the administrative agency established by the Potato Research and Promotion Plan (7 CFR Part 1207). The Plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The proposal is as follows:

§ 1207.512 [Amended.]

1. In § 1207.512 revise the first sentence in paragraph (a) to read as follows:

(a) Unless otherwise provided in paragraphs (a)(8), (b), and (c) of this section, the designated handler shall be the first handler of such potatoes.

2. In § 1207.512 revise paragraph (a)(8) to read as follows:

(a) ***

(8) Producer utilizes potatoes of his own production for seed in planting his subsequent crop. Such seed potatoes do not enter the current of commerce; there is no designated handler in this instance since the potatoes have not been handled as heretofore defined and no assessment is due. However, seed potatoes sold or shipped to other producers for planting or to other persons for subsequent disposition enter the current of commerce and are subject to assessment.

The producer of seed potatoes shall be the designated handler of such potatoes shipped to other producers for planting and the assessment is due when he first sells or otherwise handles such potatoes. The first person who acquires seed potatoes from the producer thereof for subsequent disposition other than planting by said person shall be the designated handler of such potatoes.

Dated: January 25, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-2445 Filed 1-27-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 211]

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Proposed Amendment to the Entitlements Program as to Certain Limited-Product Refineries Located in State of Alaska and Request for Comment on Similar Situations Elsewhere

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Economic regulatory Administration ("ERA") of the Department of energy ("DOE") hereby gives notice of a proposal to amend the domestic crude oil allocation program (the "entitlements program") to clarify the proper calculation of entitlements to be issued to certain refineries located in the State of Alaska, in order to avoid the potential for duplicate entitlement issuances for the same volume of crude oil. The refineries affected are specialized facilities that produce and sell or use only certain products from Alaskan crude oil. The remaining unfinished oils or refined products from these refineries are then injected into the Trans-Alaska Pipeline and commingled with the crude oil in the pipeline for further shipping and ultimate sale to other refiners as crude oil. The proposed rule would make it clear that such limited-product Alaskan refineries earn entitlements only on that portion of the processed crude oil that is not injected into the pipeline in the form of either unfinished oil or refined products.

DATES: Comments by March 9, 1978, 4:30 p.m. Hearings: Anchorage, Alaska, March 13, 1978, 9:30 a.m.; Washington, D.C., March 16, 1978, 9:30 a.m. Requests to speak by March 6, 1978, 4:30 p.m.

ADDRESSES: Send comments to Office of Regulations Management, Economic Regulatory Administration, Room 2214, Box RD, 2000 M Street NW., Washington, D.C. 20461.

HEARINGS

(1) Anchorage hearing: March 13, 1978, 9:30 a.m., Z. J. Loussac Library, 427 F Street, Anchorage, Alaska 99501.
(2) Washington hearing: March 16, 1978, 9:30 a.m., Room 2105, 2000 M Street NW., Washington, D.C. 20461.

Send requests to speak to (1) Anchorage hearing: Department of Energy, Subregional Office G-11, Room 229, Federal Office Building, 605 West 4th Avenue, Anchorage, Alaska 99501; (2) Washington hearing: Office of Regulation Management,

Economic Regulatory Administration, Room 2214, Box RD, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2214B, 2000 M Street NW., Washington, D.C. 20461, 202-254-5201.

Ed Vilade (Media Relations), Department of Energy, Room 3104, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9833.

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

Doug McIver (Entitlements Program Office), Economic Regulatory Administration, Room 6128I, 2000 M Street NW., Washington, D.C. 20461, 202-254-8660.

Margaret R. Dinneen (Office of General Counsel), Department of Energy, Room 5136, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Proposed amendment.
- III. Proposed effective date.
- IV. Specific comments requested.
- V. Comment procedures.

I. BACKGROUND

The DOE's entitlements program is designed basically to equalize the cost of crude oil purchases among U.S. refiners. Each refiner is issued each month a number of entitlements equal to the total volume in barrels of its crude oil runs to stills for the month, multiplied by the national domestic crude oil supply ratio (a fraction which represents generally that percentage of crude oil processed by domestic refiners which is domestic price-controlled crude oil, with a weighting based on the respective volumes of upper and lower tier crude oil). By roughly equalizing crude oil acquisition costs for all refiners, the program fulfills one of its key objectives: Namely, preserving a competitive market for all refiners, regardless of their relative access to controlled domestic crude oil. Entitlement issuances to refiners characteristically deal with a crude oil feedstock fully processed into a range of finished products for sale in the marketplace.

However, certain facilities in the State of Alaska do not fit the characteristic pattern: These facilities process crude oil produced on Alaska's North Slope in order to obtain only a limited range of products and inject all of the remaining products or unfinished oils into the TAPS pipeline,

where they flow commingled with unprocessed crude oil. Several of these limited product facilities retain for sale or use only products dedicated for consumption at or near the remote locations where the facilities operate. One facility, a joint venture of two of the North Slope producing companies, is located at Prudhoe Bay; it processes crude oil which has not yet traversed the TAPS pipeline and is therefore eligible only for upper tier entitlements. Another plant at Fairbanks is independently owned but also makes a limited range of distillate-type material for local markets, with the remainder of its crude runs reinjected into the TAPS pipeline. Three other facilities are currently operational or planned at TAPS pipeline pumping stations south of the Brooks Range. These plants are operated by Alyeska, the TAPS pipeline service company, and make products solely for pipeline operational consumption. The net draw-off of crude oil by the facilities expected to report for entitlements purposes is less than 1.5 percent of current pipeline throughput. The unfinished oils and products injected into the TAPS pipeline and thus commingled with the crude oil in the pipeline are transported on to Valdez for tanker loading and ultimate sale to and processing by other refiners as crude oil, for which those refiners are issued entitlements.

The proper treatment of the Alaskan facilities described above involves two issues under the entitlements program:

(a) Are the limited-product facilities "refineries" for purposes of the entitlements program?

The definition of a refinery currently found in 10 CFR 211.62 is as follows:

"Refinery" means an industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, residual fuel oil or petrochemicals, and shall include a petrochemical plant.

Since the facilities in question process crude oil and manufacture at least some refined petroleum products, they are refineries under current regulations. Furthermore, such facilities located in the Lower 48 States have always been treated as refineries under the entitlements program. (Some of these limited-product facilities are sometimes referred to as "topping plants." However, nothing of significance turns upon the terminology applied. Such plants are in fact limited-product refineries and are "refineries" within the meaning of § 211.62.)

(b) Should these limited product refineries receive entitlements for all of their crude oil runs to stills, as is typically the case with other refiners?

Alaska's limited-product refineries present the potential for a given volume of crude oil to earn entitlements

ments twice. Such a double-counting could arise if the initial refiner reported its total crude oil runs to stills for the calculation of entitlements issuances. From this total, however, a measurable and in some instances large volumes of unfinished oils or refined products would be returned to be commingled with Alaska North Slope ("ANS") crude oil in the TAPS pipeline and sold as crude oil after being transported to the lower 48 states. A refiner purchasing and processing the commingled stream, unless it had received the appropriate certification under § 212.131 as to the composition of the stream (which would create a difficult accounting burden upon sellers because of the necessity to trace or allocate the injected products and unfinished oils to particular purchasers), would then report the total volume of the commingled stream in its crude oil runs to stills, thus earning entitlements as to volumes for which the original refiner has already been issued entitlements. Such a double counting of entitlements would not be proper, and the purpose of the proposed amendment is to make clear the method by which this result is to be avoided.

II. PROPOSED AMENDMENT

To avoid the possibility of erroneous duplicate entitlement issuances for the same oil, the ERA proposes an amendment which explicitly requires the subtraction from a refiner's crude oil runs to stills of any volumes of unfinished oils or refined products which are injected or reinjected into the TAPS pipeline and commingled with the crude oil in the line. For example, if a refiner processes 15,000 barrels of crude oil in a particular month to obtain a limited range of products and returns 10,000 barrels of unfinished oil or refined products to the pipeline, it would report only 5,000 barrels as crude oil runs to stills. This amendment would add a new subparagraph (8) to § 211.67(d).

III. PROPOSED EFFECTIVE DATE

The ERA understands that those limited-product Alaskan refiners in question that now report under the entitlements program are in fact accounting for their crude oil runs to stills on a "net" basis, as proposed herein. Thus, adoption of the amendment proposed herein would expressly confirm the propriety of the existing practices of the refiners in question. The amendment is therefore proposed to be made effective upon adoption.

IV. SPECIFIC COMMENTS REQUESTED

(a) The proposed amendment would apply only to limited-product refineries as described in this notice that operate in the State of Alaska, because

the ERA is not aware of any similar situation elsewhere in the United States. However, the ERA wants to know: (1) whether other similar facilities (i.e., facilities which retain only a limited amount of products and commingle the remaining unfinished oils or refined products with unprocessed crude oil) exist in other parts of the United States, (2) how any such additional limited-product refineries are reporting their crude oil runs to stills under the entitlements program, and (3) whether any such additional refineries should receive similar regulatory treatment.

(b) The ERA also specifically asks whether it is necessary and appropriate to include some or all of the limited-product refineries covered in this proposal in the entitlements program at all, given that these facilities typically produce and retain products for which there are only limited practical uses under the circumstances and given that, because of their geographic location, at least some of these refineries are not practically in competition with other refiners. The ERA wishes to assess whether these refineries should continue to be treated as refineries for purposes of the entitlements program, since the purpose of equalizing crude oil costs among refiners may not be pertinent in light of the fact that the production of at least some of these refineries is not practically in market-place competition with other refinery production.

(c) Finally, assuming that these refineries continue to be covered under the entitlements program, the ERA requests comments upon whether continued imported tier entitlements treatment for ANS crude oil refined in Alaskan refineries is appropriate, in view of the facts that the principal reason for affording such entitlements treatment to ANS oil was the high cost of transporting the oil to the Lower 48 States and that the cost of shipping oil to the refineries in question here is considerably less.

V. WRITTEN COMMENTS AND PUBLIC HEARING PROCEDURES

a. WRITTEN COMMENTS

You are invited to participate in this rulemaking by submitting views, data, or arguments with respect to the proposal set forth in this notice. Comments should be submitted to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope with the designation "Amendment of Entitlements Program for Alaskan Refineries." Fifteen copies should be submitted. All comments received by March 9, 1978, and all relevant information will be considered by the ERA before final action is taken on the proposed amendment. All comments received by

the ERA will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

b. PUBLIC HEARINGS

1. *Request procedure.* The times and places for the hearings are indicated in the "Hearings" section of this notice. If necessary to present all testimony, the hearings will be continued to 9:30 a.m. of the first business day following the dates therefor shown above.

Any person may make a written request for an opportunity to make an oral presentation at the hearings. You should be prepared to describe the interest concerned; if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing.

Each person selected to be heard will be so notified before 4:30 p.m., March 8, 1978, and must submit 50 copies of his or her statement before 4:30 p.m., March 15, 1978. Statements for the Washington hearing should be sent to Office of Regulations Management, Economic Regulatory Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461. Statements for the Anchorage hearing should be sent to the Department of Energy, Subregional Office G-11, Federal Office Building, 605 West 4th Avenue, Anchorage, Alaska 99501.

2. *Conduct of the hearings.* We reserve the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were

made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearings to the Office of Regulations Management at the above address before 4:30 p.m., March 9, 1978. You may also submit any questions, in writing, to the presiding officer at the time of the hearing. The ERA or the presiding officer, if the question is submitted at a hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room 2107, 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. Any person may purchase copies of the transcripts from the reporters.

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

NOTE.—The ERA has determined that this document does not contain a major proposal requiring preparation of an inflationary impact statement under Executive Order 11821 and OMB Circular A-107.

Pursuant to the requirements of section 404 of the Department of Energy Organization Act (Pub. L. 95-91), upon issuance this proposed rule will be referred to the Federal Energy Regulatory Commission for a determination of whether this proposed rule may significantly affect any function within the Commission's jurisdiction pursuant to section 402 (a)(1), (b), and (c)(1) of the Act. The Commission will have until March 9, 1978, the date the public comment period closes, to make this determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385 and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the

Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., January 24, 1978.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

Section 211.67 is amended in paragraph (d) to add a new subparagraph (8) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(d) Adjustments to volume of crude oil runs to stills.

(8) The volume of crude oil runs to stills of a refiner as to any of its refineries located in the State of Alaska in a particular month, for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio, shall not include the number of barrels of unfinished oils or refined petroleum products injected or re-injected by that refinery into the Trans-Alaska Pipeline System in that month.

[FR Doc. 78-2574 Filed 1-27-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-NW-28-AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of time for comments on NPRM.

SUMMARY: This extension of time to comment upon a Notice of Proposed Rule Making published December 12, 1977, in 42 FR 62398 is necessary to permit interested parties to provide information not previously known to the FAA.

DATES: The new deadline for comment is extended to February 10, 1978.

ADDRESSES: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 77-NW-28-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT:

Joseph M. Starkel, Airframe Section, ANW-212, Engineering and Manu-

facturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration issued a Notice of Proposed Rulemaking in the above referenced docket on December 2, 1977 (Published in 42 FR 62398 on December 12, 1977), which solicited comments on an inspection program of the emergency escape slide cool gas generator system, used on the Boeing 747 series airplanes.

In conjunction with comments received by FAA from the Air Transport Association, several airlines, The Boeing Co., and Rocket Research Corp., the manufacturer of the cartridge for the cool gas generator has indicated that it would like to provide information not previously available regarding the safety issue involved.

The comment period specified in the NPRM expired on January 13, 1978. The FAA has determined that comments from the manufacturer of the cartridge for the cool gas generator are essential to evaluate the safety issue involved.

DRAFTING INFORMATION

The principal authors of this document are Joseph M. Starkel, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

EXTENSION OF COMMENT PERIOD

Accordingly, the deadline for comments on the NPRM in Docket No. 77-NW-28-AD is hereby extended to February 10, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 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 A107.

Issued in Seattle, Wash., on January 20, 1978.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc. 78-2464 Filed 1-27-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Docket No. 78-SO-2]

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

Proposed Designation of Transition area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Danville, Ky., transition area. An NDB approach procedure is being developed for Goodall Field, and additional controlled airspace is required for containment of IFR operation. This action will lower the base of controlled airspace from 1200 to 700 feet in the vicinity of Danville to accommodate aircraft executing the NDB approach procedure.

DATES: Comments must be received on or before March 7, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7646.

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 Director, Southern Region, Federal Aviation Administration, attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 7, 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 Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

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 NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Danville, Ky., transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Goodall Field.

DRAFTING INFORMATION

The principal authors of this document are Ronald T. Niklasson, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

DANVILLE, KY.

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of Goodall Field (Lat. 37°34'45" N., Long. 84°46'10" W.); within 3.5 miles each side of the 033° bearing from the Goodall RBN (Lat. 37°34'35" N., Long. 84°45'50" W.) extending from the 7-mile radius to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); 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, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on January 20, 1978.

GEORGE R. LA CAILLE,
Acting Director, Southern Region.
[FR Doc. 78-2462 Filed 1-27-78; 8:45 am]

[4910-13]

[14 CFR Part 73]

[Airspace Docket No. 77-EA-59]

RESTRICTED AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FAA proposes to alter the time designation of Fort Indiantown Gap, Pa., Restricted Area R-5802. This proposal would extend the hours of utilization of R-5802 on Saturday to 2400 hours local time during the summer months only. This action would eliminate the necessity by the Army to issue NOTAMS each time

training requirements could not be completed within the authorized designated hours.

DATES: Comments must be received on or before March 1, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region; Attention: Chief, Air Traffic Division, Docket No. 77-EA-59, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, 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 202-426-8525.

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 and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 1, 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 Rules 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, 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 docket 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 FAA is considering an amendment to Part 73 of the Federal Avi-

ation Regulations (14 CFR Part 73) that would alter the time designation for utilization of Fort Indiantown Gap, Pa., Restricted Area R-5802. Time of designation of this restricted area is staggered throughout the year and includes 0800 to 2000 local time everyday from May 11 through August 31. This proposal would increase this time of designation on Saturdays, between May 11 and August 31, from 0800 to 2400 local time. During the summer of 1977, the Army was burdened with the requirement to issue NOTAMS to extend the time utilization of R-5802 as set forth in the rule in order to complete training. This action creates an additional communications workload for the Army airspace officer and for the involved FAA agencies. On the basis of this review, the FAA believes this action would relieve the Army of a NOTAM communications problem. Also, associated flight service stations would be relieved of an additional workload of dissemination and transmission of these time utilization extension NOTAMS. The NOTAM authorization presently permits the Army to extend the time designation of R-5802 whenever it is deemed necessary.

The current time of designation for Saturdays from May 11 through August 21 is 0800-2000 hours local. This action would extend the time designation to 2400 hours local time. NOTAMS must be issued at least 48 hours in advance.

DRAFTING INFORMATION

The principal authors of this document are Mr. Lewis W. Still, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.58 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 703) to increase the time of designation of R-5802, Fort Indiantown Gap, Pa., as follows:

R-5802 FORT INDIANTOWN GAP, PA.

Time of designation. May 11 through August 31, 0800-2400 hours local time, Saturdays.

(Secs. 307(a), 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 11.65.)

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 20, 1978.

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

[FR Doc. 78-2463 Filed 1-27-78; 8:45 am]

[4910-13]

[14 CFR Part 139]

[Docket No. 13397; Reference Notice No. 73-31]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Withdrawal of Proposal Requiring Safety Equipment To Be Listed and Described in Airport Operations Manuals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This is a withdrawal of a notice of proposed rulemaking in which the FAA invited comments on a proposed amendment to the Federal Aviation Regulations that would have required firefighting and rescue equipment and other safety equipment required for airport certification to be listed and described in airport operations manuals approved by the Administrator. This action is taken as a result of an analysis of comments received and is intended to avoid imposing an unnecessary administrative burden on airport management.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert J. Endres, Office of Airports Programs, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3085.

SUPPLEMENTARY INFORMATION: Notice 73-31 was published in the FEDERAL REGISTER on December 21, 1973 (38 FR 35017). It proposed to amend Part 139 to require that firefighting and rescue equipment and other safety equipment required for certification be described and listed in each certificate holder's operations manual. Under the proposal equipment listed in this manner would have been eligible for Federal funding in accordance with the applicable statutes and the Federal Aviation Regulations related to airport aid programs.

In the comments received in response to Notice No. 73-31, the principal objection made was related to the requirement of listing safety equipment in airport operations manuals. This requirement was viewed as creating an unnecessary administrative burden. Also, the FAA has determined that the proposed amendment, as published, can cause confusion and that

the purpose for which it was intended can be served by setting forth lists of eligible items of safety equipment in advisory circulars or other documents associated with the Airport Aid Program.

In view of the foregoing, the FAA has determined that rule making action on the proposed amendment would not be appropriate at the present time and the Notice 73-31 should be withdrawn. However, withdrawal of this proposed amendment does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

DRAFTING INFORMATION

The principal authors of this document are Augustus A. Melton, Jr., Office of Airports Programs, and Howard A. Bartnick, Office of the Chief Counsel.

WITHDRAWAL OF PROPOSED AMENDMENTS

Accordingly, the notice of proposed rule making published in the FEDERAL REGISTER (38 FR 35017) on December 21, 1973, and circulated as Notice NO. 73-31, entitled "Certification and Operations: Land Airports Serving CAB-Certificated Air Carriers" is hereby withdrawn by the Federal Aviation Administration.

(Sec. 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a)); 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, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 19, 1978.

WILLIAM V. VITALE,
Acting Assistant Administrator,
Office of Airports Programs.

[FR Doc. 78-2465 Filed 1-27-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1241]

[Docket No. 36557 (Sub-No. 1)]

REPORTING RAILROAD TRACK MAINTENANCE

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Informal Conference.

SUMMARY: The objective of this conference is to provide a forum for the exchange of views on the topics of deferred maintenance and betterment vs.

depreciation accounting for railroads. The Commission believes that clarification of the specific issues relating to these topics can be better obtained through participation of interested parties in an informal conference.

Docket No. 36557, Reporting Railroad Track maintenance, was served July 5, 1977 (June 20, 1977, 42 FR 32819). The revised response period expired September 15, 1977. Among the major issues to be addressed by the participants at this conference are the following: (1) Determining what information concerning railroad track maintenance is obtainable and relevant to the analysis of a railroad's track maintenance efforts, (2) developing an appropriate definition for deferred maintenance, (3) developing an appropriate methodology and format for quantification and disclosure of deferred maintenance by railroads, and (4) betterment vs. depreciation accounting for railroads.

DATES: The conference will be conducted by a Commission staff group beginning February 15, 1978, and will continue until all parties have been heard.

ADDRESSES: The conference will be held at the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C.

All parties interested in making a presentation must contact Ronald Young, Chief, Section of Accounting, Bureau of Accounts, at 202-275-7448, by January 31, 1978, advising him of their intention to present oral comments. All participants will receive a list of the names of all parties scheduled to speak containing the date and time of their presentation.

All those scheduled to speak at the conference are requested to submit six copies of a position paper outlining their proposed oral comments to James B. Thomas, Jr., Director, Bureau of Accounts, 12th and Constitution Avenue NW., Washington, D.C. 20423, by February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Ronald Young, Chief, Section of Accounting, 12th and Constitution Avenue NW., Washington, D.C. 20423, phone 202-275-7448.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2409 Filed 1-27-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 216]

BOWHEAD WHALES

Withdrawal of Proposed Regulations Regarding Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Withdrawal of proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) hereby withdraw the proposed regulations governing the subsistence harvest of bowhead whales published on November 25, 1977.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: Under the authority of the Marine Mammal Protection Act (MMPA) the NMFS published proposed regulations (42 FR 60185, Friday, November 25, 1977) to govern the subsistence harvest of bowhead whales. These regulations were proposed to implement a research and conservation program developed by the United States and presented to a special meeting of the International Whaling Commission (IWC) in December 1977.

The United States sought IWC acceptance of a comprehensive research and conservation program which would provide for a controlled subsistence harvest. At the December 1977 meeting, the IWC amended its schedule to allow a limited native subsistence harvest of bowhead whales during 1978 and established a harvest quota for the Bering Sea bowhead whale stock of 18 whales struck or 12 landed.

In view of the foregoing events, the NMFS has determined that rulemaking based on the proposed regulations under the NMFA is not appropriate at the present time, and that the regulations proposed on November 25, 1977, should be withdrawn.

The NMFS, as a result of the recent IWC adoption of limited subsistence harvest, will propose regulations under the authority of the Whaling Convention Act to regulate the subsistence harvest of bowhead whales.

Dated: January 24, 1978.

WINFRED H. MEIBOHM,
*Associate Director, National
Marine Fisheries Service.*

[FR Doc. 78-2472 Filed 1-27-78; 8:45 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.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A561]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Johnson County, Ill., as a result of drought, April 15 through August 15, 1977.

Therefore, the Secretary has designated this area 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 Gov. James R. Thompson that such designation be made.

Applications for emergency loans must be received by this Department no later than July 20, 1978, for physical losses and January 19, 1979, 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 20th day of January 1978.

GORDON CAVANAUGH,

Administrator,

Farmers Home Administration.

[FR Doc. 78-2425 Filed 1-27-78; 8:45 am]

[3410-07]

[Designate No. A562]

KANSAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Kansas counties as a result of severe hailstorms, accompanied by high winds, October 31 and November 1, 1977: Coffey, Franklin, and Osage.

Therefore, the Secretary has designated these areas as eligible for emer-

gency 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 Gov. Robert F. Bennett that such designation be made.

Applications for emergency loans must be received by this Department no later than July 20, 1978, for physical losses and January 19, 1979, 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 20th day of January 1978.

GORDON CAVANAUGH,

Administrator,

Farmers Home Administration.

[FR Doc. 78-2426 Filed 1-27-78; 8:45 am]

[3410-07]

[Designation No. A566]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Minnesota counties as a result of a hailstorm and tornado July 14, 1977, and a hailstorm July 16, 1977, in Fillmore County; excessive rainfall ranging during periods from July 15 through October 21, 1977, in Koochiching, Lake of the Woods, Roseau, and St. Louis Counties; also a hailstorm and windstorm September 8, 1977, in Roseau County; and also a hailstorm July 15, 1977, in St. Louis County.

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 Gov. Rudy Perpich that such designation be made.

Applications for emergency loans must be received by this Department

no later than July 17, 1978, for physical losses and January 16, 1979, 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 20th day of January 1978.

GORDON CAVANAUGH,

Administrator,

Farmers Home Administration.

[FR Doc. 78-2427 Filed 1-27-78; 8:45 am]

[3410-11]

Forest Service

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting Cancellation

The Committee of Scientists meeting announced in the FEDERAL REGISTER on January 18, 1978, scheduled in Washington, D.C., on February 6-8, 1978, has been cancelled.

This meeting will be rescheduled for a later time in February.

Dated: January 24, 1978.

THOMAS R. JONES,

Acting Deputy Chief.

[FR Doc. 78-2503 Filed 1-27-78; 8:45 am]

[3410-11]

Forest Service

PROPOSED LAND EXCHANGE, LAKE-Forest ENTERPRISES, INC., SUPERIOR NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a proposed land exchange with Lake-Forest Enterprises, Inc., in the Superior National Forest, USDA-FS-FES-(Adm)-76-08.

The environmental statement concerns a proposed land exchange between Lake-Forest Enterprises, a land agent for Erie Mining Co., and the United States.

This final environmental statement was transmitted to EPA on January 20, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, room 3210, 12th Street and Independence Avenue, SW., Washington, D.C. 20013.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.

USDA, Forest Service, Superior National Forest, Federal Building, Duluth, Minn. 55801.

A limited number of single copies are available upon request to Forest Supervisor, Superior National Forest, Federal Building, Duluth, Minn. 55801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Acting Deputy Chief.

JANUARY 20, 1978.

[FR Doc. 78-2422 Filed 1-27-78; 8:45 am]

[3410-16]

Soil Conservation Service

LOWER QUEEN CREEK WATERSHED, ARIZONA

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Lower Queen Creek Watershed, Arizona.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Thomas G. Rockenbaugh, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is needed for this project.

The purpose of this project is to provide one hundred year frequency flood protection to people, livestock, farmland, and residential and other properties situated in the area frequently inundated by floodwaters from Queen Creek and Sonoqui Washes. Works of improvement will include conservation land treatment, a floodwater retarding dam, emergency spillway, and channel work.

A draft environmental impact statement will be prepared and circulated

for review by agencies and the public. The SCS invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Thomas G. Rockenbaugh, State Conservationist, Soil Conservation Service, 3008 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025, FTS 261-6711.

No administrative action on implementation of the proposal will be taken until 30 days after the date of the publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: January 18, 1978.

VICTOR H. BARRY, JR.,
Deputy Administrator
for Programs.

[FR Doc. 78-2449 Filed 1-27-78; 8:45 am]

[3410-16]

SOUTH BRANCH-PARK RIVER WATERSHED, CONNECTICUT

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the South Branch-Park River Watershed, Hartford County, Conn.

The environmental assessment of this Federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. John W. Tippie, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for the purpose of completing the channel work as planned under the watershed protection and flood prevention work plan of 1961. This Pub. L. 566 project will carry a peak discharge equal to the August 8, 1955, event. The project objectives are reduction of floodwater and sediment damages in the city of Hartford and the towns of West Hartford and Newington. The planned works of improvement include 1.7 miles of channel in Trout Brook and on Asylum Branch, including approximately 1,500 feet of conduit, and 1.1 miles on Mill Brook and 0.7 mile on Piper Brook. The modification of six bridges is anticipated.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. John W. Tippie, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Storrs, Conn. 06268, telephone 203-429-9361.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: January 13, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-2450 Filed 1-27-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 24847]

TRANSAVIA HOLLAND B.V.

Reassignment of Proceeding

This proceeding, previously assigned to Administrative Law Judge Ralph L. Wiser, has been reassigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., January 24, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-2487 Filed 1-27-78; 8:45 am]

[6320-01]

[Docket No. 28125; Order 78-1-106]

TRANSPORTES AEREOS BENIANOS, S.A.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Permit Cancellation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1978.

Transportes Aereos Benianos, S.A. (TABSA), a Bolivian air carrier, holds a foreign air carrier permit¹ authorizing: (a) Foreign air transportation of property and mail between a point or points in Bolivia, the intermediate points Lima, Peru; Guayaquil, Ecuador; and Panama City, Panama; and the terminal point Miami, Fla.; and (b) the performance of off-route charter trips in foreign air transportation

¹Order E-25697, approved September 18, 1967.

under Part 212 of the Board's economic regulations.

The Board has been advised that the Government of Bolivia informed the Department of State that TABSA's Bolivian operating permit has been canceled.³

By Order 75-7-142, adopted July 30, 1975, the Board directed all interested persons to show cause why TABSA's permit should not be canceled. Objections were filed, and no final order was issued at that time.

In view of the foregoing and all the facts of records, the Board tentatively finds and concludes:

1. That it is in the public interest to cancel the foreign air carrier permit held by TABSA; and

2. That Order 75-7-142 should be vacated.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions, and why an order should not be issued which would, subject to the approval of the President, pursuant to section 801 of the Act, cancel the foreign air carrier permit held by Transportes Aereos Benianos, S.A., pursuant to Order E-25697;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the permit shall, within 21 days after the adoption of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and such evidence expected to be relied upon in support of the statement of objections. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be given to the matters and issues raised by the objections before further action is taken by the Board; *Provided*, That the Board may proceed to enter an order in accordance with its tentative findings and conclusions if it is determined that there are no factual issues present that warrant the holding of an evidentiary hearing;⁴

³ Diplomatic note from the Embassy of Bolivia, October 28, 1977.

⁴ Bolivian Ministerial Resolution No. 1749.

⁵ Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with its tentative findings and conclusions; and

5. This order shall be served upon Transportes Aereos Benianos, S.A., and the Ambassador of Bolivia in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,⁵
Secretary.

[FR Doc. 78-2488 Filed 1-27-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

UTAH ADVISORY COMMITTEE

Meeting Cancellation

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, originally scheduled for February 16-18, 1978 (FR Doc. 78-1918), on page 3147, has been canceled.

Dated at Washington, D.C., January 24, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-2484 Filed 1-27-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of Census

CENSUS ADVISORY COMMITTEE ON THE ASIAN AND PACIFIC AMERICANS POPULATION FOR THE 1980 CENSUS

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, 1976), notice is hereby given that the Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 census will convene on February 24, 1978. The committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Md.

This committee was established in June 1976 to advise the Director,

⁵ All Members concurred.

Bureau of the Census, during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count; developing definitions and terminology for improved identification and classification of the Asian and Pacific Americans population, suggesting areas of research, recommending subject content, and tabulations of particular use to the Asian and Pacific Americans population, and expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community.

This committee is composed of 21 members appointed by the Secretary of Commerce, and constitutes a broad spectrum of community leaders, scholars, and other appropriate persons.

The agenda for the meeting, which is scheduled to adjourn at 5 p.m., is: (1) Current status of 1980 census planning, (2) testing and selection aids, (3) public information plans for dress rehearsal, (4) affirmative action programs, (5) instructions for processing race and ethnic origin items, (6) data publication plans, (7) update on current surveys, (8) committee discussion, and (9) committee recommendations and plans for next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md., mailing address: Washington, D.C. 20233, telephone 301-763-5169.

Dated: January 24, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of Census.

[FR Doc. 78-2424 Filed 1-27-78; 8:45 am]

[3510-07]

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORIES

Determination

In accordance with Title 13, United States Code, sections 182, 224, and 225, and due notice of consideration having been published December 9, 1977 (42 FR 62176), I have determined that certain 1977 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these data are also applicable to a

variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951. It provides on a comparable classification basis, data covering 1976 and 1977 yearend inventories and 1977 annual sales and purchases. Additional data covering payroll and operating expenses, capital expenditures, and changes in depreciable assets are requested in the 1977 survey as supplemental data for the 1977 Census of Retail Trade. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of firms operating retail establishments in the United States, with probability of selection based on their sales size. The use of scientific sampling techniques will effectively serve to relieve respondent burden by not requiring this information to be reported for each establishment filing 1977 Census of Retail Trade reports. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Report forms will be furnished to the firms covered by the survey and will be due 20 days after receipt. Copies of the forms are available on written request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 24, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-2421 Filed 1-27-78; 8:45 am]

[3510-25]

Industry and Trade Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, February 21, 1978, at 9:30 a.m., in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue February 22 in Room 6802, Main Commerce Building to its conclusion.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, and October 21, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Commit-

tee pursuant to section 5(c)(1) of the Export Administrative Act of 1969, as amended, 50 U.S.C. App. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the general counsel, formally determined on October 21, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on October 28, 1977 (42 FR 56767).

Dated: January 25, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-2431 Filed 1-27-78; 8:45 am]

[3510-25]

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Wednesday, February 22, 1978, at 9:30 a.m., in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App., sec. 2404(c)(1), and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the general counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meet-

ings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone area code 202-377-4196.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 2, 1978.

RAUER H. MEYER,
Director, Office of Export Administration,
Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-2432 Filed 1-27-78; 8:45 am]

[3510-03]

Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

Application for 20-Year Operating-Differential Subsidy Agreement; Correction

In FR Doc. 78-147, appearing in the FEDERAL REGISTER on January 6, 1978 (43 FR 1116) notice was given that with respect to the application of Lykes Bros. Steamship Co., Inc. (Lykes), for a 20-year operating-differential subsidy agreement, the Maritime Subsidy Board had decided to extend an opportunity for interested parties to present their views on the section 601(a)(4) aspects of Lykes' application, such comments to be considered separately from any consideration of the section 605(c) issues under Docket No. S-451.

Written comments were invited for filing by February 3, 1978, with the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230. Replies to submitted comments were requested by close of business on March 6, 1978.

Upon request made and good cause shown by Lykes, the date for submission of comments is hereby extended

to close of business on March 17, 1978. Any reply to submitted comments shall be filed by close of business on April 14, 1978.

Dated: January 24, 1978.

By order of the Maritime Subsidy Board/Maritime Administration.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc. 78-2429 Filed 1-27-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

This is a public announcement of a meeting of the Standing Regulatory Measures Committees of four Regional Fishery Management Councils, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). The councils concerned are the New England, Mid-Atlantic, South Atlantic, and Caribbean Fishery Management Councils.

The meeting will be from 1 p.m.-5 p.m. on February 16, 1978, and from 8:30 a.m.-noon, on February 17, 1978, at the Howard Johnson's Motor Lodge, 2646 Jefferson Davis Highway, Crystal City, Arlington, Va. 22202, telephone 703-684-7200.

Proposed agenda. (1) Common needs for regulation of Atlantic coast marine fisheries; (2) common logbook and catch reporting systems; (3) common license systems; (4) reciprocal interstate enforcement agreements; and (5) other business.

The meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, 1 Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: January 25, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-2486 Filed 1-27-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

FUEL OIL MARKETING ADVISORY COMMITTEE SUBCOMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub.

L. 92-463, 86 Stat. 770), and the FEDERAL REGISTER notice of 43 FR 2917, January 20, 1978, notice is hereby given that the Middle Distillate Monitoring Subcommittee of the Fuel Oil Marketing Advisory Committee will meet in Washington, D.C. at 10:00 a.m., on February 15, 1978. The meeting will be held in Room 2105, 2000 M Street NW., Washington, D.C.

The purpose of this initial meeting will be to address the process by which the Subcommittee will inquire into the reasons for differences in the trends of heating oil marketing costs. The Subcommittee will make recommendations on the development of guidelines for judging the reasonableness of the margins observed in the current heating season.

The agenda for the meeting is as follows:

1. Introductory Remarks and Overview of Procedures;
2. Introduction of Subcommittee Members and Mediator;
3. Establishment of Subcommittee Procedures and Schedules;
4. Discussion of Preliminary Middle Distillate Data;
5. Review of Preliminary Benchmark Calculations; and
6. Remarks From the Floor (10 Minute Rule).

Consideration will be given to the views of each Subcommittee member with regard to the appropriate cost elements to be considered in reviewing the heating oil market performance. Subsequent Subcommittee meetings will be conducted on or about the 15th of each successive month following February until June, with appropriate notice published in the FEDERAL REGISTER.

The meeting is open to the public. The Chairman of the Subcommittee 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 Subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform Georgia Hildreth, Advisory Committee Management Office 202-566-9996 and reasonable provision will be made for their appearance on the agenda.

The transcripts of the meetings will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 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 25, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-2532 Filed 1-25-78; 4:37 pm]

[6740-02]

Federal Energy Regulatory Commission
[Docket No. RI77-115]

ART MACHIN & ASSOCIATES, INC.

Order Granting Special Relief and Permitting Intervention

JANUARY 20, 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 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 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 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 July 18, 1977, as supplemented on August 19, 1977, Art Machin & Associates, Inc. (Machin), filed a petition for special relief pursuant to section 2.76 of the Commission's General Policy and Interpretations for the sale of natural gas to United Gas Pipe Line Co. (United) from the G. A. Kelly No. 1 Well, Willow Springs Field, Gregg County, Tex.¹ Subsequently, on October 31, 1977, Machin filed an amended petition for special relief.

Machin's sale of gas to United is being made pursuant to a small pro-

ducer certificate granted in Docket No. CS71-1133 on October 12, 1971, and under a contract dated June 10, 1968, which provides for the current rate of 41 cents per Mcf. Machin proposes to re-perforate and re-acidize the existing zones at a cost of \$30,000. Machin states that this expenditure will enhance production and prevent a premature abandonment. Consequently, Machin requests that the Commission authorize it to collect a total rate of 69.18 cents per Mcf at 14.73 psia for the sale.

Notice of Machin's petitions for special relief was issued on September 8, 1977, and on November 11, 1977, notice of Machin's amended petition for special relief was issued. United filed a timely petition to intervene, stating that it would support any price that the Commission determines to be just and reasonable.

Based on data submitted by Machin, an estimated additional 571,474 Mcf of gas and 7,714 Bbls. of liquids will be recovered over the remaining 12 year producing life. Machin has a net book investment of \$77,000 and will incur an estimated \$106,575 in operating costs over the remaining producing life.

Using the above costs and reserves in a traditional costing methodology, and allocating costs between gas and liquids by the modified Btu method, Staff estimates that a total rate of 69.18 cents per Mcf at 14.73 psia would allow Machin to recover all costs associated with the productive gas portion of this well plus a 15 percent rate of return,² and concludes that the requested rate is cost supported.

Upon consideration of the data submitted and Staff's analysis thereof, we conclude that it is in the public interest to grant special relief to Machin.

The Commission orders: (A) Machin's petition for special relief, as amended, is hereby granted.

(B) Machin is authorized to collect a total rate of 69.19 cents per Mcf at 14.73 psia for the sale of natural gas to United from G. A. Kelly No. 1 Well, Willow Springs Field, Gregg County, Tex., effective on the date of issuance of this order or on the date of completion of the proposed work, whichever is later. This authorization is contingent upon Machin's filing within 30 days of the effective date set forth above a statement signed by United that the proposed work has been performed to United's satisfaction.

(C) The special rate authorized in Ordering Paragraph (B) shall not become effective as provided therein unless Machin files within 30 days of the issuance of this order a contractual amendment authorizing the rate granted herein and an appropriate rate change filing in accordance with § 154.94 of the Commission's Regulations (18 CFR 154.94).

(D) United is permitted to intervene in the above-entitled proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding and that such intervenor agrees to accept the record as it now stands.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

²See Appendix B attached hereto.

Average investment and annual rate base

Line No.	Year	Annual N.W.I. production Mcf	Beginning of year investment	Depreciation ¹	End of year investment	Average investment ²
	(a)	(b)	(c)	(d)	(e)	(f)
1.....	Average investment:					
2.....	1.....	72,850	\$107,000	\$ 18,939	\$88,061	\$97,531
3.....	2.....	61,116	88,061	15,889	72,172	80,117
4.....	3.....	51,281	72,172	13,332	58,840	65,506
5.....	4.....	43,047	58,840	11,191	47,649	53,245
6.....	5.....	36,119	47,649	9,390	38,259	42,954
7.....	6.....	30,327	38,259	7,884	30,375	34,317
8.....	7.....	25,472	30,375	6,622	23,753	27,064
9.....	8.....	21,370	23,753	5,556	18,197	20,975
10.....	9.....	18,454	18,197	4,798	13,399	15,798
11.....	10.....	15,630	13,399	4,063	9,336	11,368
12.....	11.....	13,230	9,336	3,440	5,896	7,616
13.....	12.....	11,136	5,896	2,896	3,000	4,448
14.....	Totals.....	400,032		104,000		460,939
15.....	Average annual investment ²					38,412

¹See Appendix A for a complete list of the interest owners covered by this petition.

Average investment and annual rate base—Continued

Line No.	Year	N.W.I. production (Mcf)	Beginning of year investment	Depreciation ¹	End of year investment	Average investment ²
	(a)	(b)	(c)	(d)	(e)	(f)
16.....	Average annual rate base:					38,412
17.....	Average annual investment:					1,110
18.....	Average annual working capital allowance ³ :					
19.....	Total annual rate base.....					39,522

¹ Column (b) × line 7 of sheet 2.² (Column (c) + column (e)) ÷ 2.³ Column (f) of line 14 ÷ 12 yr. remaining producing life.⁴ 0.125 × line 7 of sheet 1 ÷ 12 yr. remaining producing life.

[FR Doc. 78-2325 Filed 1-27-78; 8:45 am]

ART MACHIN & ASSOCIATES, INC., DOCKET NO.
RI77-115, G. A. Kelly No. 1 WELL, WILLOW
SPRINGS FIELD, GREGG COUNTY, TEX.

APPENDIX A

Working interest owners covered by petition

Name	Percent working interest
Art Machin & Associates, Inc.....	22.606400
George V. Allen Estate.....	6.250000
Apex Pipe, Inc.....	3.125000
Dr. Richard Aubrey.....	12.500000
Dr. Charles Bloom.....	1.562500
Virginia H. Burford.....	.781250
Robert Cargill.....	13.599100
T. B. Field, Jr.....	.781250
Charles A. Hinton.....	1.562500
Hinton Production.....	12.109375
A. B. McCarter.....	3.125000
William Helmbrecht, Jr.....	3.125000
J. S. Hudnall.....	1.071375
G. J. Loetterle.....	.714250
Mariam M. Martin, Indp. Exec.....	3.125000
Metco Investment Co.....	1.562500
Doris H. Neely.....	.390625
V. J. Pearson.....	6.250000
G. W. Pirtle.....	1.071375
Perry Thompson.....	1.562500
Dr. Hohn Wensley.....	1.562500
W. Herbert Scott.....	1.562500
Total.....	100.000000

NOTE.—All working interest owners have a revenue interest which is equal to 70 percent of their working interest.

APPENDIX B

Unit cost of gas

Line No. and item	Amount
(a)	(b)
1. Net working interest volumes	
2. Gas—Mcf at 14.73 lb/in ³	400,032
3. Liquids—barrels ¹	5,400
4. Cost of production	
5. Return on rate base at 15 percent ²	\$71,140
6. DD&A ³	104,000
7. Production expense ⁴	106,575
8. Subtotal.....	281,715

APPENDIX B—Continued

Unit cost of gas

Line No. and item	Amount
(a)	(b)
9. Allocated to gas ⁵	255,600
10. Regulatory expense ⁶	400
11. Total cost of production.....	256,000
12. Unit cost of gas (cents/Mcf)	
13. Cost of production ⁷	63.99
14. Production tax ⁸	5.19
15. Total unit cost of gas.....	69.18

⁵ 571.474 Mcf × .700 N.W.I.⁶ 7,714 barrels × .700 N.W.I.⁷ Line 19 of sheet 3 × 15 × 12 yr remaining producing life.⁸ From line 6 of sheet 2.⁹ Based on estimated operating expenses of \$7,560 per year for the 1st yr and escalated 5 percent per year for 5 yr.¹⁰ Line 8 × line 12 of sheet 2.¹¹ Line 2 × .1 cent/Mcf per opinion No. 749.¹² Line 11 ÷ line 2.¹³ 7.5 percent × line 15.

Investment and Allocation of Costs

Line No. and item	Amount
(a)	(b)
1. Investment	
2. Remaining net book investment January 1, 1977.....	\$77,000
3. Rework well.....	30,000
4. Total investment.....	107,000
5. Less salvage value ¹	3,000
6. Depreciable investment.....	104,000
7. Depreciation per unit of production ²	.259974
8. Allocation of costs ³	
9. Gas—MMBtu ⁴	432,035
10. Liquids—MMBtu ⁵	44,129
11. Total—MMBtu.....	476,164
12. Percentage allocated to gas ⁶	90.73

¹ Petitioner's estimate.² \$104,000 ÷ 400,032 Mcf.³ Modified Btu method per opinion No. 749.⁴ 400,032 Mcf × 1.080 MMBtu/Mcf.⁵ 5,400 barrels × 5.448 MMBtu/barrel × 1.5 modifier.⁶ Line 9 ÷ line 11.

[6740-02]

[Docket No. RI77-106]

MARINE CONTRACTORS AND SUPPLY, INC.

Order Granting Special Relief and Permitting Intervention

JANUARY 20, 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 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 acted. 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 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 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 17, 1977, as amended on August 4, 1977, Marine Contractors and Supply, Inc. (Marine) filed a petition for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations for the sale of natural gas to Transcontinental Gas Pipe Line Corp. (Transco) from the CRA/SUA Montgomery No. 1 Well, Lucy Field, St. Charles Parish, La.

Marine's sale of gas to Transco is being made under a contract dated August 22, 1957, pursuant to a small producer certificate granted in Docket No. CS76-414 on March 1, 1976. Marine is currently receiving 85 cents per Mcf for the subject gas pursuant to a Commission order granting special relief issued September 20, 1976 in Docket No. RI76-131. Marine states that it is necessary to undertake extensive rebuilding of the access road to

this facility and major tank repairs. These projects are estimated to cost \$51,230 and \$8,580, respectively. Also, a sand infiltration problem associated with the well will require annual expenditures of \$47,550. Furthermore, Marine states that a rework project estimated to cost \$128,000 in its previous special relief application, filed in Docket No. RI76-131, actually cost \$210,000. Marine requests that the Commission authorize it to collect a total rate of \$1.51 per Mcf for the sale. In a letter to Marine dated June 10, 1977, Transco agreed to amend the subject gas purchase contract to provide for a price of \$1.62 per Mcf or such lesser price which the Commission may approve.

Notice of Marine's petition for special relief was issued on June 29, 1977 and on September 20, 1977, notice of Marine's amended petition for special relief was issued. Transco filed a timely petition to intervene.

Based on data submitted by Marine, Staff accepts as reasonable Marine's estimated costs of \$51,230 for road repair and \$8,580 for tank repair. Staff has computed Marine's remaining net book value at \$226,718 for lease and equipment. Staff estimates no salvage value for equipment due to the length of the project and the nature of the proposed work. Marine expects to spend \$43,987 initially in annual well operating expense, which includes pump operating costs plus \$47,550 annually for sand treatment. Based on these costs and allowing for 5 percent annual inflation for well operating expenses over the first five years of this project, Staff estimates total operating expenses of \$688,160 for the seven year operating life of this project. Staff also accepts as reasonable Marine's reserve estimate of 775,559 Mcf of gas attributable to its 87.50 percent net working interest.

Using the above costs and reserves in a traditional costing methodology, Staff estimates that a total rate of \$1.51 per Mcf would allow Marine to recoup all costs associated with the project and earn a 15 percent rate of return.¹

Upon consideration of the data submitted and Staff's analysis thereof, we conclude that it is in the public interest to grant special relief to Marine.

The Commission orders: (A) Marine's petition for special relief, as amended, is hereby granted.

(B) Marine is authorized to collect a total rate of \$1.51 per Mcf for gas sold to Transco from the CRA/SUA Montgomery No. 1 Well, Lucy Field, St. Charles Parish, La., effective on the date of issuance of this order or on the date of completion of the proposed work, whichever is later. This authori-

zation is contingent upon Marine's filing within 30 days of the effective date set forth above a statement, signed by Transco, that the proposed work has been performed to Transco's satisfaction.

(C) The special rate authorized in Ordering Paragraph (B) shall not become effective as provided therein unless Marine files within 30 days of the issuance of this order a contractual amendment authorizing the rate granted herein and a notice of change in rate providing for such special rate.

(D) Transco is permitted to intervene in the above-entitled proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and *Provided, further*, That the admission of Transco in the manner provided shall not be construed as recognition by the Commission that Transco might be aggrieved because of any order or orders entered in this proceeding, and that Transco agrees to accept the record as it now stands.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX Unit cost of gas

Line No. and item (a)	Amount (b)
1. Net working interest volumes	
2. Gas—Mcf at 15.025 lb/in ² a ¹	775,559
3. Liquids—bbl	
4. Cost of production	
5. Return on rate base at 15 percent ²	\$144,310

Average investment and annual rate base

Line No.	Year	N.W.I. production (Mcf)	Beginning of year investment	Depreciation ¹	End of year investment	Average investment ²
	(a)	(b)	(c)	(d)	(e)	(f)
1.....	Average annual investment:					
2.....	1.....	156,584	\$286,528	\$57,849	\$228,679	257,604
3.....	2.....	131,250	228,679	48,490	180,189	204,434
4.....	3.....	118,125	180,199	43,641	136,548	158,373
5.....	4.....	107,100	136,548	39,568	96,980	116,764
6.....	5.....	96,600	96,980	35,689	61,291	79,136
7.....	6.....	87,150	61,291	32,197	29,094	45,192
8.....	7.....	78,750	29,094	29,094		14,547
9.....	Total.....	755,559		286,528		876,050
10.....	Average annual investment ³					
11.....	Annual rate base:					
12.....	Average annual investment					125,149
13.....	Annual working capital allowance ⁴					12,289
14.....	Annual rate base					137,438

¹ Column (b) times line 12 of schedule 2.

² Column (c) plus column (e) divided by 2.

³ Column (f) of line 9 divided by 7 yr project life.

⁴ 0.125 times line 7 of schedule 1 divided by 7 year productive life.

APPENDIX—Continued

Unit cost of gas

Line No. and item (a)	Amount (b)
6. DD & A ¹	286,528
7. Production expense ²	688,160
8. Regulatory expense ³	776
9. Total cost of production	1,119,774
10. Unit cost of gas (cents/Mcf)	
11. Cost of production ⁴	1.44
12. Production tax ⁵	.07
13. Total unit cost	1.51

¹ 956,433 Mcf minus 70,080 Mcf pumping fuel times 0.875 net working interest.

² Line 14 of schedule 3 times 0.15 times 7 yr production life.

³ From line 11 of schedule 2.

⁴ Based on expected well and pump initial operating expense of \$43,987 per year escalated 5 percent per year for the 1st 5 yr, plus a constant \$47,550 per year in sand treatment expense.

⁵ Line 2 times 0.1 cents/Mcf per Opinion No. 749.

⁶ Line 9 divided by line 2.

⁷ Louisiana production tax.

Investment

Line No. and item (a)	Amount (b)
1. Investment:	
2. Net purchase cost	\$41,735
3. Workover expense	210,604
4. Total	252,339
5. Less depreciation ¹	25,621
6. Remaining net book value	226,718
7. Road repair	51,230
8. Tank repair	8,580
9. Total project investment	286,528
10. Less salvage value	
11. Depreciable investment	286,528
12. Depreciation per unit of production ²	.369447069

¹ Based on production of 87,646 Mcf N.W.I. Volumes since completion of previous workover.

² Line 11 divided by 775,559 Mcf.

¹ See Appendix A attached hereto.

[6740-02]

Federal Energy Regulatory Commission

[Docket No. CP73-184 and Docket No. CI73-485]

COLORADO INTERSTATE GAS CO. AND CIG EXPLORATION, INC.

Informal Conference

JANUARY 19, 1978.

Take notice that on January 31, 1978, at 3:30 p.m., an informal conference will be convened of all interested persons including representatives of the applicant and Commission staff, for the purpose of explaining and clarifying issues raised in the joint petition of Colorado Interstate Gas Co. and CIG Exploration, Inc., to amend order. The conference will be held in Room 8402, at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-2412 Filed 1-27-78; 8:45 am]

[6740-02]

[Docket No. CP78-154]

COLUMBIA GULF TRANSMISSION CO.

Application

JANUARY 24, 1978.

Take notice that on January 12, 1978, Columbia Gulf Transmission Co. (applicant), P.O. Box 683, Houston, Tex. 77001, filed in Docket No. CP78-154 an application pursuant to section 7(c) of the Natural Gas Act and §157.7(b) and 157.7(g) of the regulations thereunder (18 CFR 157.7(b) and 157.7(g) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing January 1, 1978, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, and authorizing the construction and for permission and approval to abandon for the same period and operation of new or additional field compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open for public inspection.

The stated purpose of this budget type application is to augment applicant's ability to act with reasonable

dispatch in the construction of gas-purchase facilities to enable applicant to connect its system with the facilities of an independent producer or other similar seller, authorized by the Commission to make a sale of gas to applicant for resale in interstate commerce, or the system of another natural gas company authorized to transport gas for the account of or for the exchange of gas with applicant and to augment applicant's ability to act with reasonable dispatch in the construction, relocation, and operation and abandonment of facilities which will not result in changing applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed gas-purchase facilities would not exceed \$12 million with no single offshore project expenditure to exceed \$2.5 million and no single onshore project to exceed \$1.5 million and that the total cost of its proposed construction, relocation, removal, or abandonment of field compression facilities will not exceed \$3 million with no single project to exceed \$500,000. Applicant states that these costs would be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 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 be-

lieves 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. 78-2415 Filed 1-27-78; 8:45 am]

[6740-02]

[Docket No. EL78-4]

FLORIDA CITIES v. FLORIDA POWER & LIGHT CO.

Order Instituting Investigation and Designating Officers

JANUARY 24, 1978.

On October 14, 1977, Florida Power & Light Co. (F.P. & L.) tendered for filing with the Commission in Docket No. ER78-19, proposed changes in sheet Nos. 5 through 10 of its FERC electric tariff, original volume No. 1, applicable to its various municipal and rural electric sales-for-resale customers.¹ Public notice of the filing was issued on October 20, 1977, with comments, protests, and petitions to intervene due to be filed with the Commission on or before November 7, 1977.

On November 7, 1977, the city of Homestead, the Fort Pierce Utilities Authority, the city of Starke and the Utilities Commission of New Smyrna Beach (hereinafter collectively referred to as "Florida cities"), all situated within the State of Florida, filed a petition to intervene, protest, motion to reject, or in the alternative, request for 5 months suspension, expedited hearing and investigation, and documents request and consolidation. Florida cities allege, inter alia, that the existing SR-1 tariff (which F.P. & L. proposes to supersede by the instant filing), which makes wholesale power service available in all territories served by F.P. & L. without restriction, has been violated. Florida cities aver that F.P. & L. continually refuses to sell wholesale power service to Fort Pierce under the SR-1 tariff, despite repeated requests for such power. Consequently, Florida cities request an investigation by the Commission of this issue, and if the Commission deems it appropriate, a reference to the appropriate enforcement agencies for violation of the tariff and the Federal Power Act.

In addition, Florida Cities allege, inter alia, that the proposed SR-2 tariff filing would limit wholesales service to a limited class of customers and exclude service availability to municipi-

¹This filing is designated as rate schedule SR-2.

palities in Florida who have adequate generation, but desire to purchase firm power service for their economic benefit. The allegations relating to SR-2 will be investigated within the context of the ratemaking proceedings in Docket No. ER 78-19.²

Specifically, Florida Cities' petition to intervene sets forth the following allegations, inter alia, with respect to the issue of F.P. & L.'s alleged refusal to sell wholesale power to Fort Pierce:

(1) That the utilities authority of Fort Pierce has, since 1976, repeatedly requested the opportunity to purchase wholesale power from F.P. & L. Despite the clear commands of F.P. & L.'s existing tariff, their request has been denied. For example, by letter of September 12, 1977, F.P. & L. stated to the Fort Pierce Director of Utilities that:

In regard to your comment that it was the consensus of you and your associates that my position on SR-1 amounted to a refusal, I would prefer to stand on the statement that I actually made during the meeting and that is in view of actual and potential restrictions on our generation capability we are reluctant at this time to extend the obligations for utility type service over and beyond those which we have hitherto undertaken;

(2) That Fort Pierce reiterated its request after September 12, 1977; and,

(3) That F.P. & L. has not agreed to sell wholesale power.

On December 1, 1977, F.P. & L. answered Florida Cities' petition to intervene. In response, F.P. & L. recognized that Homestead, New Smyrna Beach and Starke were interested parties. However, F.P. & L. asserted that Fort Pierce is not now, nor has it ever been, a sales-for-resale customer of F.P. & L. and, therefore, has not shown that it is an interested party to the case and F.P. & L. opposes its intervention. In addition, F.P. & L. denied that it has attempted to exclude municipally owned utilities in its service area from access to wholesale power and to limit those municipalities which can qualify for wholesale power purchases under the tariff from generation coordination.

F.P. & L.'s so-called SR tariff was tendered for filing with the Federal Power Commission (FPC) on January 29, 1973. This represented the first tariff-type filing ever made by F.P. & L. and was designed to supersede the contract-type filings of the past. Under the tariff F.P. & L. grouped all

wholesale customers, consisting of rural electric cooperatives and municipal customers, together. The rate changes reflected in the tariff were requested to become effective on April 1, 1973, for customers whose contracts had lapsed by that date, and with respect to others, as their respective contracts expired.

By order of March 29, 1973, in Docket No. E-8008, the Commission accepted F.P. & L.'s tariff for filing, suspended the rates reflected therein for 5 months until September 1, 1973, at which time they became effective subject to refund and granted intervention.

Thereafter, F.P. & L.'s SR tariff was superseded by the SR-1 tariff which became effective April 1, 1976.

Original sheet No. 5 of the SR-1 tariff which became effective on April 1, 1976, and which is on file with this Commission provides in pertinent part:³

SALE FOR RESALE RATE SCHEDULE SR-1

Available: In all territory served by the company.

Application: To electric service supplied to a municipal electric utility or to a cooperative non-profit membership corporation organized under the provisions of the rural electric cooperative law for their own use or for resale.

Limitation of service: Neither the company nor the customer, unless ordered to do so by a properly constituted authority, shall distribute or furnish electric power and energy to a customer of the other. No power and energy sold hereunder shall be resold at wholesale for use outside the State of Florida. Standby or emergency service is not permitted hereunder.

The Florida Cities' allegations and the answer by F.P. & L. raise legal and factual questions which in our view would be most expeditiously handled through the initiation of an investigation pursuant to section 307 of the Federal Power Act. In addition, we perceive that this investigation will be enhanced by the delegation of authority to the investigative Staff so as to permit access to witnesses and records necessary for the progress of the investigation. The following issues are to be investigated:

(1) Has F.P. & L. refused to serve the Fort Pierce Utilities Authority;

(2) If so, was the refusal a violation of the filed SR-1 tariff and the applicable provisions of the Federal Power Act; and

(3) If F.P. & L. has unlawfully refused to serve the Fort Pierce Utilities Authority, what sanction, if any, is justified under the Federal Power Act.

In light of the nature of the allegations, the Commission deems it appropriate

to advise the parties involved, that if a violation of the Federal Power Act has occurred and that the alleged acts or omissions may fall within the sanctions set forth in sections 314 and 316 of the Federal Power Act, or the Commission's rules, regulations, conditions, restrictions, or orders, the Commission will pursue all available civil and criminal sanctions should it be found that the nature of the violation and the surrounding circumstances therefore warrant such action.

Moreover, the seriousness of the allegations, as well as the need for an expeditious determination of the issues dictates that this investigative proceeding be conducted separate and apart from the proceedings in Docket No. ER 78-19.

The Commission finds: (1) It is necessary and appropriate in the proper exercise of the Commission's responsibilities under the Federal Power Act that an investigation be initiated pursuant to section 307 of the Federal Power Act for the purpose of investigating the issues as set forth above. The staff is instructed to report back to the Commission on the basis of appropriate action to be undertaken at the conclusion of the investigation.

(2) This investigation will be enhanced by the delegation of authority to the investigative Staff to permit access to witnesses and records necessary for progress of the investigation.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 307, 309, 314, and 316 thereof and the Commission's rules of practice and procedure, an investigation is hereby instituted for the purpose of the investigation of the issues as set forth above in this docket.

(B) Bernard Cromes and Sheila Hollis are hereby designated as officers of this Commission under section 307(b) of the Federal Power Act for the purposes of the investigation in this docket and are hereby empowered to perform, any and all of the powers specifically set forth in that section of the Act during the course of this investigation.

(C) Any person desiring to be heard or to make any protest with reference to the matters presented in this proceeding, should, on or before January 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petition to intervene or portests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 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. Persons wishing to participate as a party in any hearing herein must file

² Pursuant to Commission order issued December 30, 1977, in Docket Nos. ER 78-19 and ER 78-81, the issues raised by Florida Cities' petition which relate to alleged restrictive availability provisions of the PR and SR-2 tariff, the proposed termination of service to Homestead, inter alia, will be investigated in the context of the on going consolidated proceedings in Docket Nos. ER 78-19 and ER 78-81.

³ F.P. & L., FERC electric tariff, original volume No. 1, original sheet No. 5.

petitions to intervene in accordance with the Commission's rules.

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

(E) Said officers designated in paragraph (B) above shall submit findings and recommendations to this Commission on or before April 7, 1978.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-2416 Filed 1-27-78; 8:45 am]

[6740-02]

[Docket No. ER76-83]

OHIO POWER CO.

Proposed Settlement Agreement

JANUARY 24, 1978.

Take notice that Ohio Power Co. (OPCo) tendered for filing on January 5, 1978, agreements of settlement and compromise (agreements) between OPCo and 13 of its municipal customers (Municipals).

OPCo indicates that all of the agreements which are identical except for the Municipal signatory, provide for the following changes in OPCo's FPC (FERC) tariff MRS:

(1) The inclusion of an additional new subsection dealing with mutually agreed upon procedures for the curtailment of power and energy deliveries to Municipals in the event there were to be a shortage of capacity and/or electric energy requiring OPCo to curtail power and energy deliveries to its own customers;

(2) A reduction in the demand charge, without change in the originally stated energy charge; and

(3) The reduction in the demand charge has the effect of reducing, for the twelve (12) month period ending June 30, 1975 (period I), the proposed increase of revenues from the approximately \$911,024 for which the filing was made in Docket No. ER76-83 to a level of approximately \$680,984.

Any person desiring to be heard or to protest said filing should file comments or protests 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 comments or protests should be filed on or before February 10, 1978. Comments and 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. 78-2417 Filed 1-27-78; 8:45 am]

[6740-02]

[Docket No. ER76-17]

OHIO POWER CO.

Proposed Settlement Agreement

JANUARY 24, 1978.

Take notice that Ohio Power Co. (OPCo) on January 5, 1978, tendered for filing an agreement of settlement and compromise (agreement) between OPCo and Wheeling Electric Co.

OPCo indicates that the agreement provides for the following changes in OPCo's FPC Rate Schedule No. 18:

(1) The inclusion of an additional new subsection dealing with mutually agreed upon procedures for the curtailment of power and energy deliveries to Wheeling in the event there were to be a shortage of capacity and/or electric energy requiring OPCo to curtail power and energy deliveries to its own customers;

(2) A reduction in the demand charge without change in the originally stated energy charge; and

(3) The reduction in the demand charge has the effect of reducing, for the twelve (12) month period ending December 31, 1975 (period II), the proposed increases of revenues from the approximately \$6,228,660 for which the filing was made in Docket No. ER76-17 to a level of approximately \$4,556,110.

Any person desiring to be heard or to protest said filing should file comments or protests 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 comments or protests should be filed on or before February 10, 1978. Comments and 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. 78-2418 Filed 1-27-78; 8:45 am]

[6740-02]

[Docket No. CI68-815]

PHILLIPS PETROLEUM CO.

Extension of Time

JANUARY 13, 1978.

On January 10, 1978, Phillips Petroleum Co. filed a motion to extend the date set for the prehearing conference in the above-referenced proceeding, as established by Commission order issued December 16, 1977. The motion states that counsel for United Gas Pipe Line Co. does not object to the requested extension.

Upon consideration, notice is hereby given that the date for the prehearing conference in this proceeding is changed to February 9, 1978, at 10 a.m., e.s.t. The conference will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-2411 Filed 1-27-78; 8:45 am]

[6740-02]

[Docket No. RP77-136-1]

SOUTHERN NATURAL GAS CO.

Order Denying Rehearing and Granting Clarification

JANUARY 23, 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 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 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 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.

By our November 29, 1977, order in the subject docket, we denied a petition of Southern Natural Gas Co. (Southern), which petition sought advance authorization to recover the costs of a proposed emergency storage service arrangement. By petition filed on December 22, 1977, Southern seeks clarification and rehearing of our November 29 order.

After review of Southern's petition for rehearing, we find that it fails to state grounds sufficient to warrant a grant of rehearing. Accordingly, we shall deny the petition.

Southern's request for clarification asserts that uncertainty remains with respect to the question whether § 2.68 may be used to accomplish steps taken in anticipation and avoidance of an emergency prior to the outset of the emergency. Our response is that § 2.68 may be used to accomplish steps taken in anticipation and avoidance of an emergency. Although this conclusion is not specified in the text of § 2.68 itself, it is implied by the language used in Order No. 402 in promulgating § 2.68. Therein the Federal Power Commission adopted a policy to facilitate responses to requests made of non-jurisdictional distribution and pipeline companies for temporary assistance by jurisdictional concerns which are confronted with emergency gas supply situations. Specifically, it was declared that the exempt status of nonjurisdictional concerns would not be jeopardized by their short-term sale or transportation of gas in interstate commerce. In issuing our November 29 order, we interpreted § 2.68 as authorizing the conduct of emergency transactions for the purpose of augmenting storage capability in order to meet the requirements of a jurisdictional concern in a forthcoming heating season. The enlargement of storage capability being an anticipatory undertaking, it is clearly our view that preventative as well as curative steps may be taken in accordance with the policy of § 2.68.

The Commission orders: (A) Southern's petition for rehearing is denied.

(B) Southern's request for clarification is granted to the extent discussed herein.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2414 Filed 1-27-78; 8:45 am]

[6740-02]

[Docket No. RP78-32]

TEXAS EASTERN TRANSMISSION CORP.

Order Instituting Investigation

JANUARY 20, 1978.

The Commission has determined that an investigation should be commenced and an investigatory proceeding should be conducted before the Commission and its duly appointed hearing officers to examine the questions raised by the telegram of Texas Eastern Transmission Corp. (Tetco), filed January 20, 1978, requesting Commission approval of Tetco's recovery of costs which would be incurred in the purchase and transportation of gas pursuant to emergency procedures set forth in the Commission's statement of general policy and interpretations and regulations under the Natural Gas Act.

In its filing, Tetco states that it proposes to commence purchasing 200,000 Mcf per day at a price of \$2.25 per Mcf for a 60-day period from Houston Pipeline Co. in order to alleviate projected curtailments in category 1 of 7.25 percent in January and 2.75 percent in February. The point of delivery of the emergency gas has not yet been specified; however, it is indicated that delivery will commence immediately upon receipt of Commission approval.

Tetco did not specify the appropriate regulation under which the emergency procedure would be instituted but it requests that the Commission permit "the recovery of costs incurred in the purchase and transportation * * * of this gas through the PGA provisions." It appears that the proposed transaction would be consummated either under § 2.68 of the Commission's statement of general policy and interpretations or § 157.22 of the regulations under the Natural Gas Act.

The Commission has concluded that a public investigatory proceeding shall be held to investigate the nature of the reported emergency, the underlying causes and questions of fact raised by Tetco's proposal to alleviate that emergency. We herein authorize the Secretary or person designated by him to issue subpoenas as provided in ordering paragraph (C).

The Commission finds: Prior notice and publication in the FEDERAL REGISTER of this proceeding is impracticable and unnecessary, given the circumstances.

The Commission orders: (A) Pursuant to sections 4, 5, 7, 14, 15, and 16 of the Natural Gas Act, and section 401(g) of the Department of Energy Organization Act, the Commission institutes an investigation with respect to Tetco's request described above, including the alleged existing emergency condition, compensation to be received

by the seller, and any other matter relevant to the Commission's actions with respect to this matter.

(B) A public investigatory proceeding shall be convened on January 21, 1978, at 3 p.m., e.s.t., in hearing room A of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426, for the purpose of taking evidence on all issues of law and fact which are material to Tetco's request described above, and the other matters described in paragraph (A).

(C) The Secretary, or any person designated by him, is authorized to issue such subpoenas as the Secretary or his designee determines appropriate, which subpoenas may require the personal appearance of, and production of documents by, officers or employees of Tetco, Gulf Oil Corp., Columbia Gulf Transmission Corp., any supplier, or proposed supplier, or transporter for Tetco, or any officer or employee of any person affiliated with any of the above-described persons.

(D) Tetco, Gulf Oil Corp., Columbia Gulf Transmission Corp., and any other persons to whom subpoenas are issued under ordering paragraph (C) are directed to appear, give such testimony, produce such documents, and respond to such questions as the Commission or its officers may require at the hearing described in ordering paragraph (B). Any other person invited by the Commission for such purpose may appear and give such testimony as the Commission may request at such hearing.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2413 Filed 1-27-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 848-11]

AGENCY COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 1, 1977, and June 30, 1977.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency

APPENDIX I.—Draft environmental impact statements for which comments were issued between June 1, and June 30, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
D-AFS-E65018-MS	Timber Management Plan, Desoto National Forest, Miss. (USDA-FS-R8-DES-ADM-77-08).	LO2	E
D-AFS-J35002-MT	Reconstruction, Big Creek Dam, Selway-Bitterroot Wilderness, Use of Motorized Equipment, Bitterroot National Forest, Mont.	LO1	I
D-AFS-J65066-MT	Multiple Use Plan, Hornet, Planning Unit, Kootenai National Forest, Lincoln County, Mont.	LO2	I
D-SCS-C36025-NY	Deposit Watershed, Broome, Chenango, and Delaware Counties, N.Y.	LO1	C
D-AFS-K65026-CA	Eldorado National Forest, Timber Management Plan, Calif.	LO1	J
D-AFS-L61089-AK	Southeast Alaska Area Guide, Revised Edition of the Draft Tongass Guide of August 1976, Alaska.	LO1	K
D-SCS-H36061-KS	Middle Creek Watershed Project, Linn and Miami Counties, Kans.	3	H
Department of Commerce			
D-NOA-K86001-CA	State of California Coastal Management Program.	LO1	J
Department of Defense			
DS-UAF-B11002-ME	Proposed Reduction at Loring Air Force Base, Limestone, Aroostone County, Maine.	ER2	B
D-USA-J20007-CO	Disposal of Chemical Agent Identification Sets, Rocky Mountain Arsenal, Colo.	LO2	I
D-USA-J39006-CO	Pilot Containment Operations, Rocky Mountain Arsenal, Adams County, Colo.	LO2	I
Department of Interior			
D-BLM-A02114-00	Proposed 1977 Outer Continental Shelf (OCS) Oil and Gas Lease Sale No. 45, Gulf of Mexico.	ER2	A
DS-BPA-L08026-00	Location Evaluation, Bonneville Dam Intergrating Transmission Study Area 76-4, Washington, and Idaho.	LO1	K
D-IBR-J09001-ND	ANG Coal Gasification Co. Project, NDak ...	ER2	I
Department of Transportation			
D-FAA-E51022-NC	Airport Expansion and Improvements, Raleigh Durham Airport, Raleigh, N.C.	ER2	E
D-FAA-F51010-IN	Proposed Development, Shelbyville Municipal Airport, Shelby County, Ind.	LO1	F
D-FHW-D40045-PA	LR 67045, Vine Street Expressway, Philadelphia, Pa.	EU2	D
S-FHW-D40047-PA	LR 1064 and LR 39, Everett Bypass, Noise Technical Report, Bedford County, Pa.	LO2	D
D-FHW-D40047-TN	LR 1064 and LR 39, Everett Bypass, PA-30, Bedford County, Pa.	LO2	D
D-FHW-E40109-TN	TN-42, Proposed Algood Bypass to South of Livingston Bypass, Overton and Putnam Counties, Tenn. (FHWA-TN-EIS-76-06-D).	LO2	E

responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III below contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations of proposed Federal activities.

Appendix VI below contains a listing of the names and addresses of, the sources of EPA reviews and comments listed in Appendices I, III, IV, and V below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 20, 1978.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between June 1, and June 30, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers			
D-COE-E30006-FL	Beach Erosion Control Study, Coastal Shores of Nassau County, Fla.	LO2	E
D-COE-E32022-NC	Manteo, Shallowbag Bay, Harbor, Navigation Channels and Dual Jetty System, Dare County, N.C.	ER2	E
D-COE-E34007-00	Operation and Maintenance, Hartwell Lake, Savannah River, Ga. and S.C.	LO2	E
D-COE-E35045-GA	Isle of Hope Marina, Expansion of Existing Marina, Skidaway River, Chatham County, Ga.	LO1	E
D-COE-F39003-MN	Barge Terminal Expansion, Packer River Terminal, Dakota County, Minn.	EU1	F
D-COE-G34027-AR	Operation and Maintenance, Lake Greason, Lake Ouachita, and Degray Lake, Ark.	LO1	G
D-COE-G36054-TX	Vince and Little Vince Bayous, Harris County, Tex.	LO1	G
D-COE-K35010-CA	East San Raphael Baylands Development, Permit, Marin County, Calif.	LO2	J
D-COE-K89018-CA	Bel Marin Keys Unit IV, Ignacio Industrial Park Unit 3, Marin County, Calif.	ER2	J

APPENDIX I.—Draft environmental impact statements for which comments were issued between June 1, and June 30, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-F40089-IL	Department of Transportation	WI-595, IL-2 to I-80, Rock Island and Henry Counties, Ill.	F
D-FHW-H40071-IA	I-380 Extension, Waterloo and Cedar Falls Metropolitan Area, Black Hawk County, Iowa (FHWA-1A-EIS-77-03-D).	ER2	H
D-FHW-H40072-MO	Lees Summit Road, U.S. 24 to I-70, Independence, Jackson County, Mo. (FHWA-MO-EIS-78-3-D).	3	H
D-FHW-J40065-CO	South Santa Fe Drive, Florida to Bowles, Arapahoe and Denver Counties, Colo.	ER2	I
D-FHW-K40052-CA	Improvements, CA-131 Tiburon, Marin County, Calif.	LO2	J
D-FHW-K61014-CA	Arden Bar Park and C. M. Goeth Park, Land Use Plan and Jedediah Smith Memorial Trail Bridge, American River, Sacramento County, Calif.	LO1	J
Department of Housing and Urban Development			
D-HUD-C24001-PR	Construction of Sanitary Sewer System, Rios Community, Humacao, Puerto Rico.	EU2	C
D-HUD-C85015-NJ	The Oaks at Glenwood, Madison Township, Middlesex County, N.J.	LO2	C
D-HUD-D85013-VA	Newington Forest Development, Fairfax County, Va.	LO2	D
D-HUD-F85020-MN	Maple Grove and Boundary Creek Additions, Hennepin County, Minn.	LO1	F
D-HUD-G85034-TX	Bonadre Subdivision, Harris County, Tex.....	LO2	G
D-HUD-G85040-TX	Sherwood Trails Subdivision, Harris County, Tex.	LO1	G
D-HUD-G85043-TX	Summerfields Community, Tarrant County, Tex.	LO1	G
D-HUD-G85045-TX	Autumn Run and Bear Creek Subdivisions, Harris County, Tex.	LO2	G
D-HUD-G85046-TX	Rolling Green Subdivision, Harris County, Tex.	LO2	G
D-HUD-G85049-TX	Atascocita Subdivision, Harris County, Tex...	LO2	G
D-HUD-G85050-TX	Ranch Country Subdivision, Harris County, Tex.	LO1	G
D-HUD-K85008-CA	Sweetwater, Avacado and Cottonwood Villages, Residential Development of Ranch, San Diego Area, Calif.	ER2	J
Nuclear Regulatory Commission			
D-NRC-H06001-NB	Fort Calhoun Station, Unit 2, Omaha Public Power District, Docket No. 50-548, Washington, County, Nebr. (NUREG-0213).	ER1	H
Veterans Administration			
D-VAD-D80005-VA	Washington, D.C. Area National Cemetery, Quantico, Va.	LO2	D
Department of Labor			
D-OSH-A86107-00	Proposed Standard for Occupational Exposure to Sulfur Dioxide.	LO1	A

APPENDIX II.—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

L.O.—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

E.R.—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

E.U.—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards, which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III.—Final Environmental Impact Statements for which comments were issued between June 1, and June 30, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
S-COE-A32487-FL	Tampa Harbor, Deepening, Hillsborough County, Fla.	In general, EPA's concerns were adequately addressed in the supplement to the final EIS. However, EPA believes the overall result of the project will involve degradation in water quality values.	E
F-COE-82099-LA	Removal of Water Hyacinth and Aquatic Plant Control Program, New Orleans, La.	EPA continues to have environmental reservations on the project as proposed. The draft EIS was rated "environmentally unsatisfactory" based on the legality of using 2.4-D on moving waterways since 2,4-D was registered for aquatic use on still waters. Since then Weedar 64 (EPA registration No. 264-2) has been registered for use by Federal or State agencies against the water hya-	G

ADEQUACY OF THE IMPACT STATEMENT

Category 1.—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2.—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3.—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final Environmental Impact Statements for which comments were issued between June 1, and June 30, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-82089-LA	Removal of Water Hyacinth and Aquatic Plant Control Program, New Orleans, La.	cinth in quiescent or slow-moving waters. While 2, 4-D has been approved for some uses, EPA's experience indicates that herbicides control aquatic plant growth during use, but once the application ceases the growth returns. The additional burden of 2,4-D application on Louisiana waters and treatment plants may be excessive in view of Louisiana's history of problems with chlorinated organic compounds in drinking water supplies.	
F-COE-B35005-ME	George's River Maintenance Dredging Project, Thomaston, Maine.	EPA's review of the final EIS has been completed and the project has been found to be satisfactory from the standpoint of environmental quality, health and welfare, within EPA's areas of jurisdiction and expertise.	B
F-COE-E35042-NC	Wanchese Harbor Development Project, N.C.	In general, EPA's concerns were adequately addressed in the final EIS. However, EPA feels the Corps determination that the public benefits to be derived from the Wanchese Harbor project outweigh the damage to the wetlands is a matter for disclosure under the National Environmental Policy Act (NEPA).	E
F-COE-F26001-MN	Reserve Mining Co., Discharge Structure, Lake County, Minn.	In general, EPA's concerns were adequately addressed in the final EIS. However, EPA recommended to the Corps of Engineers measures that should be required to minimize the impacts of the Reserve Mining Co.'s operations upon air quality.	F
F-COE-30006-MI	Ludington Harbor, Mitigation of Shore Damage, Federal Navigation Structures, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F

APPENDIX III.—Final Environmental Impact Statements for which comments were issued between June 1, and June 30, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF AGRICULTURE			
F-AFS-J65047-MT	OPHIR-DOG-MacDonald Pass Planning Unit, Helena National Forest, Mont.	EPA feels the final EIS did not provide sufficient information to address EPA's concerns on the draft EIS regarding water quality. However, subsequent contact between EPA and the forest service indicate serious water quality impacts are unlikely as a result of this action.	I
DEPARTMENT OF INTERIOR			
F-BOR-J99049-00	The Continental Divide Trail, Colorado, Idaho, Montana, New Mexico, and Wyoming.	In general EPA's concerns were adequately addressed in the final EIS. However, since the EIS did not analyze site specific impacts, EPA requested that BOR ensure the analysis be done prior to implementation of specific project elements.	I
F-IBR-J34007-CO	Dolores Project, Montezuma and Dolores Counties, Colo.	EPA's concerns were adequately addressed in the final EIS.	I
DEPARTMENT OF TRANSPORTATION			
F-FAA-F51004-IN	Clark County Airport, Construction and Development, Jeffersonville, Ind.	EPA continues to have environmental reservations on the proposed project and feels the final EIS did not adequately respond to comments made on the draft EIS. Specifically, EPA expressed concern in regard to impacts on noise and water quality.	F
F-FAA-K51003-CA	Reedley Municipality Airport, Fresno, Calif.	EPA's concerns were adequately addressed in the final EIS.	J
F-FHW-A42109-MN	I-94, U.S. 12 and I-394 to MN-182, Hennepin County, Minn.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-C40008-NY	Rochester outer Loop to MD-235, St. Marys County, N.Y.	EPA's concerns were adequately addressed in the final EIS.	C
F-FHW-D40040-MD	MD-2 and MD-4 Extended, Lower Patuxent River Bridge to MD-235, St. Marys County, Md.	EPA's concerns were adequately addressed in the final EIS. EPA commended the responses given to air and water quality comments made in previous letters, and	D

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF TRANSPORTATION			
F-FHW-D40040-MD	MD-2 and MD-4 Extended, Lower Patuxent River Bridge to MD-235, St. Marys County, Md.	continues to encourage the use of noise abatement measures in the project area.	
F-FHW-F40036-WI	Oneida Street Bridge and Approaches, Appleton, Outagamie County, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-F40052-WI	Wisconsin Rapids, Daly Ave., Wood County, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-F40055-IN	IN-3, Allen and Dekalb Counties, Ind.	EPA's concerns were adequately addressed in the final negative declaration.	D
NF-FAA-D51008-PA	Proposed Radar Facility (ARSR/JSS), Pine Township Clearfield County, Pa.	EPA's concerns were adequately addressed with the exception of comments regarding noise impacts and water quality. EPA requested the following provisions be implemented: Highway pollutants will not degrade water quality in adjacent streams, measures established to prevent unnecessary sedimentation, preservation of oxbow portion of the Olenlangy River, dense vegetative landscaping for mitigation of noise impacts.	F
F-FHW-40080-OH	OH-315, Ackerman Rd. to I-270, Franklin County, Ohio.	EPA continues to have environmental reservations with the proposed project because projected noise levels at 242 homes and 3 schools in the Kansas City school district will exceed FHMP 7-7-3 noise standards. EPA acknowledged the FHWA commitment to study noise abatement measures for these receptors and requested the FHWA to submit the detailed noise study report for the project to EPA for review before final decisions on noise abatement are made.	H
FS-FHW-H40041-MO	MO-71, South Midtown Freeway, Kansas City, Jackson County, Mo. (FHWA-MO-EIS-71-27-FS)	EPA's concerns were adequately addressed in the final EIS. However, even though the route has been realigned to minimize destruction of wetlands, the proposed project will entail the destruction of 25.8 acres of wetlands.	E
F-FHW-J40022-ND	U.S. 2, Leads to Churches Ferry, Benson County, N.D.	EPA's concerns were adequately addressed in the final EIS.	I

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF TRANSPORTATION			
F-FHW-K40041-CA	Salicoy St. extension, Woodman Av. to Vanuys Blvd., Los Angeles County, Calif.	do	J
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-E85013-GA	Georgetown Subdivision, Chatham County, Ga. (HUD-R04-EIS-76-18-F)	do	E
F-HUD-E89005-TN	New Chicago Priority Area Improvement Project, Memphis, Shelby County, Tenn.	EPA was not given the opportunity to review the draft EIS. Therefore, EPA requested additional information regarding noise impacts and urban runoff.	E
F-HUD-K85010-CA	Residential Redevelopment of Suisun City, Solano County, Calif.	EPA continues to have environmental reservations on the project as proposed. Specifically, the project is to be built on a floodplain, and no adequate flood protection is currently available.	J
INTERSTATE COMMERCE COMMISSION			
F-ICC-E53002-SC	East Cooper and Berkeley RR, Co. Construction and Operation Railroad Line, Berkeley County, S.C.	EPA's concerns were adequately addressed in the final EIS. However, even though the route has been realigned to minimize destruction of wetlands, the proposed project will entail the destruction of 25.8 acres of wetlands.	E
TENNESSEE VALLEY AUTHORITY			
F-TVA-E06004-TN	Phipps Bend Nuclear Plant, Units 1 and 2, Hawkins County, Tenn.	EPA's concerns were adequately addressed in the final EIS. However, EPA feels the TVA should assess the noise impacts relating to full plant operation.	E
DEPARTMENT OF DEFENSE			
S-USN-A10040-WA	Trident Submarine Support Site, Bangor, Wash.	EPA's concerns were adequately addressed in the supplement to the final EIS.	K

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-E32020-00	Little River Inlet Navigation Project, Brunswick County, N.C. and Horry County, S.C.	E
F-COE-E36042-NC	Adkin Branch Flood Control Project, Kinston, Lenoir County, N.C.	E
COE-G34008-LA	Gulf Intracoastal Waterway, Louisiana Section, Replacement of Vermillion Lock, La.	G
F-COE-G34021-TX	Operation and Maintenance, Bardwell Lake, Benbrook Lake, Grapeville Lake and Navarro Mills Lake, Trinity River Basin, Tex.	G
F-COE-G35002-OK	Tulsa Urban Renewal Authority, River Parks Project, Tulsa, Okla.	G
F-COE-H08000-MO	161 KV Transmission Line Crossings, Lake of the Ozarks, Camden County, Mo.	H
F-COE-C85009-NJ	The Major Corporation Pebble Beach, Indianola Complex Residential Lagoon Development, Permit, Ocean County, N.J.	C
DEPARTMENT OF AGRICULTURE		
F-AFS-B22003-ME	Cooperative Spruce Budworm Suppression Project, Maine, Year 1977.	B
F-AFS-G65023-NM	Red River Ski Area, Carson National Forest, Taos County, N. Mex.	G
F-AFS-L61038-WA	Skagit River, Proposal for River Classification, Under the Wild and Scenic Rivers Act, Snohomish County, Wash.	K
F-SCS-B36010-CT	Avery Brook Watershed, Hartford County, Conn.	B
DEPARTMENT OF COMMERCE		
F-NOA-B91006-00	Fishery Management Plan, Groundfish, Haddock, Cod, Yellow-tail Flounder.	B
DEPARTMENT OF DEFENSE		
F-USN-L02002-AK	Continuing Exploration and Evaluation of Naval Petroleum Reserve No. 4, Alaska.	K
Department of Transportation		
F-FAA-L51007-AK	Akhiok Airport, Akhiok, Alaska.	K
F-FHW-E40076-FL	FL-828, Normandy Dr., Rue Versailles to FL-A-1-A, Dade County, Fla.	E
F-FHW-E40092-FL	Southeastern Extension, FL-9-A, Jacksonville, I-95 and I-295, Duval County, Fla.	E
F-FHW-G40051-TX	U.S. 237, Intersection with U.S. 79 to U.S. 84, Anderson County, Tex.	G
F-FHW-H40018-IA	IA-592 Arterial, Polk and Warren Counties, Iowa.	H
F-FHW-L40034-WA	WA-14, Kennewick Vicinity, Benton County, Washington (FHWA-WN-EIS-76-02-F).	K
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-E28021-TN	Rural Water Project, (CDBG) Dekalb County, Tenn.	E
F-HUD-G85023-TX	Williamsburg Subdivision, Harris County, Tex.	G
F-HUD-G89002-OK	Industrial Utilities, Lawton, Okla.	G
F-HUD-H91002-IA	South Federal Ave. Redevelopment Project, Mason City, Iowa.	H
DEPARTMENT OF LABOR		
F-OSH-A99106-00	Joint OSHA/NIOSH Standards Completion Project.	A

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Defense			
R-USA-A86109-00	32 CFR Pt. 656, Environmental Quality, Installations, Use of Off-Road Vehicles (ORV) on Army Land (AR 210-9) (42 FR 21620)	EPA believes the Army rulemaking will have a distinct beneficial effect on the agency's environmental program and made suggestions which would allow for the same considerations to those areas adjacent to Army lands.	A
Department of Transportation			
R-CGD-A52119-00	46 CFR Pts. 50.54, 56, 58, 61, 107, 108, and 109, Requirements for Mobile Offshore Drilling Units (42 FR 22296)	EPA reviewed the proposed rulemaking and requested the Coast Guard maintain the existing pt. 46 of title 33 which provides for a safety zone around a platform to prevent damage to biotic resources from harmful substances. Subsequently EPA recommended the final rules be published under both titles 33 and 46 concurrently in the Federal Register.	A
Corps of Engineers			
R-COE-A35151-00	33 CFR Pt. 303, Permits for Discharges of Dredged or Fill Material Into Waters of the United States, Proposed Rulemaking	EPA agrees with the establishment of the nationwide permit system and offered several suggestions which would strengthen the system from an environmental point of view.	A
Department of Agriculture			
A-AFS-A65128-00	Draft Assessment Element Outline and the Proposed Alternative Forest Service Program Directions and National Goals	EPA made several comments on the proposed action, specifically, EPA believes that several portions of the outline require a more explicit reference to environmental concerns and impacts.	A
U.S. Department of the Interior			
R-BIA-A01047-00	25 CFR Pts. 171, 177, 182 and 183, Mining on Indian Lands	EPA made several comments which would provide the additional environmental protection required for typical mining operations on Indian lands.	A

APPENDIX VI.—Source for copies of EPA comments

- A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 922, Waterside Mall SW., Washington, D.C. 20460.
- B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.
- C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.
- D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
- E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.
- F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.
- G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75270.
- H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.
- I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.
- J. Director of Public Affairs, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105.
- K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 78-2290 Filed 1-27-78; 8:45 am]

[FRL 849-7; OPP-30000/24A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Thiophanate-methyl; Extension of Period for Submission of Rebuttal Evidence and Comments

On November 23, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient thiophanate-methyl. This notice was published in the *FEDERAL REGISTER* on December 7, 1977 (42 FR 61970). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such

evidence may be submitted (40 CFR 162.11(a)(1)(i)).

A request for an additional 60 days in which to present evidence to the Agency has been received from one of the major registrants who was affected by the notice of presumption. The requester has specified a need for additional time to communicate with foreign developers of the chemical and the industrial users of their products and to complete and submit certain test data that would not be available by January 24, 1978.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown, all registrants, applicants for registration, and other interested persons shall have until March 27, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St., SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/24A".

Comments and information received on or before March 27, 1978, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after March 27, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower during the same time period.

Dated: January 25, 1978.

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

[FR Doc. 78-2642 Filed 1-27-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21417]

AMERICAN TELEPHONE & TELEGRAPH CO.

Order Regarding Long Lines Department, Revisions of Tariff FCC No. 260, Private Line Services, Series 1000 (Telegraph)¹

¹ See 42 FR 64737.

Adopted: January 20, 1978.

Released:

By the Chief, Common Carrier Bureau:

1. Comments in this proceeding were to have been filed on or before February 1, 1978, and reply comments on or before February 22, 1978. We have determined that the proceeding would be materially aided by our extending the due dates by approximately 1½ months. This additional time will afford interested persons and the Commission an adequate opportunity to review the American Telephone & Telegraph Co. cost submissions received on December 19, 1977 and January 16, 1978, and the "Petition for Enlargement of Issues and for Modification of Procedures," submitted by the Central Station Electrical Protection Association on December 5, 1977. Delegated authority to the Chief, Common Carrier Bureau, to so order is contained in § 0.303(c) of the Commission's rules and regulations, 47 CFR 0.303(c).

2. Accordingly, it is ordered, That the due dates for comments and reply comments in this proceeding are hereby extended to March 20, 1978, and April 10, 1978, respectively.

For the Federal Communications Commission.

PHILIP V. PERMUT,
Deputy Chief,
Common Carrier Bureau.

[FR Doc. 78-2480 Filed 1-27-78; 8:45 am]

[6712-01]

[Report No. 894]

COMMON CARRIER SERVICES INFORMATION

Re: Applications Accepted for Filing

JANUARY 23, 1978.

By the Chief, Common Carrier Bureau:

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30-day notice period (see section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cutoff date for filing a mutually exclusive application is the close of business 1 business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cutoff rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 20613-CD-P-(4)-78 Delta Valley Radiotelephone Co., Inc. (KMA743). C.P. for additional facilities to operate on 2178.4 MHz, control at locations No. 1: 3502 Kroy Way, Sacramento, Calif., additional facilities to operate on 2128.4 MHz, control at location No. 4: 2171 Ralph Avenue, Stockton, Calif., and additional facilities to operate on 2128.4 and 2178.4 MHz, repeater, to be located at a new site described as location No. 5: At north peak of Mount Diablo, approximately 7.5 miles northeast of Danville, Calif.
- 20616-CD-P-78 Little Rock Radio Telephone Co., Inc. (new). C.P. for a new 1-way station to operate on 35.58 MHz to be located at 1501 North University, Little Rock, Ark.
- 20622-CD-P-(2)-78 Tel-Illinois, Inc. (new). C.P. for a new 1-way station to operate on 158.70 MHz, base to be located at location No. 1: 1029 Main Street, Danville, Ill., and

- control facilities to operate on 459.300 MHz to be located at location No. 2: 2424 West Skyline Drive, Champaign, Ill.
- 20629-CD-P-(2)-78 Mount Shasta Radiotelephone, Inc. (KUS379). C.P. for additional facilities to operate on 929.0 MHz, repeater at location No. 2: Summit Gray Butte, 7.1 miles northeast of Mount Shasta, Calif., and for additional facilities to operate on 939.5 MHz, control at a new site described as location No. 3: 612 South Mount Shasta Boulevard, Mount Shasta, Calif.
- 20651-CD-P-(3)-78 Nashville Mobilphone, Inc. (KIY750). C.P. to replace transmitter and relocate facilities operating on 454.200, 454.225, and 454.350 MHz from location No. 3 to location No. 2: 0.5 miles north of Old Hickory Boulevard and 1 mile west of Granny White Pike, Nashville, Tenn.
- 20652-CD-TC-78 North Alabama Paging Co., Inc. Consent to transfer of control from Walter B. Smith, transferor, to Ernest A. Poole, transferee. Station: KUC951, Decatur, Ala.
- 20653-CD-P-78 RAM Broadcasting of Massachusetts, Inc. (KSV956). C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as location No. 4: Asnebumskit Hill, 2.6 miles east of Paxton, Mass.
- 20656-CD-P-(2)-78 James D. and Lawrence D. Garvey, d.b.a. Radiofone (KUS285). C.P. to relocate facilities operating on 43.22 MHz and 43.58 MHz at location No. 1 to be located at 700 Poydras Street, New Orleans, La.
- 20657-CD-P-(3)-78 Otis L. Hale, d.b.a. Mobilphone Communications (KLB500) (resubmitted). C.P. to change antenna system operating on 152.21 MHz at location No. 2 and replace transmitter operating on 152.09 MHz, base and replace transmitter and change antenna system and relocate facilities operating on 459.05 and 152.09 to be located from location No. 1 to location No. 2: Shinall Mountain, 9 miles west-northwest of Little Rock, Ark.
- 20658-CD-R-78 Southwestern Bell Telephone Co. (KWB401) (developmental). Renewal of license expiring February 9, 1978. Term: February 9, 1978 to February 9, 1979.
- 20659-CD-P-(3)-78 South Central Bell Telephone Co. (KIB389). C.P. to change antenna system operating on 152.51, 152.63, and 152.81 MHz, located approximately 7.9 miles northeast of Signal Mountain, Tenn.
- 20660-CD-P-(2)-78 Industrial Communications Systems, Inc. (KSV926). C.P. for additional facilities to operate on 2173.6 MHz, repeater at location No. 1: Santiago Peak radio site, Santa Ana, Calif.; and for additional facilities to operate on 2123.6 MHz, control to be located at a new site described as location No. 9: 2660 Woodland Drive, Anaheim, Calif.
- 20662-CD-P-(2)-78 Industrial Communications Systems, Inc. (KMD990). C.P. for additional facilities to operate on 2173.6 MHz, repeater at location No. 1: Santiago Peak radio site, Santa Ana, Calif.; and for additional facilities to operate on 2123.6 MHz, control, to be located at a new site described as location No. 6: 2660 Woodland Drive, Anaheim, Calif.
- 20663-CD-P-(4)-78 American Communications Systems, Inc. (KIG300). C.P. for additional facilities to operate on 43.58 MHz at four new sites described as location No. 3: 255 Scenic Highway, Lawrenceville, Ga.;

- location No. 4: 1000 Atlanta West Boulevard, Lithia Springs, Ga.; location No. 5: 1412 Milstead Road, Conyers, Ga.; and location No. 6: 1480 Lawrenceville Road, Marietta, Ga.
- 20664-CD-P-78 Selective Radio Paging, Inc. (KKT407). C.P. to change antenna system operating on 35.22 MHz located at 700 Poydras Street, New Orleans, La.
- 20665-CD-AL-78 Alco Telephone Answering Service of Greenville, Miss., Inc. Consent to assignment of license from Alco Telephone Answering Service of Greenville, Miss., Inc., assignor, to L & L Services, Inc., d.b.a. Metro Communication Services, assignee. Station: KUC976, Oxford, Miss.
- 20666-CD-MP-78 Digital Paging Systems of Toledo, Inc. (KWU348). Modification of C.P. to relocate facilities operating on 454.325 MHz to be located at 1049 South McCord Street, Toledo, Ohio.
- 20667-CD-P-(2)-78 ComEx, Inc. (KCI295). C.P. for additional facilities to operate on 72.22 and 72.62 MHz, control at location No. 2: Uncanoonuc Mountain, near Gofftown, N.H.
- 20668-CD-MP-(5)-78 Southwest Mobilphone, Inc. (KDS461). Modification of C.P. to replace transmitter, change antenna system and relocate facilities operating on 454.325 and 454.350 MHz at location No. 1: 3.5 miles north of U.S. Highway 83 and 23rd Street, 0.1 mile east on unmarked road, McAllen, Tex.; replace transmitter and change antenna system operating on 454.075 and 454.150 MHz at location No. 2: 2105 East 14th Street, Brownsville, Tex.; and replace transmitter and change antenna system operating on 454.025 MHz at location No. 3: off New Hampshire Road, 0.75 mile south of Harlingen, Tex.
- 20669-CD-P-78 Edythe L. Kies, d.b.a. Traverse Answering Service (KRS702). C.P. for additional facilities to operate on 152.12 MHz at location No. 1: Cedar Run Road, Traverse City, Mich.

CORRECTIONS

- 20611-CD-AL-78 AAA Answerphone, Inc., Jackson. Correct station location to read Tupelo, Miss., instead of Jackson, Miss. All other particulars to remain as reported on PN No. 893, dated January 16, 1978.
- 20615-CD-P-78 General Telephone Co. of California (KUA300). Correct file number to read: 20615-CD-P/ML-78. All other particulars to remain as reported on PN No. 893, dated January 16, 1978.

MAJOR AMENDMENTS

- 21755-CD-P-77 Mobile Communication Service, Inc. Amend to change the base frequency to 43.22 MHz. All other particulars to remain as reported on PN No. 868, dated July 25, 1977.
- 20160-CD-P-(2)-78 Schaller Telephone Co., Schaller, Iowa (KWU471). Amend base frequency 152.21 MHz to read 152.51 MHz. All other particulars to remain as reported on PN No. 883, dated November 7, 1977.

POINT TO POINT MICROWAVE RADIO SERVICES

- OR-1013-CF-AL-(1)-78 Eastern Oregon Telephone Co. Consent to assignment of radio station license from Eastern Oregon Telephone Co., assignor to Blue Mountain Telephone, Inc., assignee for station (WAH556) Boardman, Ore.
- MA-1059-CF-P-78 American Telephone and Telegraph Co. (WQR45) Court and Putnam Street, Brockton, (Plymouth)

- Mass. Lat. 42°05'11" N. long. 71°00'53" W. CP to change polarization from H to V on frequencies 11625, 11545, and 11465 MHz toward High Rock, Mass.
- MA-1060-CF-P-78 Same (KCA22) High Rock 2.0 miles West of Foxboro, (Norfolk) Mass. Lat. 42°03'40" N. Long. 71°17'18" W. CP to change polarization from H to V on frequencies 11015, 11095, and 11175 MHz toward Brockton, Mass.
- AR-1017-CF-P-78 Southwestern Bell Telephone Co. (KKB55) 725 South Church Street, Jonesboro, (Craighead) Ark. Lat. 35°50'11" N. Long. 90°42'17" W. CP to increase power and add frequency on 4110H MHz on azimuth 127.5° toward Bay, Ark.
- AR-1028-CF-P-78 Same (KKB54) 1 mile southeast of Bay, (Craighead) Ark. Lat. 35°44'30" N. Long. 90°33'12" W. CP to increase power and add frequency on 4150H MHz on azimuth 307.6° toward Jonesboro, Ark.
- AR-1071-CF-P-78 Same (WCT903) 301 West Main Eldorado, (Union) Ark. Lat. 33°12'40" N. Long. 92°39'58" W. CP to add a new point of communication on frequency 2128.2V MHz on azimuth 194.1° toward Junction City, Ark.
- WA-1072-CF-P-78 Pacific Northwest Bell Telephone Co. (KPE29) 2.7 miles southeast of Moses Lake, (Grant) Wash. Lat. 47°05'16" N. Long. 119°15'25" W. CP to add antennas and frequency on 5945.2H MHz on azimuth 258.9° toward Kittitas, Wash.
- WA-1073-CF-P-78 Same (KPE28) 10 miles east of Kittitas, (Kittitas) Wash. Lat. 46°57'30" N. Long. 120°11'25" W. CP to add antennas and frequencies on 6197.2H MHz on azimuth 78.2° toward Moses Lake, Wash., and 4110V MHz on azimuth 247.9° toward Wymer, Wash.
- WA-1074-CF-P-78 Same (KPZ38) 5.5 miles west-northwest of Wymer, (Kittitas) Wash. Lat. 46°51'01" N. Long. 120°34'32" W. CP to add frequencies on 4150V MHz toward Kittitas, Wash., on azimuth 67.6° and 4150V MHz on azimuth 169.8° toward Yakima, Wash.
- WA-1075-CF-P-78 Same (KOJ91) 208 West Yakima Avenue, Yakima, (Yakima) Wash. Lat. 46°36'03" N. Long. 120°30'37" W. CP to add frequency 4110V MHz on azimuth 349.8° toward Wymer, Wash.
- MO-1076-CF-P-78 American Telephone and Telegraph Co. (new) 6.5 miles north-northeast of Hillsboro, (Jefferson) Mo. Lat. 38°19'32" N. Long. 90°31'42" W. CP for a new station on frequencies 6034.2H and 6063.8V MHz on azimuth 234.0° toward Richwood, Mo.
- MO-1077-CF-P-78 Same (new) 4.2 miles southwest of Richwoods, (Washington) Mo. Lat. 38°06'56" N. Long. 90°53'37" W. CP for a new station on frequencies 6286.2V, 6315.9H MHz on azimuth 53.8° toward Hillsboro, Mo., 6286.2H, 6315.9V MHz on azimuth 261.4° toward Rosati, Mo.
- MO-1078-CF-P-78 Same (new) 1.5 miles northeast of Rosati, (Crawford) Mo. Lat. 38°02'24" N. Long. 91°30'53" W. CP for a new station on frequencies 6034.2V, 6063.8H MHz on azimuth 81.1°, 6034.2H, 6063.8V MHz on azimuth 282.5° toward Brinktown, Mo.
- MO-1079-CF-P-78 Same (new) 0.9 miles north of Brinktown, (Maries) Mo. Lat. 38°08'17" N. Long. 92°04'52" W. CP for a new station on frequencies 6286.2V, 6315.9H MHz on azimuth 102.2°, 6286.2V, 6315.9H MHz on azimuth 296.5° toward Barnett, Mo.
- MO-1080-CF-P-78 Same (new) 0.8 miles south-southeast of Barnett, (Morgan) Mo. Lat. 38°22'01" N. Long. 92°40'04" W. CP for a new station on frequencies 6034.2H, 6063.8V MHz on azimuth 116.1° toward Brinktown, Mo., 6034.2H, 6063.8V MHz on azimuth 273.4° toward Cole Camp, Mo.
- MO-1081-CF-P-78 Same (new) 7.5 miles southeast of Cole Camp, (Benton) Mo. Lat. 38°23'11" N. Long. 93°06'29" W. CP for a new station on frequencies 6286.2V, 6315.9H MHz on azimuth 93.1° toward Barnett, Mo. 6286.2V, 6315.9H MHz on azimuth 302.7° toward Windsor, Mo.
- MO-1082-CF-P-78 Same (new) 3.7 miles north of Windsor, (Johnson) Mo. Lat. 38°35'43" N. Long. 93°31'26" W. CP for a new station on frequencies 6034.2H, and 6063.8V MHz on azimuth 122.5° toward Cole Camp, Mo.
- KS-1032-CF-MP-78 Mid-Kansas, Inc. (WBB 402) 2.0 miles north of Kinsley, Kans. Lat. 37°57'29" N. Long. 99°25'44" W. Modification of construction permit to add 5945.2V MHz toward Jetmore, Kans., on azimuth 287.6° via power split.
- OH-1034-CF-P-78 Tower Communication Systems Corp. (KQO 42) Shanesville, Ohio. Lat. 40°30'56" N. Long. 81°39'14" W. Construction permit to replace transmitter(s), change polarization to vertical and to change frequency to 5989.7V, 6137.9V and 6078.6V MHz toward Coshoc-ton, Ohio, the latter 2 frequencies via power split, on azimuth 209.3°.
- OH-1035-CF-P-78 Tower Communication Systems Corp. (KQO 41) Coshoc-ton, Ohio. Lat. 40°16'04" N. Long. 81°50'14" W. Construction permit to replace transmitter(s), change polarization to vertical and to change frequency to 6212.0V MHz toward Shanesville (Sugar Creek), Ohio, on azimuth 29.5°.
- NE-1064-CF-P-78 Mountain Microwave Corp. (KZA 62) Manchester, 14 miles southwest of Chadron, Nebr. Lat. 42°38'02" N. Long. 102°06'07" W. Construction permit to add 6005.5V MHz 6050H, and 6167.6H MHz toward Hemingford, Nebr., via power split, on azimuth 176.8° and to change polarization and increase power toward existing points of communication located at Crawford, Gordon, Rushville, Chadron, all in Nebraska and Pine Ridge, S.C.
- OH-1041-CF-P-78 MCI Telecommunications Corp. (WLI86) 0.5 Miles north of Scotch Ridge, Ohio. Lat. 41°24'33" N. Long. 83°32'04" W. Construction permit to change polarization; 5974.8, 6034.2, 6093.5, and 6152.8 from H to V; 6004.5 from V to H, all towards Petersburg, Mich.
- TX-1058-CF-P-78 Westco Communications, Inc. (new) 401 West Loop 340, Waco, Tex. Lat. 31°30'59" N. Long. 97°11'50" W. Construction permit for a new station, 2129.2H MHz towards Moody, Tex. on azimuth 205.8°.
- AR-1036-CF-P-78 Oklahoma Allied Telephone Co. (KPP33), 310 Clayton Street, Poteau (Le Flore), Okla. Lat. 35°03'08" N. Long. 94°37'13" W. CP to correct coordinates and change frequencies 5937.8H and 6056.4H MHz to 2112H and 2120H MHz on azimuth 294.9° toward Cavanal Mountain, Ark., replace antennas and transmitters.
- OK-1037-CF-P-78 Same (KPP34), Cavanal Mountain 3.6 miles northwest of Poteau (Le Flore), Okla. Lat. 35°04'27" N. Long. 94°40'40" W. CP to correct coordinates and change frequencies on 6189.8V and 6308.4V to 2162H and 2170H MHz on azimuth 114.9° toward Poteau, Okla., 6204.7V to 2178H MHz on azimuth 330.4° toward Vian, Okla., 6323.3V to 2166H MHz on azimuth 349.8° toward Beaver Mountain, Okla., replace antennas and transmitters.
- OK-1038-CF-P-78 Same (KPP35), 105 North Blackstone Vian (Sequoyah), Okla. Lat. 35°29'55" N. Long. 94°58'18" W. CP to correct coordinates and change frequencies 5952.6V and 6071.2V MHz to 2128H MHz on azimuth 150.2° toward Cavanal, Okla., replace antennas and transmitters.
- OK-1039-CF-P-78 Same (new), Beaver Mountain 6.3 miles north of Marble City (Cherokee), Okla. Lat. 35°40'17" N. Long. 94°48'35" W. CP for a new station on frequencies 2116H MHz on azimuth 169.7° toward Cavanal Mountain, Okla. and 2112H MHz on azimuth 46.3° toward Stilwell, Okla.
- OK-1040-CF-P-78 Same (new), 116 South First Stilwell (Adair), Okla. Lat. 35°48'46" N. Long. 94°37'40" W. CP for a new station on frequency 2162H MHz on 226.4° toward Beaver Mountain, Okla.
- AK-1046-CF-P-78 RCA Alaska Communications, Inc. (WAH393), Valdez Trm. 3.7 miles south-southwest Valdez across Valdez, Alaska. Lat. 61°05'06" N. Long. 146°23'32" W. CP to add antennas and increase structure height on 2162.4V MHz toward Valdez, Alaska.
- ID-904-CF-P-78 Cambridge Telephone Co., Inc. (new), Cuprum (Adams), Idaho. Lat. 45°04'41" N. Long. 116°43'17" W. CP for a new station on frequency 2128H MHz on azimuth 60.1° toward Smith Mountain. Passive reflector and from Passive reflector toward Mesa, Idaho on azimuth 169.1°.
- ID-905-CF-P-78 Same (new), Lat. 44°38'25" N. Long. 116°26'57" W. Mesa (Adams), Idaho. Lat. 44°38'25" N. Long. 116°26'57" W. CP for a new station on frequency 2178V MHz on azimuth 349.1° toward Smith Mountain. Passive reflector and from Passive reflector toward Cuprum, Idaho on azimuth 240.8°.

CORRECTIONS

The following applications were inadvertently omitted from Public Notice Report No. 888 December 12, 1977.

OK-616-CF-P-78 Southwestern Bell Telephone Co. (KEZ68), 820 Avant Avenue, Clinton (Custer), Okla. Lat. 35°30'46" N. Long. 98°58'11" W. CP to add a new point of communication and increase structure height on frequency 6286.2H MHz on azimuth 244.2° toward Canute, Okla.

OK-617-CF-P-78 Same (new), 2.7 miles southwest of Canute (Washita), Okla. Lat. 35°22'40" N. Long. 99°18'35" W. CP for a new station on frequencies 6034.2V MHz toward Clinton, Okla. on azimuth 64.0° and 11035V MHz on azimuth 291.8° toward Elk City, Okla.

OK-618-CF-P-78 Same (new), 515 West Broadway, Elk City (Beckham), Okla. Lat. 35°24'38" N. Long. 99°24'35" W. CP for a new station on frequency 11485V MHz on azimuth 111.8° toward Canute, Okla.

The following application was inadvertently omitted from Public Notice Report No. 889 December 19, 1977.

TN-702-CF-P-78 South Central Bell Telephone Co. (WJG57), 3 miles northwest of Dickson (Dickson), Tenn. Lat. 36°05'50" N. Long. 87°25'58" W. CP to add receive space diversity antenna at Lobelle, Tenn. for frequency 3710V.

TN-703-CF-P-78 Same (KJG56), 4 miles southwest of Lobelville (Perry), Tenn. Correct entry to read: CP to change polar-

ization from H to V on frequency 3730, V to H on 3750, 3830, 3910, 3990, 4070, 4150, H to V on 4130 toward Lexington, Tenn., add receive space diversity antenna from Lexington, and on 3730H toward Dickson, Tenn.

[FR Doc. 78-2483 Filed 1-27-78; 8:45 am]

[6712-01]

FM AND TV TRANSLATOR

Applications Ready and Available for Processing Pursuant to Sections 1.572(c) and 1.573(d) of the Commission's Rules

Adopted: January 20, 1978.

Released: January 25, 1978.

By the Chief, Broadcast Bureau.

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on March 16, 1978, the TV and FM translator applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 15, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on March 15, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5971 (K02FV), Franklin, Ariz., York-Sheldon Television. Req: Add Loma Linda Estates and Verde Lee Acres, Nevada, to present principal community, increase output power to 5 watts.
BPTTV-5972 (K07IR), York, Sheldon, Duncan, and Franklin, Ariz., York-Sheldon Television Association. Req: Add Verde Lee Acres and Loma Linda Estates, Arizona, to present principal community, increase output power to 10 watts.

BPTTV-5973 (K11JJ), York, Sheldon, Duncan, and Franklin, Ariz., York-Sheldon Television Association. Req: Add Verde Lee Acres and Loma Linda Estates, Arizona, to present principal community, increase output power to 10 watts.

BPTTV-5977 (K09EF), Royal City and Beverly, Wash., Sentinel Bluff Television, Inc. Req: Change principal community to Vantage and Beverly, Wash., increase output power to 10 watts, change primary TV station to KVEW, Channel 42, Kennewick, Wash.

BPTTV-5980 (K04DD), Weaverville, Calif., Weaverville Translator Co., Inc. Req: Add Douglas City and Junction City, Calif., to present principal community.

BPTTV-5985 (new), McGrath, Alaska, Iditarod Area School District. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KAKM-TV, KENI-TV, KIMO-TV, and KTVA-TV Anchorage, Alaska.

BPTTV-5986 (K13NL), Dry Lake, Thayer Junction, Point of Rocks, Wyo., Upper Bear River TV Service. Req: Change frequency to Channel 7, 174-180 MHz.

BPTTV-5995 (new), Tuscarora, Nev., Washoe Empire. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KTVN-TV, Reno, Nev.

BPTTV-5997 (K07CH), Plains, Mont., Plains-Paradise TV District. Req: Add Paradise to present principal community, output power to 10 watts.

BPTTV-6000 (new), Mayfield, Utah, Mayfield Town TV. Req: Channel 7, 174-180 MHz, 1 watt. Primary: KUED-TV, Salt Lake City, Utah.

BPTTV-6001 (new), Bassett, Nebr., City of Bassett. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KPRY-TV, Pierre, S. Dak.

BPTTV-6002 (K06AY), Santa Clara and Washington, Utah, Washington County Television Department. Req: Change principal community to Santa Clara and Veyo, Utah, and Littlefield, Ariz., increase output power to 10 watts, delete KLAS-TV, Channel 8, Las Vegas, Nev., from present primary TV station.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3434 (K77AJ), Delta and West Millard County, Utah, Millard County. Req: Change principal community to Oak City, Lynndyl, and Delta, Utah.

BPTT-3438 (K70BW), Lihue, Kauai, Hawaii, Lee Enterprises, Inc. Req: Change frequency to Channel 69, 800-806 MHz.

BPTT-3439 (K82AM), Waimea, Kauai, Hawaii, Lee Enterprises, Inc. Req: Change frequency to Channel 57, 728-734 MHz, increase output power to 20 watts.

BPTT-3445 (K82BT), Tropic, Utah, University of Utah. Req: Change frequency to Channel 55, 716-722 MHz, change principal community to Rural, Garfield and Kane County, Utah.

BPTT-3474 (new), Allentown-Bethlehem, Pa., NEP Communications, Inc. Req: Channel 26, 542-548 MHz, 100 watts. Primary: WNEP-TV, Scranton/Wilkes-Barre, Pa.

BPTT-3475 (new), Delhi, N.Y., Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison, and Otsego Counties. Req: Channel 56, 722-728 MHz, 10 watts. Primary: WSKG-TV, Binghamton, N.Y.

BPTT-3476 (new), Mount Upton and Gilbertsville, N.Y., Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison, and Otsego Counties. Req: Channel 56, 722-

728 MHz, 10 watts. Primary: WSKG-TV, Binghamton, N.Y.

BPTT-3477 (new), Otsego and Wellsbridge, N.Y., Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison, and Otsego Counties. Req: Channel 62, 758-764 MHz, 10 watts. Primary: WSKG-TV, Binghamton, N.Y.

BPTT-3478 (new), Smyrna, Sherbourne, and Earlsville, N.Y., Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison, and Otsego Counties. Req: Channel 56, 722-728 MHz, 100 watts. Primary: WSKG-TV, Binghamton, N.Y.

BPTT-3479 (new), Martinsburg, Pa., John R. Powley. Req: Channel 65, 776-782 MHz, 100 watts. Primary: WOPC-TV, Altoona, Pa.

BPTT-3482 (K64AD), Golconda and Paradise Valley, Nev., Humboldt County. Req: Change frequency to Channel 66, 782-788 MHz, increase power to 100 watts.

BPTT-3483 (new), Hartford, Conn., Spanish International Communications Corp. Req: Channel 69, 800-806 MHz, 1000 watts. Primary: WXTV-TV, Paterson, N.J.

BPTT-3485 (new), Fort Walton Beach, Fla., WTVY, Inc. Req: Channel 56, 722-728 MHz, 100 watts. Primary: WTVY-TV, Dothan, Ala.

BPTT-3486 (new), Belden, N.Y., Board of Cooperative Educational Services of Broome-Delaware-Tioga Counties. Req: Channel 62, 758-764 MHz, 10 watts. Primary: WSKG-TV, Binghamton, N.Y.

BPTT-3487 (new), Tioga Center and Nichols, N.Y., Board of Cooperative Educational Services of Broome-Delaware-Tioga Counties. Req: Channel 64, 770-776 MHz, 10 watts. Primary: WSKG-TV, Binghamton, N.Y.

BPTT-3488 (K79AM), Manson and Chelan, Wash., Manson Community TV Co., Inc. Req: Change frequency to Channel 66, 782-788 MHz, delete Chelan, Wash., from present principal community, increase output power to 100 watts.

BMPTT-897 (W62AD), Harpursville, N.Y., Board of Cooperative Educational Services of Broome-Delaware-Tioga Counties. Req: Change frequency to Channel 66, 782-788 MHz.

FM TRANSLATOR APPLICATIONS

BPFT-476 (new), Lead, S. Dak., James E. Taylor Broadcasting Co. Req: Channel 221, 92.1 MHz, 1 watt. Primary: KGGG-FM, Rapid City, S. Dak.

BPFT-477 (new), Spearfish, S. Dak., James E. Taylor Broadcasting Co. Req: Channel 237, 95.3 MHz, 1 watt. Primary: KGGG-FM, Rapid City, S. Dak.

BPFT-478 (new), Redding, Calif., David Maurer. Req: Channel 224, 92.7 MHz, 10 watts. Primary: KFMM-FM, Chico, Calif.

BPFT-479 (new), Salinas, Calif., Christian Broadcasting Fellowship. Req: Channel 240, 95.9 MHz, 1 watt. Primary: KAMB-FM, Merced, Calif.

BPFT-480 (new), Drummond, New Chicago, Hall, and Willow Creek rural area, Mont., Drummond TV Tax District. Req: Channel 257, 99.3 MHz, 10 watts. Primary: KBOW-FM, Butte, Mont.

BPFT-481 (new), Colorado Springs, Colo., Classical Communications, Inc. Req: Channel 280, 103.9 MHz, 10 watts. Primary: KVOD-FM, Denver, Colo.

BPFT-482 (new), Boulder, Colo., Karlo Broadcasting, Ltd. Req: Channel 221, 92.1 MHz, 10 watts. Primary: KKKX-FM, Denver, Colo.

BPFT-483 (new), Lebanon, Ephrata, Akron, Lancaster, Mount Joy, Pa., New Life Broadcasting of Pennsylvania, Inc. Req: Channel 249, 97.7 MHz, 1 watt. Primary: WKDN-FM, Camden, N.J.

BPFT-484 (new), Stateline, Nev., Secret Mountain Laboratory, Inc. Req: Channel 265, 100.9 MHz, 10 watts. Primary: KEZC-FM, Truckee, Calif.

BPFT-485 (new), Johnson City, Kingsport, Bristol, Tenn., and Bristol, Va., The Moody Bible Institute of Chicago. Req: Channel 217, 91.3 MHz, 1 watt. Primary: WMBW-FM, Chattanooga, Tenn.

BPFT-486 (new), Elizabethton, Tenn., The Moody Bible Institute of Chicago. Req: Channel 202, 88.3 MHz, 1 watt. Primary: WMBW-FM, Chattanooga, Tenn.

BPFT-487 (new), Port Orford, Oreg., Kury Radio, Inc. Req: Channel 292, 106.3 MHz, 10 watts. Primary: KURY-FM, Brookings, Oreg.

BPFT-494 (W296AB), Silver Bay, Minn., Stereo Broadcasting, Inc. Req: Change frequency to Channel 280, 103.9 MHz.

[FR Doc. 78-2482 Filed 1-27-78; 8:45 am]

[6712-01]

[FCC 78-181]

TANNER ELECTRONIC SYSTEMS TECHNOLOGY, INC.

Petition for Waiver of Section 15.59(g) of the Commission's Rules

Adopted: January 10, 1978.

Released: January 16, 1978.

By the Commission.

1. On November 14, 1977, Tanner Electronic Systems Technology, Inc. (TEST), filed a petition for waiver of the marketing cutoff date in § 15.59(g) of January 1, 1978, in which to market a CB receiver/converter which is designed for installation and use with a conventional automobile AM radio.¹

2. TEST was one of the 25 petitioners denied the same relief requested here in the Commission's order released November 30, 1977 (FCC 77-768).² However, TEST has again requested a waiver since it does not believe the reasons for denial in the November order apply to TEST. It is alleged that one reason for the earlier decision was the purported "failure" of petitioners to cease manufacturing of petitioners to cease manufacturing prior to the August 1, 1977, cutoff date; and the petitioner does not fall into this category since it ceased the manufacture of equipment in November of 1976.

¹Some models are designed for 40 channel reception, although most models receive only 23 channels.

²In a judgment of December 16, 1977, the U.S. Court of Appeals for the District of Columbia Circuit affirmed that order, but authorized TEST to seek reconsideration before the Commission on grounds of its "special circumstances." *Arthur Fulmer, Inc. v. FCC*, D.C. Cir., No. 77-2064. We have treated TEST's November 14th pleading as a petition for reconsideration.

3. In addition, TEST alleges that the Commission gave no consideration to previous waivers granted to Montgomery Ward and Radio Shack under comparable circumstances, but, for less compelling reasons, and that this difference in treatment is arbitrary and capricious.

4. Upon reconsideration of the arguments presented by TEST, we believe that its situation is more nearly like that which we concluded warranted an extension of the cutoff date for the marketing of hand-held CB radios.³ As we also found with respect to hand-held radios, the TEST receiver/converter is sufficiently unique to require a longer period of time than is provided by the rules (Id., para. 9). We would note in this regard that TEST asserts that it has not manufactured any of these receivers since November 1976. Moreover, we found that the interference potential of hand-held radios was significantly less than that of conventional CB radios.

5. The reasons for denial in our previous decision⁴ do not apply to this situation. The receiver/converter under discussion herein are not transmitters and present significantly lower interference potential than conventional CB radios or the hand-held radios previously considered, thus, we believe that the requested waiver is justified.

6. Accordingly, *it is ordered*, That the sale of CB receiver/converter manufactured by Tanner Electronic Systems Technology, Inc., which have been marketed under various trade names that are set out in the appendix to this order, is authorized until August 1, 1978. This authorization shall apply only to these units that were manufactured prior to August 1, 1977, and are presently in inventory in the United States.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

APPENDIX

Applicable trade names: TEST CB-23, TEST CB Receiver, CB-40, Citizens Band Monitor, Art Linkletter CB-23, Art Linkletter CB Receiver, Craftsman CB-40, Surveyor CB-23, and Fulcomm CB Converter.

[FR Doc. 78-2481 Filed 1-27-78; 8:45 am]

³In the matter of petitions to extend the sales cutoff date for certain CB radios. Order extending date adopted August 24, 1977, released September 1, 1977, FCC 77-586, — FCC 2d —.

⁴In the matter of petitions to extend the January 1, 1978, sales cutoff date for 23-channel CB radios and CB receiver/converter. Order denying extension adopted November 9, 1977, released November 30, 1977, FCC 77-768, — FCC 2d —.

[6210-01]

FEDERAL RESERVE SYSTEM

STRATTON AGENCY, INC.

Formation of Bank Holding Company

Stratton Agency, Inc., Stratton, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Commercial Bank, Stratton, Nebr. The factors that are considered in acting on the application are set forth in section 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 Kansas City. 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 no later than February 19, 1978.

Board of Governors of the Federal Reserve System, January 23, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-2430 Filed 1-27-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review staff, GAO, on January 18 and 19, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed EEOC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before February 17, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the

Regulatory Reports Review Staff, 202-275-3532.

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

The EEOC requests clearance of a new Form 283, Intake Questionnaire. The form is in compliance with the Privacy and Freedom of Information Acts as well as amendment to the Commission's procedural regulations at 29 CFR 1601.19. The purpose of Form 283 is to assist the Commission in its evaluation of the allegations brought forth to it by potential Charging Parties. The data on the form is used by EEOC in its pre-charge counseling process to screen out non Title VII matters, assist Charging Parties in evaluating their charges and to frame the charge in such a manner as to direct the investigation and effect any potential relief. Use of the form is not mandatory; however, pursuant to the Commission's Procedural Regulation at 29 CFR 1601.19, the Commission requires that this information be secured in order to ascertain whether there is a factual basis for invoking the Commission's jurisdiction and upon which to proceed. The EEOC estimates that respondents will number approximately 45,000 annually and that reporting time will average 30 minutes for each Form 283 filed.

The EEOC requests clearance of revisions to Form 5, Charge of Discrimination to bring it into compliance with changes in the Commission's procedural regulations at 29 CFR 1601.12, 42 FR 55389. The revisions will be three new forms 5A, 5B, and 5C which will replace Form 5. Form 5A is used when charges are filed with EEOC; Form 5B is used when charges are filed with EEOC and a state/local agency; and Form 5C is used when charges are filed with a state/local agency and then EEOC also. The purpose of the forms is to assist persons who believe they have been aggrieved to file charges of unlawful employment practices with the Commission. Use of the forms is not mandatory; however section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that charges be in writing under oath, affirmation, or verified under penalty of perjury. The EEOC estimates that approximately 45,000 charges of Discrimination will be filed annually and that reporting time will average 2.5 hours for each form filed.

NORMAN F. HEYL,
*Regulatory Reports
Review Officer.*

[FR Doc. 78-2531 Filed 1-27-78; 8:45 am]

[4110-35]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Health Care Financing Administration

**HEALTH CARE FINANCING ADMINISTRATION
RULINGS**

Publication

The purpose of this notice is to inform the public that the Administrator, Health Care Financing Administration, has authorized establishment of a new rulings publication, to be entitled Health Care Financing Administration Rulings. The Health Care Financing Administration Rulings will include materials required to be made public by the Freedom of Information Act (5 U.S.C. 552(a)(1)); that is, final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases; statements of policy and interpretations adopted by the Health Care Financing Administration or one of its components not published in the FEDERAL REGISTER; and indexes of administrative staff manuals and instructions to staff that affect a member of the public. Health Care Financing Administration jurisdiction includes responsibility for the medicare and medicaid programs; the certification of health standards for health care facilities; the Professional Standards Review Organization program; the maintenance of program integrity against fraud and abuse; the Provider Reimbursement Review Board; and related matters.

Examples of the kinds of materials to be published are: significant Federal court decisions concerning Health Care Financing Administration programs; significant decisions of Administrative Law Judges and the Appeals Council of the Social Security Administration, the Provider Reimbursement Review Board, and the Administrator of the Health Care Financing Administration on behalf of the Secretary; opinions of the Office of the General Counsel; and other formal policy statements.

Health Care Financing Administration Rulings will be binding upon all components of the Health Care Financing Administration to which they apply. They will be published and updated periodically to maintain their currency and relevance.

(Social Security rulings concerning medicare matters previously published by the Commissioner of Social Security in Social Security Rulings will be either republished as Health Care Financing Administration Rulings, or rescinded; no publications that are similar in nature to the new Health Care Financing Administration Rulings announced herein were published by the former Social and Rehabilitation Service, or by the Public Health Service.)

Copies of the publication, when issued, will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A check or money order covering the cost of the publication, when listed, must accompany the publication order.

(Catalog of Federal Domestic Assistance Program Nos. 13.714, Medical Assistance Programs; 13.800, Medicare—Hospital Insurance; 13.801, Medicare—Supplementary Medical Insurance.)

Dated: January 20, 1978.

ROBERT A. DERZON,
*Administrator, Health Care,
Financing Administration.*

[FR Doc. 78-2434 Filed 1-27-78; 8:45 am]

[4110-35]

**MICHIGAN STATEWIDE PROFESSIONAL
STANDARDS REVIEW COUNCIL**

**Request for Nominations for Public Member
Positions**

Nominations are being accepted for public member positions on the Michigan Statewide Professional Standards Review Council.

Statewide Councils are established in each State in which there are located three or more Professional Standards Review Organizations (PSROs). Because there are now three PSROs in Michigan, the Michigan Statewide Council is being formed.

PSROs review medical care services paid for under the medicare, medicaid, and maternal and child health and crippled children services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care. The Statewide Council: (1) Helps to coordinate PSRO activities and disseminates information among them; (2) assists the Secretary in the development of uniform data gathering and operating procedures; (3) reviews certain determinations and recommendations made by PSROs as a result of their reviews of medical care; (4) works with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) assists the Secretary of Health, Education, and Welfare to carry out several of his responsibilities, including the evaluation of the PSROs' review activities and the selection of replacement PSROs when necessary.

There will be four public representatives on the Statewide Council. Nominees for these four Council positions will be considered on the basis of whether they are:

(1) Knowledgeable about health care provided in Michigan under the medicare, medicaid, and maternal and child

health and crippled children services programs;

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals not affiliated with organizations and groups: (1) Whose representation on the Statewide Council is required by law (PSRO representatives or physician representatives), or (2) which are represented on the Statewide Council Advisory Group (health care practitioners other than physicians, hospitals, and other health care facilities).

Persons selected for public member positions on the Council should represent a broad segment of public interest. Please include with your nomination biographical data concerning the nominee, including a brief description of the nominee's participation in community activities.

Persons or organizations may submit nominations. All nominations received within 60 days of this notice will be considered.

Please send your nominations to: George R. Holland, Acting Regional Administrator, Health Care Financing Administration, 300 South Wacker Drive, Chicago, Ill. 60606.

After consideration of all nominees, including nominees of the Governor of Michigan, the Secretary will appoint four public representatives, two of whom will have been recommended by the Governor of Michigan.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, 312-353-8057.

Dated: January 23, 1978.

ROBERT A. DERZON,
Administrator, Health Care,
Financing Administration.

[FR Doc. 78-2436 Filed 1-27-78; 8:45 am]

[4110-35]

VIRGINIA STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCIL

Request for Nominations for Public Member Positions

Nominations are being accepted for public member positions on the Virginia Statewide Professional Standards Review Council.

Statewide Councils are established in each State in which there are located three or more Professional Standards Review Organizations (PSROs). Because there are now three PSROs in Virginia, the Virginia Statewide Council is being formed.

PSROs review medical care services paid for under the medicare, medicaid,

and maternal and child health and crippled children services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care. The Statewide Council: (1) Helps to coordinate PSRO activities and disseminates information among them; (2) assists the Secretary in the development of uniform data gathering and operating procedures; (3) reviews certain determinations and recommendations made by PSROs as a result of their reviews of medical care; (4) works with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) assists the Secretary of Health, Education, and Welfare to carry out several of his responsibilities, including the evaluation of the PSROs review activities and the selection of replacement PSROs when necessary.

There will be four public representatives on the Statewide Council. Nominees for these four Council positions will be considered on the basis of whether they are:

(1) Knowledgeable about health care provided in Virginia under the medicare, medicaid, and maternal and child health and crippled children services programs;

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals not affiliated with organizations and groups: (1) Whose representation on the Statewide Council is required by law (PSRO representatives or physician representatives), or (2) which are represented on the Statewide Council Advisory Group (health care practitioners other than physicians, hospitals, and other health care facilities).

Persons selected for public member positions on the Council should represent a broad segment of public interest. Please include with your nomination biographical data concerning the nominee, including a brief description of the nominee's participation in community activities.

Persons or organizations may submit nominations. All nominations received within 60 days of this notice will be considered.

PLEASE SEND YOUR NOMINATIONS TO:

Alwyn L. Carty, Acting Regional Administrator, Health Care Financing Administration, 3535 Market Street, Room 3111, Philadelphia, Pa. 19101.

After consideration of all nominees, including nominees of the Governor of Virginia, the Secretary will appoint four public representatives, two of whom will have been recommended by the Governor of Virginia.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, BCFA, 215-596-1351.

Dated: January 23, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

[FR Doc. 78-2435 Filed 1-27-78; 8:45 am]

[4110-02]

Office of Education

STATE POSTSECONDARY EDUCATION COMMISSIONS

Closing Date for Receipts of Information Concerning Establishment of State Postsecondary Education Commissions

In order for a State to receive funds appropriated for fiscal year 1978 to support statewide comprehensive planning for postsecondary education as authorized under section 1203(a) of the Higher Education Act of 1965 (20 U.S.C. 1142b(a)), it must have established a State Postsecondary Education Commission which, as required by section 1202(a) of that Act, is "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State, including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, 4-year institutions of higher education and branches thereof." States which have not previously submitted information concerning establishment of such a State Commission and which wish to receive such planning funds must submit the following information to the U.S. Commissioner of Education by March 1, 1978:

(1) An indication of which of the following three options for establishing a section 1202 State Commission a State has chosen to follow: (i) Creation of a new Commission; (ii) designation of an existing State agency or State Commission; or (iii) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission.

(2) An indication whether any of the following State-administered program authorities contained in the Higher Education Act of 1965 have been assigned to the section 1202 State Commission:

(i) Community Services and Continuing Education (HEA section 105);
(ii) Equipment for Undergraduate Instruction (HEA section 603); and
(iii) Grants for Construction of Undergraduate Academic Facilities (HEA section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses and terms of office of the members of the State Commission.

(5) The name, title, mailing address and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor, explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of section 1202(a) and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information may be sent by mail or hand-delivered.

(a) *Information sent by mail.* Information sent by mail should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Such information will be considered to be received on time if:

(1) The information was sent by registered or certified mail not later than February 24, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(b) *Information delivered by hand.* Information to be delivered by hand must be taken to Room 4181, 400 Maryland Avenue SW., Washington, D.C. Hand-delivered information will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Information will not be accepted after 4 p.m. on the closing date.

(20 U.S.C. 1142b.)

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions.)

Dated: January 25, 1978.

ERNEST L. BOYER,

U.S. Commissioner of Education.

[FR Doc. 78-2609 Filed 1-27-78; 8:45 am]

[4110-12]

Office of the Secretary

OFFICE OF PUBLIC AFFAIRS

Statement of Mission, Organization, and Functions

Part A of the Statement of Mission, Organization, and functions for the

Department of Health, Education, and Welfare, Office of the Secretary, Office of Public Affairs (42 FR 61632-33 date December 6, 1977), is amended to delete reference to the Deputy Assistant Secretary for Media Relations and make other minor functional changes. The amended Chapter reads as follows:

SECTION AP.00. *Mission.* The mission of the Office of Public Affairs is to serve as the Secretary's principal public affairs policy adviser; to provide centralized professional leadership and continuous monitoring and evaluation of Department-wide policies, procedures and operating practices regarding public affairs activities; and to administer the Freedom of Information Act.

SECTION AP.10. *Organization.* The Office of Public Affairs, headed by the Assistant Secretary for Public Affairs, who reports to the Secretary, consists of the following organizations:

The Office of the Assistant Secretary for Public Affairs

Planning and Evaluation Public Affairs Staff

Inspector General Public Affairs Staff

Media Relations Division

Freedom of Information Division

Regional Operations Division

Review and Outreach Division

Editorial Operations Division

SECTION AP.20. *Functions.*

A. *The Office of the Assistant Secretary for Public Affairs.* Provides executive leadership, policy direction, and management strategy for the Department's public affairs programs and activities.

Counsels and acts for the secretary and the Department in carrying out responsibilities under statutes, Presidential directives, and Secretarial orders for informing the media, general public, specialized audiences, HEW employees, and other Federal employees about the programs, policies, and services of the Department.

Establishes and enforces policies and practices which produce an accurate, clear, efficient, and consistent flow of information to the media, general public and other audiences about Departmental programs and activities.

Maintains channels and procedures for transmitting to Departmental policy officials information on how the Department's programs and proposals are viewed by the media and both the general and specialized publics.

Consults on the selection of key public affairs personnel in the Principal Operating Components (POCs) and the Regions.

Establishes guidelines and standards (with the Office of Personnel and Training) for development, training, promotions, details, and related matters for the public affairs personnel in the Department.

Concurs in all public affairs plans and budgets for the POC's and regional offices and otherwise exercises functional supervision over their public affairs activities.

Ensures coordination among public affairs components. Manages public affairs issues and special activities that cut across POC lines.

Reviews and approves all publications and audio-visual materials produced with Departmental funds. Provides administrative and budgetary services for the Office of Public Affairs.

A.1. *Office of Planning and Evaluation Public Affairs Staff.* Provides advice and assistance on all public affairs matters to the Office of Planning and Evaluation, Office of the Secretary, in consultation with the Assistant Secretary for Public Affairs.

Assists in the preparation of press releases, articles, speeches and related materials.

Provides information to news gathering and reporting media on planning and evaluation issues.

Arrange interviews and other direct contacts with media representatives.

Coordinates with other elements of OASPA the public affairs activities of P&E.

A.2. *Inspector general public affairs staff.* Provides advice and assistance on all public affairs matters to the Office of Inspector General (OIG), Office of the Secretary, in consultation with the Assistant Secretary for Public Affairs.

Assists in the preparation of press releases, articles, speeches, and related materials.

Provides information to news gathering and reporting media on issues relating to the OIG.

Arranges interviews and other direct contacts with media representatives.

Coordinates with other elements of OASPA the public affairs activities of OIG.

B. *Media relations division.* Plans, directs and coordinates the issuance of public information from HEW to the press and broadcast media.

Prepares news releases and other news material for the Secretary and other top Department officials. Reviews and clears all news releases and other news material prepared by HEW components.

Coordinates and arranges news conferences, briefings, interviews and appearances by the Secretary and other key HEW officials with the press and broadcast media.

Directs the preparation of the *Green Sheet*, a daily compilation of news concerning HEW programs and activities.

C. *Freedom of information division.* Administers the Freedom of Information Act (FOIA) and the HEW regulations implementing that law. Develops policy guidelines and training programs for all HEW components re-

garding the FOIA and related legislation, i.e., the Privacy Act, Federal Advisory Committee Act, and the Government in the Sunshine Act; and, together with staff of the Office of General Counsel, assists in development of HEW regulations implementing these statutes. Provides responses to requests made under the Freedom of Information Act and determines the availability of records and information under the law and HEW regulations.

Coordinates with the Office of Fair Information Practices in resolving questions which overlap the FOIA and the Privacy Act regarding release of records.

Directs operation of the HEW Public Reading Room, visitors information and telephone locator service.

Provides policy guidance on and maintains the index of materials required by FOIA.

D. Regional operations division. Advises the ASPA on all regional public affairs issues and procedures. Informs the ASPA of all regional public affairs issues.

Provides technical assistance, direction and general information to public affairs staff in the Regions. Coordinates public affairs activities among Regions.

Provides briefing materials for Presidential and Secretarial travel to the region.

Serves as liaison between the regional staff and headquarters agencies.

E. Review and outreach division. Under the direction of the Assistant Secretary for Public Affairs, establishes Departmental policy and procedures for the procurement, design, production, distribution and quality control of publications, audiovisual products, and exhibits.

Reviews and clears all publications, audiovisual products, and exhibits.

Reviews audiovisual and publications aspects of HEW public affairs components' plans to ensure they are supportive of Departmental priorities and standards.

Provides technical assistance on development of publications and audiovisual products.

Provides the central coordinating function with HEW for outreach activities, including citizen participation and involvement.

Initiates, designs and effects outreach and citizen participation programs with national and community organizations, minority and women's groups, organizations for the handicapped, student and public interest groups, and individuals which are concerned with the broad range of policies, programs and issues of the Department.

Coordinates, assists and maintains liaison with all elements of the Department, including the Regions, involved in outreach and citizen participation activities.

Acts as the central resource within HEW for information on national organizations and interest groups. Conducts seminars and conferences to achieve productive citizen interaction with HEW issues, programs and policies.

F. Editorial operations division. Serves as the principal resource within the Department for preparing, reviewing, and editing written materials reflecting HEW policy.

Prepares speeches, statements, articles, and related material for the Secretary and other top Departmental officials.

Drafts other materials for non-departmental publications.

Edits Congressional testimony of Departmental officials.

Directs the preparation of publications with Department-wide implications such as *HEW Now*.

Manages the Public Affairs Resource Center containing information on HEW programs and activities.

Directs the HEW Speakers' Bureau. Screens requests for the Secretary's speaking engagements and coordinates the scheduling of speaking engagements of other policy-level officials of the department.

Dated: January 17, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-2516 Filed 1-27-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration
[Docket No. NFD-592; FDAA-545-DR]

WASHINGTON

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This notice amends the notice of major disaster declaration for the State of Washington (FDAA-545-DR), dated December 10, 1977.

DATED: January 13, 1978.

FOR FURTHER INFORMATION
CONTACT:

Frank J. Muckenaupt, Chief Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The notice of major disaster for the State of Washington, dated December 10, 1977, and amended on December 16, 1977, and December 20, 1977, is hereby further amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1977:

The county of Whitman.
The city of Bingen (in Klickitat County).
(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.
[FR Doc. 78-2474 Filed 1-27-78; 8:45 am]

[4210-01]

Office of Interstate Land Sales Registration
[Docket No. 77-169-IS]

BROOKRIDGE COMMUNITY, UNITS 1 AND 2

Hearing

In the matter of Brookridge, Inc., and Charles M. Sasser, Jr., president, respondent; Docket No. N-78-837; OILSR No. 0.2843-09-834 and A.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Brookridge Community, unit 1 and 2, Brookridge, Inc., and Charles M. Sasser, Jr., president, its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated December 8, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1701.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Brookridge Community, units 1 and 2, located in Brooksville, Fla., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received January 3, 1978/January 5, 1978, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Tampa, Fla., at a place to be determined at later date, on March 8, 1978.

5. The following time and procedure is applicable to such hearing: The par-

ties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before February 8, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above schedule hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1). This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 12, 1978.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.
[FR Doc. 78-2476 Filed 1-27-78; 8:45 am]

[4210-01]

[Docket No. 77-170-IS]

BROOKRIDGE COMMUNITY, UNIT 3

Notice of Hearing

In the matter of Brookridge, Inc., and Charles M. Sasser, Jr., president, respondent; Docket No. N-78-838; OILSR No. 0-3663-09-934.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Brookridge Community, unit 3, Brookridge, Inc., and Charles M. Sasser, Jr., president, its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated December 8, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1701.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Brookridge Community, unit 3, located in Brooksville, Fla., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received January 3 and 5, 1978, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR

1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Tampa, Fla., at a place to be determined at later date, on March 8, 1978.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before February 8, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above schedule hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1). This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 12, 1978.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.
[FR Doc. 78-2477 Filed 1-27-78; 8:45 am]

[4210-01]

[Docket No. 77-171-IS]

BROOKRIDGE COMMUNITY, UNIT 4

Hearing

In the matter of Brookridge, Inc., and Charles M. Sasser, Jr., president, respondent; Docket No. N-78-839; OILSR No. 0-3972-09-1041.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Brookridge Community, unit 4, Brookridge, Inc., and Charles M. Sasser, Jr., president, its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated December 8, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1701.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Brookridge Community, unit 4, located in Brooksville, Fla., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received January 3 and 5, 1978, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Tampa, Fla., at a place to be determined at later date, on March 9, 1978.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before February 8, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above schedule hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1). This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 12, 1978.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.
[FR Doc. 78-2478 Filed 1-27-78; 8:45 am]

[4210-01]

[Docket No. 77-172-IS]

FORRESTER'S RETREAT, SECTIONS I, II AND III

Notice of Hearing

In the matter of Green Forest Estates Co. and Clark G. Thompson, President, Respondent; OILSR No. 0.3008-49-309; (Docket No. N-78-836).

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Forrester's Retreat, sections I, II, and III, Green Forest Estates Co. and Clark G. Thompson, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated December 13, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1701.45(a)(1) and 1720.120 based

on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Forrester Estates Company, sections I, II, and III, located in Polk County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an answer received January 9 and 12, 1978, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Houston, Tex., at a place to be determined at later date, on March 1, 1978.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before February 8, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 18, 1978.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc. 78-2475 Filed 1-27-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
(NM 32483, 32484 and 32485)

NEW MEXICO

Applications

JANUARY 11, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural

Gas Co., has applied for six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 22 E.,
Sec. 10, E½SE¼;
Sec. 15, E½NE¼;
T. 17 S., R. 27 E.,
Sec. 34, E½SE¼;
T. 18 S., R. 27 E.,
Sec. 3, lots 1, 2, SW¼NE¼, N½SW¼,
SW¼SW¼ and NW¼SE¼;
Sec. 4, lot 20;
Sec. 8, SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 9, N½NE¼, E½NW¼, SW¼NW¼ and
NW¼SW¼.

These pipelines will convey natural gas across 4.565 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2451 Filed 1-27-78; 8:45 am]

[4310-84]

[Wyoming 62287]

WYOMING

Application

JANUARY 19, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Okla., filed an application for a right-of-way to construct a 4½ inch pipeline and install anodes for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 95 W.,
Sec. 8, S½N½,
Sec. 10, N½S½;
T. 22 N., R. 96 W.,
Sec. 4, S½S½,
Sec. 10, NE¼NE¼,
Sec. 12, N½N½.

The proposed pipeline will transport natural gas from the Champlin 438 Wellhead located in the SE¼ of Section 5, T. 22 N., R. 96 W., in an easterly direction to connect with Cities Service Gas Co.'s gathering line located in the SE¼ of Section 11, T. 22., R. 95 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2452 Filed 1-27-78; 8:45 am]

[4310-84]

[Wyoming 62188]

WYOMING

Application

JANUARY 19, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company has filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 94 W.,
Sec. 32, N½NW¼, SE¼NW¼

The pipeline will transport natural gas from a well located in the NW¼ of section 32 to an existing natural gas pipeline within the NW¼ section 32, T. 21 N., R. 94 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2453 Filed 1-27-78; 8:45 am]

[4310-84]

[Wyoming 62186]

WYOMING

Application

JANUARY 20, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing

Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co., has filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 94 W.,
Sec. 28, NW¼SW¼.

The pipeline will transport natural gas produced from a well located in the SW¼ of section 28 extending in a westerly direction to the point of connection with an existing natural gas pipeline facility in section 29, T. 21 N., R. 94 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2454 Filed 1-27-78; 8:45 am]

[4310-84]

[Wyoming 61843]

WYOMING

Application

JANUARY 20, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co., of Colorado Springs, Colo., filed an application for a right-of-way to construct two 4½ inch pipelines and a 6½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 93 W.,
Secs. 8 and 20;
T. 17 N., R. 94 W.,
Sec. 4, 10 and 12;
T. 18 N., R. 94 W.,
Sec. 32.

The two 4½ pipelines will transport natural gas from the Sinclair No. 1-8 well located in the SW¼ of section 8, T. 17 N., R. 93 W., Carbon county, Wyo., and from the CIGE No. 1-20-17-93 well located in the NW¼ of section 20, T. 17 N., R. 93 W., Carbon County, Wyo., and both will connect into Colorado Interstate Gas Co.'s proposed 6½ inch pipeline. The 6½ inch pipeline

will transport natural gas from the Ladd Petroleum Federal No. 1-12-74 well located in the SW¼ of section 12, T. 17 N., R. 94 W., Sweetwater County, Wyo., and will connect into an existing pipeline located in the SW¼ of section 32, T. 18 N., R. 94 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2455 Filed 1-27-78; 8:45 am]

[4310-84]

[Wyoming 62180]

WYOMING

Application

JANUARY 20, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Co. has filed an application for a right-of-way to construct a 4-inch pipeline and appurtenant facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 95 W.,
Sec. 3, SW¼SW¼;
Sec. 4, lot 2, S¼NE¼.
T. 33 N., R. 95 W.,
Sec. 27, SE¼SW¼, SW¼SE¼;
Sec. 34, W¼E¼.

The pipeline will transport natural gas from a point in section 27, T. 33 N., R. 95 W., southerly to a compressor station in section 10, T. 32 N., R. 95 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management,

1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2456 Filed 1-27-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Alan C. Buchanan, Missouri Department of Conservation, Fish and Wildlife Research Center, 1110 College Avenue, Columbia, Mo. 65201.

The applicant requests a permit to take small numbers of Curtis' pearly mussels (*Epioblasma* (= *Dysnomia*) *Florentina curtisi*) fat pocketbook pearly mussels (*Potamilus* (= *Prop-tera*) *capax*) and Higgin's eye pearly mussels (*Lampsilis higginsii*) from waters in Missouri for scientific research.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1838. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2520 Filed 1-27-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Erma J. Fisk, 17101 Southwest 284 Street, Homestead, Fla. 33030.

The applicant seeks a permit to capture, band, and release brown pelicans (*Pelecanus occidentalis*) within the state of Florida for the purpose of scientific research. Any injured pelicans found will be transported to the Miami Zoo Veterinary Department to be treated then released, if appropriate. Humane shipment and care has been indicated by applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing

to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1791. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2517 Filed 1-27-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: International Crane Foundation, City View Road, Baraboo, Wis. 53913.

The applicant requests a permit to import twelve immature wild caught black-necked cranes (*Grus nigricollis*) from India for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1841. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2523 Filed 1-27-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: International Crane Foundation, City View Road, Baraboo, Wis. 53913

The applicant requests a permit to import 12 fertile eggs of the Siberian whitecrane (*Grus leucogeranus*) taken from the wild in Russia, for the purpose of enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application avail-

able to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1840. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2528 Filed 1-27-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Minnesota Zoological Garden, 12101 Johnny Cake Road, Apple Valley, Minn. 55124.

The applicant requests a permit to purchase in interstate commerce one male and two female white-cheeked gibbons (*Hylobates concolor leucogenys*) from Ken Chisholm of Montreal, Canada, for the purpose of enhancement of propagation. The animals were previously imported from Canada and are currently on breeding loan to the Zoo. The animals were taken from the wild in Laos in 1975.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1752. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-2521 Filed 1-27-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Ray Pawley Brookfield Zoo, 15W506 West 63rd (Burr Ridge), Hinsdale, Ill. 60521.

The applicant seeks to buy from David Kroner, Herp-Oster-Specimens,

1132 Ventura Boulevard, North Hollywood, Calif. 91604, in interstate commerce one Madagascar radiated tortoise *Geochelone (=Testudo) radiata* shell for the purpose of scientific research.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1860. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2522 Filed 1-27-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Robin S. Casey & Howard Casey, Rt. 3 Box 3021, Albuquerque, N. Mex.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1809. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2524 Filed 1-27-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Ernest Caughman, Box 174, Elliott, S.C. 29046.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1774. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2525 Filed 1-27-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Virgil L. Coleman, Rt. 2 Box 372, Atlanta, Tex. 75551.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1751. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2518 Filed 1-27-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Chic Klouda, Miami Valley Road, Fort Valley, Ga. 31030.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1855. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2519 Filed 1-27-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Keith I. McClelland, R.R. 4, Findlay, Ohio 45840.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1854. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by March 1, 1978. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2526 Filed 1-27-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Rollen H. Williams, 2109 West Lake Street, Ft. Collins, Colo. 80521.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1803. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-2527 Filed 1-27-78; 8:45 am]

[4310-10]

National Park Service

COLORADO NATIONAL MONUMENT

Boundary Revision

Pursuant to the Act of October 21, 1976, Pub. L. 94-578 (90 Stat. 2734) section 302(a), the Secretary of the Interior is authorized to revise the boundary of the Colorado National Monument and to include additional lands into the monument, not to exceed 2,800 acres within the areas so designated for addition, and to publish these revisions by map or other boundary description in the FEDERAL REGISTER.

1. In accordance with the Act, supra, notice is hereby given that the boundary of the Colorado National Monument is hereby revised to exclude from the monument 13.10 acres of privately owned lands as delineated on the attached map.

2. Further, notice is hereby given that an additional 2,793.65 acres, consisting of both federally and privately owned lands, are added to and made part of the existing monument as delineated on the attached map.

3. The lands excluded from and added to the Colorado National Monument are identified and depicted on the official Colorado National Monument boundary map numbered 119/80,006, and dated January 1977. This map and supporting legal descriptions for revisions authorized by the Act, supra, are available for inspection in the headquarters office for the Colorado National Monument, P.O. Box

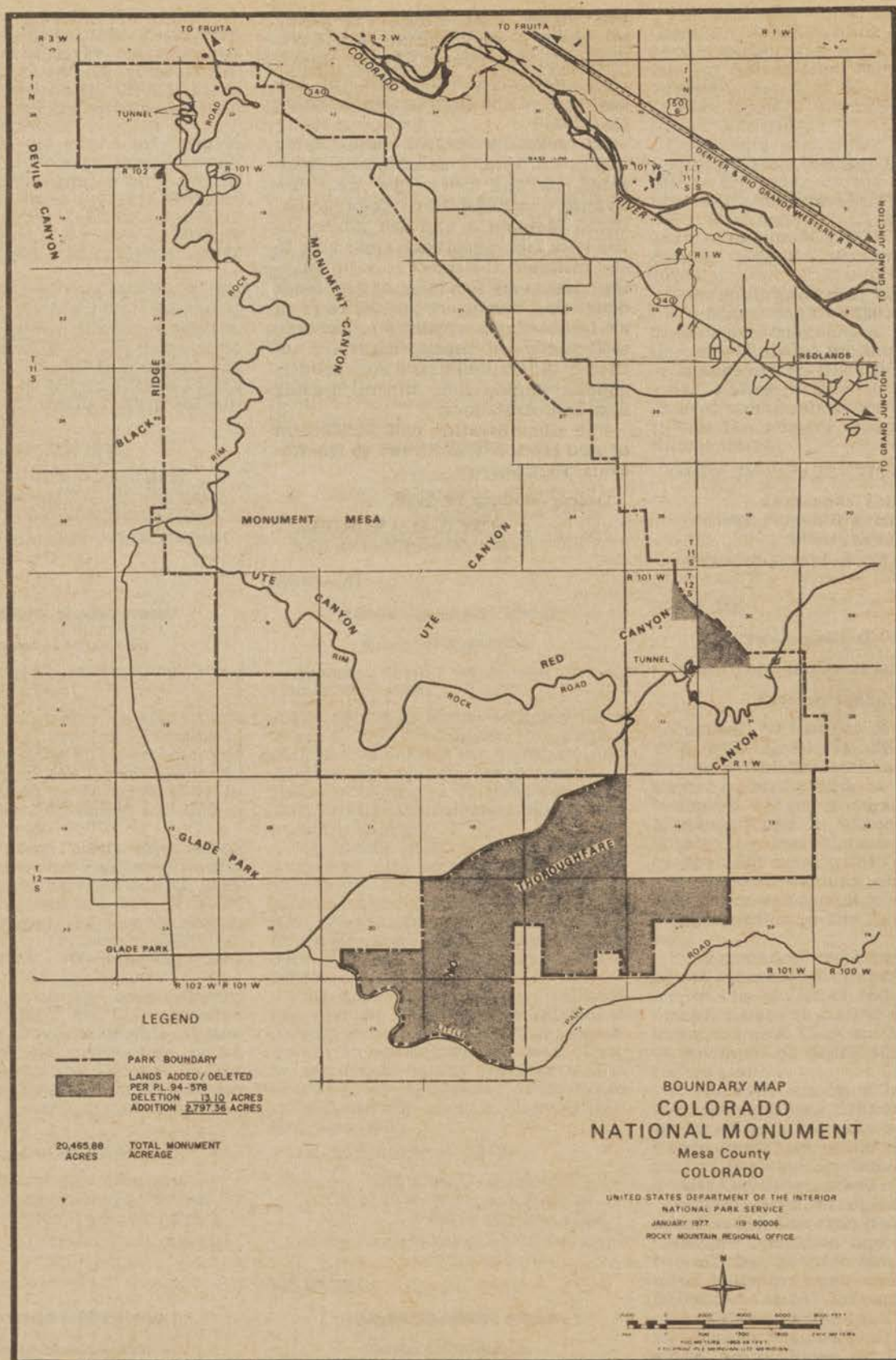
438, Fruita, Colo. 81521, the Rocky Mountain Regional Office of the National Park Service, 655 Parfet Street, Lakewood, Colo. 80225, and the Department of the Interior, Washington, D.C. 20240.

All federally owned lands lying within the revised boundary as delineated on the referenced map are therefore included in the Colorado National Monument and are subject to the laws and regulations applicable to the monument. Subject to valid existing rights, all federally owned lands designated hereby are prohibited from all forms of use, application, location, settlement, and disposal under the authority of the public land laws and the general mining and mineral leasing laws and regulations.

The administration and jurisdiction of said lands is transferred to the National Park Service.

Dated: January 19, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.



[FR Doc. 78-2479 Filed 1-27-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-25]

MALCOLM E. BRIDWELL, M.D.

Revocation of Registration

On July 7, 1977, the Administrator of the Drug Enforcement Administration directed to Malcolm E. Bridwell, M.D., of Hobart, Okla. (hereinafter respondent), an order to show cause why respondent's DEA registration AB2144602 should not be revoked pursuant to 21 U.S.C. 824, for the reason that on May 12, 1977, in the U.S. District Court for the Western District of Oklahoma, respondent was found guilty of one count of conspiracy to distribute schedule II controlled substances, 17 counts of illegal distribution of controlled substances, and 13 counts of failure to keep proper records, all felonies relating to controlled substances; and for the further reason that on May 28, 1977, the Board of Medical Examiners for the State of Oklahoma revoked respondent's license to practice medicine in the State of Oklahoma, thereby terminating respondent's authority to prescribe, dispense, administer, or otherwise handle controlled substances in said State. On August 23, 1977, respondent, through his attorney, requested a hearing on the order to show cause. Respondent suggested that this matter be submitted on briefs and Government counsel concurred. Accordingly, the Administrative Law Judge directed that no evidentiary hearing would be held in this matter and that the case would be decided on the briefs submitted on the following issues:

1. Whether respondent's felony convictions can serve as lawful basis for revocation of his DEA registration since they have been appealed and thus, in a sense, are not yet final; and
2. Whether the State board action revoking respondent's license to practice medicine in Oklahoma can lawfully serve as a basis for DEA revocation since that action has been appealed to the appropriate Oklahoma State court and thus, in a sense, is not yet final.

Respondent's felony convictions, revocation of respondent's license to practice medicine in the State of Oklahoma, and the appeal of both these actions to the appropriate appellate courts were stipulated by both parties. The Administrative Law Judge found that the Administrator of DEA has repeatedly and consistently interpreted the word "convicted" in section 824(a)(2) of Title 21 of the United States Code, as not meaning a final

conviction in the sense that all appeals have been exhausted. The term has been construed to mean nothing more than that a judgment of conviction has been duly entered in a trial court. Accordingly, the Administrative Law Judge concluded that respondent's conviction in the instant case, even though it be presently under challenge in a Court of Appeals, does provide at this time a lawful basis for revocation of his DEA registration pursuant to 21 U.S.C. 824(a)(2).

Additionally, the Administrative Law Judge found that the State Board of Medical Examiners chose to proceed against respondent for unprofessional conduct under the procedures set forth in 59 Okl. St. Ann. 503 and since there is no requirement for finality of conviction under section 503, respondent's license to practice medicine in the State of Oklahoma has been revoked.

The Administrative Law Judge further found that 21 U.S.C. 824(a)(3) does not require that the Government wait until all appeals concerning the revocation of a state license have been exhausted before proceeding against a registrant on the basis that his license has been revoked by competent state authority.

Accordingly, the Administrative Law Judge concluded that respondent's Oklahoma State license to practice has been revoked and that respondent is no longer authorized by Oklahoma State law to engage in distribution or dispensing of controlled substances insofar as the applicable provisions of the Controlled Substances Act are concerned. (21 U.S.C. 823(f) and 824(a)(3).)

The Administrator adopts these findings of fact and conclusions of law and, therefore, concludes that the registration of Malcolm E. Bridwell should be revoked.

Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by Title 28, Code of Federal Regulations § 0.100, as amended, the Administrator hereby orders that the registration of Malcolm E. Bridwell, be, and hereby is, revoked, effective immediately.

Dated: January 24, 1978.

PETER B. BENSINGER,
Administrator.

[FR Doc. 78-2473 1-27-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LITERATURE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel to the National Council on the Arts will be held on February 17, 1978, from 9 a.m. to 5 p.m.; on February 18, 1978, from 9 a.m. to 5 p.m.; and on February 19, 1978, from 9 a.m. to 2 p.m., in Room 1422, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on February 18, 1978, from 2 p.m. to 5 p.m. At this time there will be a question-and-answer exchange.

The remaining sessions of this meeting on February 17, 1978, from 9 a.m.-5 p.m.; on February 18, 1978, from 9 a.m.-2 p.m.; and on February 19, 1978, from 9 a.m.-2 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER, March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, Na-
tional Foundation on the Arts
and the Humanities.

[FR Doc. 78-2419 Filed 1-27-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIAL AND DEVELOPMENTAL PSYCHOLOGY

Closed Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON SOCIAL AND DEVELOPMENTAL PSYCHOLOGY OF THE ADVISORY COMMITTEE FOR BEHAVIORAL AND NEURAL SCIENCES

Date and time: February 16-17, 1978, 9 a.m.-5 p.m. each day.

Place: National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, Room 338.

Type of meeting: Closed.

Contact person: Kelly G. Shaver, Program Director for Social and Developmental Psychology, Room 317, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5714.

Purpose of panel: To provide and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

JANUARY 25, 1978.

[FR Doc. 78-2491 Filed 1-27-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE BOARD REGIONAL FORUMS

The National Science Board is planning a series of regional forums in response to language in the NSF Authorization Act for Fiscal Year 1976 which directed the Foundation "... to facilitate the participation of members of the public in the formulation, development, and conduct of the National Science Foundation's programs, policies, and priorities."

The primary objective of the forums is to encourage the expression of views by the general public on scientific and science education issues. Several Members of the National Science Board will participate in each forum; participation is invited from business, State and local government, educational institutions, public interest and citizen groups, and the community at large. Ideas exchanged at the forum will help the Board expand its information base and assist in its policymaking role for the National Science Foundation.

The NSB will hold the fifth of its regional forums in Denver, Colo., on February 21, 1978. Six issue areas were identified for discussion by a regionally based planning group. These areas are briefly described:

WATER

When the supply of water is limited, as is the case with this region, demand becomes more intense. Concerns relating to water management, water availability for the numerous requirements, jurisdictional issues, and water quality questions need intensive examination and research. In addition, the issues relating to water resources require appropriate and effective discussion with the broadest possible public.

ENERGY

Energy is one of this region's greatest resources. Yet within this vast re-

source are questions relating to environmental concerns and regional growth strategies. There remain questions in the energy area regarding access to and development of traditional and nontraditional sources of energy, the conservation of energy, the research related to various energy sources, socioeconomic impacts, and the role of institutions on energy-related research. In addition, there needs to be greater public understanding of this complex issue.

LAND USE

Land as a resource is also finite in nature. Issues of land use and the related management questions regarding institutions are particularly important to this region. Whether land be for recreational, agricultural, industrial, or municipal useage and purposes, additional research on land use priorities is required.

THE ROLE OF COMMUNICATION AND INFORMATION

Information and understanding combine to form knowledge. Communication of this knowledge is essential to the resolution of problems dealing with such issues as water, energy, and land. Components of this knowledge include awareness, affordability, and understanding. Science, technology, and research create large amounts of information; however, more investigation leading to how to use and communicate the research information is needed.

THE ROLE OF SCIENCE, TECHNOLOGY, AND RESEARCH

Societal problems and goals are closely interwoven with science, technology, and research. This interrelationship creates opportunities as well as challenges. By the proper use of science, technology, and research, problems once considered insoluble may now be resolved and, as potential problems emerge, these may be addressed before they become divisive issues. Since many decisions have political and socioeconomic components, as well as scientific and technical ones, these aspects must be considered and addressed. The specific issues of water, energy, and land use are current examples of this interaction of science, technology, and research in today's society.

THE ROLE OF INSTITUTIONS

The implementation of solutions to many issues such as water, energy, and land involve institutions such as those in the governmental sector (Federal, State, local, and Indian), various citizen groups, legal and academic groups, and businesses and industry. Problems may occur more rapidly than institutions can change; this gradually dimin-

ishes the effectiveness of a single solution to the problem. Institutions often operate by crisis decisionmaking and may make decisions based upon inadequate information, even though research results of science, technology, and research are often available. How might this problem be overcome?

In addition to the issues selected above, the National Science Board is asking that participants consider three areas of concern to the Board and provide some suggestions to the Board on these issues. The three areas are:

(1) CAREERS FOR WOMEN, MINORITIES, AND HANDICAPPED IN SCIENCE

The National Science Board hopes to increase the participation of women, minorities, and the handicapped in careers in science. These groups have been traditionally underrepresented in the sciences and in receipt of doctoral degrees in the sciences. Programs have been initiated in order to improve the opportunities for these groups. Are other types of forms of programs needed?

(2) YOUNG RESEARCHERS: SUPPLY AND DEMAND

Fewer and fewer faculty positions in the sciences are becoming available today. As a result, the supply of young Ph. D.'s is outstripping the demand for them in academic science. If the supply is curtailed, do we lose a generation of scientific researchers? Are other sources of employment available and appropriate?

(3) ALTERNATIVE PERFORMERS OF BASIC RESEARCH

The National Science Foundation's primary mission is the support of basic research in the sciences. The Nation's primary producer of basic research is the university. Almost all of NSF's funds for basic research go to colleges and universities. What should the role of industry or other possible producers be in federally funded basic research?

The Fifth NSB Forum will take place at the Cosmopolitan Hotel in Denver, Colo. The Forum will begin at 9 a.m. and adjourn at 4:45 p.m. on February 21. Participation is encouraged from interested citizens from the States of Arizona, California, Colorado, Nevada, New Mexico, and Utah. Further information may be obtained from the Community Affairs Branch, Room 527, National Science Foundation, 1800 G Street NW., Washington, D.C.

Interested citizens from the far southwest region who cannot attend the Forum are invited to send written comments on science policy issues to

the above NSF address by March 15, 1978.

RAYMOND E. BYE, Jr.,
Office of Government
and Public Programs.

JANUARY 25, 1978.

[FR Doc. 78-2493 Filed 1-27-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON POLITICAL SCIENCE OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES

Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Political Science of the Advisory Committee, for Social Sciences.

Date and Time: February 16 and 17, 1978, 9 a.m. to 5 p.m. each day.

Place: Room 643 and Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Richard E. Dawson, Program Director, Political Science Program, Room 316, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4348.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in political science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

JANUARY 25, 1978.

[FR Doc. 78-2492 Filed 1-27-78; 8:45 am]

[1505-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-3151]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendment of Facility Operating License

Correction

In FR Doc. 78-1817 appearing on page 3185 in the issue of Monday, January 23, 1978, in the 1st paragraph, the last sentence, now reading "The amendment is effective February 22, 1978", should read, "The amendment is effective 30 days from the date of its issuance."

[7590-01]

[Docket No. 50-263; Amendment to License
No. DPR-22 (Increase Spent Fuel Storage
Capacity)]

NORTHERN STATES POWER CO., (MONTICELLO NUCLEAR GENERATING PLANT, UNIT 1)

Notice and Order Concerning Location of Special Prehearing Conference

The Atomic Safety and Licensing Board on December 15, 1977, issued an order to convene a special prehearing conference in this proceeding at 10 a.m., local time, on Tuesday, January 31, 1978, in Courtroom No. 2 (7th Floor), The U.S. Federal Courthouse, 316 N. Roberts Street, St. Paul, Minn. 55101. The Board now has been advised that Courtroom No. 2 is unavailable on that date.

Wherefore, it is ordered, in accordance with the Atomic Energy Act of 1954, as amended, and the Rules of Practice of the Commission, a special prehearing shall convene at 10 a.m., local time, on Tuesday, January 31, 1978, in Courtroom No. 1 (6th Floor), The U.S. Federal Courthouse, 316 N. Roberts Street, St. Paul, Minn. 55101.

Dated at Bethesda, Md., this 25th day of January, 1978.

For the Atomic Safety and Licensing Board.

Robert M. Lazo.

[FR Doc. 78-2707 Filed 1-27-78; 10:30 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14270; File No. SR-Amex-
77-37]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 12, 1977, the above-men-

tioned self-regulatory organization filed with the Securities and Exchange Commission a rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Commentary .01 to Rule 347 is amended to read as follows:

GRATUITIES TO EMPLOYEES OF FINANCIAL CONCERNS

*** Commentary.

.01 Gratuity Defined.—A gratuity is a gift of any nature. Pursuant to Exchange policy, however, gratuities valued at [\$25] \$50 or less in total to any one person during a calendar year are considered an exception to Rule 347 and no notice of the employer's consent is required to be filed with the Exchange.

Commentary .01 and .02 to Rule 348 are redesignated .02 and .03 respectively and a new .01 is added to read as follows:

GRATUITIES TO EMPLOYEES OF EXCHANGE

*** Commentary.

.01. Gratuity Defined.—A gratuity is a gift of any nature. Pursuant to Exchange policy, however, gratuities valued at \$50 or less in total to any one person during a calendar year are considered an exception to Rule 348, and prior written approval of the Exchange is not required.

AMEX' STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to modify Exchange policy as to the amount of a gratuity which will be considered an exception to the requirements of Rule 347 and 348, to take account of inflation. The \$25 exception has been in effect for many years.

The proposed change relates to a stated policy of an administrative character, and is consistent with section 6(b)(1) of the Act.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protec-

tion of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary to the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 14, 1977.

[FR Doc. 78-2508 Filed 1-27-78; 8:45 am]

[8010-01]

[Rel. No. 10101; (811-1694)]

DAVIDGE EARLY BIRD FUND

Filing of Application Order Declaring That Company Has Ceased To Be Investment Company

JANUARY 23, 1978.

In the matter of Davidge Early Bird Fund, 1747 Pennsylvania Avenue NW., Washington, D.C. 20036.

Notice is hereby given, that Davidge Early Bird Fund ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that at a special meeting of shareholders held on December 20, 1977, Applicant's shareholders approved an Agreement and Plan of Reorganization and Liquidation providing for exchange of substantially all of Applicant's assets for shares of the common stock of Stratton Growth Fund. The settlement upon the Plan of Reorganization took

place on December 21, 1977, and Applicant received 82,512,357 shares of the common stock of Stratton Growth Fund in exchange for its assets. As of December 30, 1977, Applicant had distributed all of such Stratton Growth Fund shares to shareholders on a pro rata basis and retained no other assets after the distribution. Provision has been made for payment of all of Applicant's liabilities.

Section 8(f) provides, in substance, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it may so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than February 17, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2504 Filed 1-27-78; 8:45 am]

[8010-01]

[Rel. No. 14408; (SR-MSE-77-38)]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 23, 1978.

In the matter of Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Ill. 60606.

On October 27, 1977, the Midwest Stock Exchange, Inc., filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to eliminate its policy requiring agreements for all discretionary accounts for which options are traded to be renewed annually in writing.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14266 (December 13, 1977)) and by publication in the FEDERAL REGISTER (42 FR 63977 (December 21, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2505 Filed 1-27-78; 8:45 am]

[8010-01]

[Rel. No. 34-14397; File No. SR-MSRB-77-9]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 17, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing herewith the amendments set forth below (hereafter referred to as the "proposed amendments" or the "proposed rule changes") to the Board's proposed rule G-11 (hereafter sometimes referred to as the "proposed rule").

Proposed rule G-11 establishes certain terms and conditions for sales of

¹ Proposed rule G-11 was filed with the Securities and Exchange Commission on August 17, 1977 (File No. SR-MSRB-77-9), and has not yet been approved.

new issue municipal securities during the underwriting period. The proposed amendments effect the following changes in the proposed rule:

1. The definition of the term "order period," which had been in section (e) of the proposed rule, has been moved to the definitional section.

2. The definition of the term "underwriting period" has been modified to provide that it ends at the later of such time as the issuer delivers the securities to the syndicate or the syndicate no longer retains an unsold balance of securities.

3. Section (b) of the proposed rule, relating to disclosure of capacity, has been modified to require disclosure of identity of the municipal securities dealer submitting an order for a municipal securities investment portfolio (a "related portfolio"), or for an affiliated municipal securities investment trust or accumulation account (hereafter collectively referred to as an "affiliated investment trust"), rather than the specific identity of the related portfolio or affiliated investment trust for which the order is submitted.

4. Section (c) of the proposed rule, relating to confirmations of sales, has been modified to permit a confirmation of sale to be issued for the account of a related portfolio or affiliated investment trust to the affiliated municipal securities dealer placing the order.

5. A new section (d) has been added which requires disclosure of the identity of persons on whose behalf group orders are submitted to a syndicate or syndicate member. The senior syndicate manager must disclose to other members of the syndicate, upon request made prior to final settlement of the account, the identity of the person on whose behalf a group order is submitted, as well as the aggregate face amount of each maturity and the maturity dates of the securities which are the subject of the order. "Group order" is defined in section (a) to mean an order for securities held in syndicate which is for the account of all members of the syndicate on a pro rata basis in proportion to their respective participations in the syndicate. With respect to disclosure of the identity of related portfolios and affiliated investment trusts, the requirements of section (b) would govern.

6. A new sentence has been added to section (e) of the proposed rule (formerly section (d)), relating to the priority of orders, expressly placing on a syndicate manager the burden of justifying that any allocation made in a manner other than in accordance with the agreed upon order of priority is in the best interests of the syndicate.

7. Section (f) of the proposed rule (formerly section (e)), has been modified to require that communications relating to priority of orders and order

period be in writing. This would apply both to communications between a syndicate manager and syndicate members and between syndicate members and others.

8. Section (g) of the proposed rule (formerly section (f)), relating to disclosure of syndicate expenses, has been modified to clarify that, for purposes of the proposed rule, the term "management fees" included compensation accruing to a syndicate manager in the circumstances described.

The proposed amendments also include changes of a technical or clarifying nature.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

Purpose of Proposed Rule Changes

Proposed rule G-11 is designed to meet the Board's statutory mandate in section 15B(b)(2)(K) of the Securities Exchange Act of 1934, as amended (the "Act"), by increasing the scope of information available to syndicate managers and members, other municipal securities professionals and the investing public, in connection with the distribution of new issue municipal securities. The Board believes that such information will, among other matters, enable syndicates to make more informed decisions in allocating securities among prospective purchasers; assure that information obtained by the senior syndicate manager in its capacity as such is available to other members of the syndicates; enable prospective purchasers to frame their orders to the syndicate in a manner that will enhance their ability to obtain securities; render syndicate managers accountable for the allocation of securities in accordance with announced allocation procedures; and provide syndicate members with information regarding syndicate expenses to enable them to analyze the operation of the syndicate account and to make an initial determination whether to participate in a syndicate. The Board has adopted the proposed amendments in furtherance of these purposes and as a result of its review of the proposed rule and its consideration of comments received on the proposed rule subsequent to its filing with the Commission.* The specific purposes of the proposed amendments are discussed below.

In the proposed rule as filed, the term "underwriting period" was defined to end "at such time as the issuer delivers the securities to the syndicate." One of the commentators

*The Commission published the proposed rule for comment in the FEDERAL REGISTER on August 26, 1977 (FR Doc. 77-24780).

on the proposed rule, Continental Illinois National Bank & Trust Co. ("Continental Bank") noted that under this definition the disclosure requirements of the proposed rule would cease if an issuer effects early delivery of securities, although distribution of the securities might still be in process. To address this point, the proposed amendments modify the definition of "underwriting period" to provide that it ends, for purposes of the proposed rule, at the later of such time as the issuer delivers the securities to the syndicate or the syndicate no longer retains an unsold balance of securities. This modification will assure that the underwriting period is of sufficient duration to accomplish the purposes of the proposed rule.

The proposed amendments also modify the disclosure requirements in section (b) of the proposed rule with respect to the identity of related portfolios and affiliated investment trusts. Continental Bank, the Dealer Bank Association, and the Public Securities Association (the "PSA") all objected to the provision in proposed rule G-11(b) requiring disclosure of the specific identity of the related portfolio or affiliated investment trust. After consideration of their comments, the Board determined that such disclosure is not necessary to accomplish the purpose of section (b) of the proposed rule which is to enable the senior syndicate manager to evaluate on an informed basis for allocation purposes all orders submitted to the syndicate and to assure that all members of the syndicate have access to the information provided to the senior syndicate manager. Accordingly, the proposed amendments modify section (b) to require a syndicate manager to disclose the identity of the municipal securities dealer submitting an order for a related portfolio or affiliated investment trust, and that the order is for a related portfolio or for an affiliated investment trust of such municipal securities dealer, rather than the specific identity of the related portfolio or affiliated investment trust for which the order is submitted. Reference is made to the discussion below concerning new section (d) of the proposed rule.

Section (c) of the proposed rule has been modified to reflect the change effected by the proposed amendments in section (b). Since the specific identity of a related portfolio or affiliated investment trust will not be required, the confirmation of sale may be issued to the municipal securities dealer who places the order, indicating on the confirmation that it is for the account of a related portfolio or for the account of an affiliated investment trust, as the case may be. Section (c) has also been amended to make clear that it is not intended to preclude designated sales.

The proposed amendments also add a new section (d) to the proposed rule. Under this section, every municipal securities dealer that submits a group order, as defined, will be required to disclose the identity of the person for whose account the order is submitted. Submission of a group order directly to the senior syndicate manager would be deemed to be the submission of a group order by such manager to the syndicate. The senior syndicate manager must disclose to the other syndicate members, upon request made prior to final settlement of the account, certain information concerning the group order, including the identity of the person on whose behalf the group order is submitted.

Group orders are defined for purposes of the proposed rule to mean orders for securities held in syndicate, which are for the account of all members of the syndicate on a pro rata basis in proportion to their respective participations in the syndicate. The definition would require disclosure with respect to group orders submitted by municipal securities dealers, whether or not members of the syndicate, as well as group orders of customers. Designated orders are not subject to the disclosure requirements in new section (d) to the extent of the designation.

As a matter of contract and law, group orders belong to all members of a syndicate on a pro rata basis in proportion to their respective participations in the syndicate. The Board therefore believes it appropriate to require disclosure of the identity of persons on whose behalf group orders are submitted and to require the senior syndicate manager to give access to such information to the other members of the account. In its comment letter on proposed rule G-11 the Weeden Holding Corp. ("Weeden") states that "the knowledge of which institutions are currently buying is of value to the marketplace, and the identity of these buyers should not be restricted to managers alone."

As reflected in the proposed amendment to section (b), related portfolios and affiliated investment trusts may be identified by reference to the affiliated municipal securities dealer entering an order on their behalf. The Board believes that this information is sufficient to identify the entity or entities on whose behalf the order is placed and that any further identification requirement would be burdensome and constitute unnecessary regulation. For example, a municipal securities dealer often purchases securities on behalf of banks within a bank holding company system without the specific allocation of such securities among such banks having been determined. To require the specific identification of the related portfolio or portfolios for which securities are being

purchased would necessitate a decision within the bank holding company system at an early point concerning the allocation of the securities. This type of decision does not serve the purposes of proposed rule G-11 and could have an undue adverse impact on the legitimate investment activities of related portfolios within a bank holding company system. By contrast, the specific identity of nonrelated purchasers on whose behalf group orders are submitted is necessary to identify sufficiently the account for which the orders are submitted.

The PSA and Weeden expressed concern in their respective comment letters regarding the provision in section (e) (formerly section (d)) authorizing a syndicate manager on a case-by-case basis to allocate securities in a manner other than in accordance with the agreed upon order of priority, if the syndicate manager determines in its discretion that it is in the best interests of the syndicate. The Board believes that the grant of such discretion, if permitted by a syndicate, is appropriate and necessary in order to provide a syndicate manager with the flexibility to react to unanticipated developments in the course of an underwriting. However, the Board believes that the responsibility of a syndicate manager to make the required determination before departing from the agreed upon order of priority should be emphasized and made more explicit. Accordingly, the proposed amendments expressly place the burden on the syndicate manager to justify that such an allocation is in the best interests of the syndicate, should the question arise.

The Chubb Corp. and Weeden recommend that the requirement in section (f) of the proposed rule (formerly section (e)) to disclose information relating to the establishment of the order of priority be modified to require that such disclosure be in writing. The Board believes this is an appropriate and necessary modification to assure that the information is transmitted to all interested parties.

With respect to the proposed amendments in section (g) of the proposed rule (formerly section (f)), the National Association of Securities Dealers, Inc., recommended that "management fees" be defined to include compensation accruing to a syndicate manager in the situation in which a syndicate manager buys securities from an issuer and sells them to a syndicate of which it is the manager. To address this concern, the Board has added a new sentence to section (g) providing that, for purposes of the proposed rule, management fees will include any amount to be realized by a syndicate manager and not shared with other members of the syndicate, which is attributable to the difference in the price to be paid

to an issuer for the purchase of a new issue of municipal securities and the price at which such securities are to be delivered by the syndicate manager to the members of the syndicate.

The other changes effected by the proposed amendments are of a clarifying or technical nature.

Basis Under the Act for Proposed Rule Changes

The Board adopted proposed rule G-11 pursuant to sections 15B(b)(2)(C) and 15B(b)(2)(K) of the Act. Section 15B(b)(2)(C) provides that the Board's rules must

be designed * * * to promote just and equitable principles of trade * * * to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest; and [must] not be designed to permit unfair discrimination between customers * * *.

Section 15B(b)(2)(K) authorizes and directs the Board to adopt rules to

* * * establish the terms and conditions under which any municipal securities dealer may sell, or prohibit any municipal securities dealer from selling, any part of a new issue of municipal securities to a municipal securities investment portfolio during the underwriting period.

Comments Received From Members, Participants or Others on Proposed Rule Changes

The Commission published the proposed rule for comment in the *FEDERAL REGISTER* on August 26, 1977. The Board reviewed all of the comment letters received by the Commission as well as letters submitted to the Board on the proposed rule, which letters have previously been forwarded to the Commission.

Burden on Competition

The Board is of the opinion that the proposed rule changes will not impose any burden on competition but, to the contrary, will promote competition by increasing the information available in the market place regarding the distribution of new issue municipal securities.

By March 6, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions

sions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by February 20, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 20, 1978.

Text of Proposed Rule Changes¹

Rule G-11. Sales of new issue municipal securities during the underwriting period.

(a) Definitions. For purposes of this rule, the following terms have the following meanings:

(i) The term "accumulation account" means an account established in connection with a municipal securities investment trust to hold securities pending their deposit in such trust.

(ii) The term "customer" means any person other than a broker, dealer, or municipal securities dealer acting in its capacity as such.

(iii) The term "group order" means an order for securities held in syndicate, which order is for the account of all members of the syndicate on a pro rata basis in proportion to their respective participations in the syndicate. Any such order submitted directly to the senior syndicate manager will, for purposes of this rule, be deemed to be the submission of such order by such manager to the syndicate.

(iv) The term "municipal securities investment trust" means a unit investment trust, as defined in the Investment Company Act of 1940, the portfolio of which consists in whole or in part of municipal securities.

(v) The term "order period" means the period of time, if any, announced by a syndicate during which orders will be solicited for the purchase of securities held in syndicate.

(vi) The term "related portfolio," when used with respect to a municipal securities dealer, means a municipal securities investment portfolio of such municipal securities dealer or of any person directly or indirectly controlling, controlled by or under common

control with such municipal securities dealer.

(vii) The term "syndicate" means an account formed by two or more persons for the purpose of purchasing, directly or indirectly, all or any part of a new issue of municipal securities from the issuer, and making a distribution thereof.

(viii) The term "underwriting period" means the period commencing with the first submission to a syndicate of an order for the purchase of new issue municipal securities or the purchase of such securities from the issuer, whichever first occurs, and ending at such time as the issuer delivers the securities to the syndicate or the syndicate no longer retains an unsold balance of securities, whichever last occurs.

(b) Disclosure of Capacity. Every municipal securities dealer that submits an order to a syndicate or to a member of a syndicate for the purchase of municipal securities held by the syndicate shall disclose at the time of submission of such order if the securities are being purchased for its dealer account, for the account of a related portfolio of such municipal securities dealer, for a municipal securities investment trust sponsored by such municipal securities dealer, or for an accumulation account established in connection with such a municipal securities investment trust. The senior syndicate manager shall promptly disclose to the other members of the syndicate, upon request made prior to final settlement of the syndicate account, each order submitted for such a related portfolio, municipal securities investment trust, or accumulation account, indicating the identity of the municipal securities dealer submitting the order [related portfolio, municipal securities investment trust, or accumulation account], whether it is for a related portfolio or for a municipal securities investment trust or for an accumulation account, and the aggregate face amount of each maturity and the maturity dates of the securities which are the subject of the order.

(c) Confirmations of Sale. Sales of securities held by a syndicate to a related portfolio, municipal securities investment trust or accumulation account referred to in section [paragraph] (b) above shall be confirmed by the syndicate manager directly to such related portfolio, municipal securities investment trust or accumulation account or for the account of such related portfolio, municipal securities investment trust or accumulation account to the municipal securities dealer submitting the order. Nothing herein contained shall be construed to require that sales of municipal securities to a related portfolio, municipal securities investment trust or accumulation account be made for the benefit of [by] the syndicate.

(d) Disclosure of group orders. Every municipal securities dealer that submits a group order to a syndicate or to a member of a syndicate, shall disclose at the time of submission of such order the identity of the person on whose behalf the order is submitted, except as otherwise provided in section (b) of this rule. The senior syndicate manager shall promptly disclose to the other members of the syndicate, upon request made prior to final settlement of the syndicate account, each group order, indicating the identity of the person on whose behalf the order is submitted (except as otherwise provided in section (b) of this rule), the aggregate face amount of each maturity and the maturity dates of the securities which are the subject of the order.

(e) Priority of orders. Every syndicate shall establish [provide for] the priority to be accorded to different types of orders for the purchase of securities from the syndicate during the underwriting period and, if such priority may be changed, the procedure for making changes. For purposes of this rule, the requirement to establish [provide for] priority shall not be satisfied if a syndicate provides only that the syndicate manager or managers may [solely by a provision permitting the syndicate manager or managers to] determine in the manager's or managers' discretion the priority to be accorded different types of orders. Notwithstanding the preceding sentence [foregoing], a syndicate may include a provision permitting the syndicate manager or managers on a case-by-case basis to allocate securities in a manner other than in accordance with the agreed upon order of priority, if the syndicate manager or managers determine in its or their discretion that it is in the best interests of the syndicate. In the event any such allocation is made, the syndicate manager or managers shall have the burden of justifying that such allocation was in the best interests of the syndicate.

(f) Communications relating to priority of orders and order period. Prior to the first offer of any securities by a syndicate, the senior syndicate manager shall furnish in writing [communicate] to the other members of the syndicate (i) the priority to be accorded to different types of orders for securities to be distributed by the syndicate, (ii) the procedure, if any, by which such priority may be changed, (iii) if the senior syndicate manager or managers are to be permitted on a case-by-case basis to allocate securities in a manner other than in accordance with the agreed upon order of priority, the fact that they are to be permitted to do so, and (iv) if there is to be an order period, whether orders may be confirmed prior to the end of the order period. [For purposes of this provision, the term "order period"

¹ Italics indicate additions; [brackets] indicate deletions.

shall mean a period of time announced by the syndicate during which orders will be solicited for the purchase of securities held in syndicate.] Any change in the provisions governing the priority of orders shall be promptly furnished in writing [communicated] by the senior syndicate manager to the other members of the syndicate. Syndicate members shall promptly furnish in writing [communicated] the information described in this section [paragraph] to others, upon request.

(g)[(f)] Disclosure of syndicate expenses. At or before the final settlement of a syndicate account, the senior syndicate manager shall furnish to the other members of the syndicate an itemized statement setting forth the nature and amounts of all actual expenses incurred on behalf of the syndicate. Notwithstanding the foregoing, any such statement may include an item for miscellaneous expenses, provided that the amount shown under such item is not disproportionately large in relation to other items of expense shown on the statement and includes only minor items of expense which cannot be easily categorized elsewhere in the statement. Discretionary fees for clearance costs [and management fees] to be imposed by a syndicate manager and management fees shall be disclosed to syndicate members prior to the submission of a bid, in the case of a competitive sale, or prior to the execution of a purchase contract with the issuer, in the case of a negotiated sale. For purposes of this section, the term "management fees" shall include, in addition to amounts categorized as management fees by the syndicate manager, any amount to be realized by a syndicate manager and not shared with the other members of the syndicate, which is attributable to the difference in price to be paid to an issuer for the purchase of a new issue of municipal securities and the price at which such securities are to be delivered by the syndicate manager to the members of the syndicate.

[FR Doc. 78-2507 Filed 1-27-78; 8:45 am]

[8010-01]

[Rel. No. 14403; (File No. SR-OCC-77-13)]

OPTIONS CLEARING CORP.

Order Approving Rule Change Submitted To Improve Its Disciplinary Procedures.

JANUARY 23, 1978.

In the matter of the Options Clearing Corp. 5950 Sears Tower, Chicago, Ill. 60606.

On October 11, 1977, The Options Clearing Corp. ("OCC") submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to enable OCC to enforce disciplinary

proceedings against its members more effectively.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (42 FR 59578, November 18, 1977), and the public was invited to submit comments until December 9, 1977. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 14163, November 10, 1977. No letters of comment were received.

The Commission has reviewed the OCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of section 17A and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-77-13 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2506 Filed 1-27-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 301-10]

AMERICAN IRON & STEEL INSTITUTE

Discontinuance Regarding Bilateral Agreement Petition

Pursuant to regulations of the Office of the Special Representative for Trade Negotiations the section 301 committee has provided for public hearings and has conducted a review with respect to a petition by the American Iron & Steel Institute. That petition alleged that a bilateral agreement between the European Community and Japan diverted significant quantities of Japanese steel to the United States adversely affecting U.S. commerce. (See FEDERAL REGISTER of October 15, 1976, p. 45628.)

The Special Representative for Trade Negotiations has reported to the President the results of that review. Pursuant to Presidential decision of January 18, 1977, further action on this petition is hereby discontinued.

The following major factors were significant in the determination to discontinue the section 301 complaint;

(1) During the period covered by the understanding, exports to the EC by

the six largest Japanese steel companies, operating as a government approved cartel, were limited to 1.22 million metric tons per year. However, actual exports by these companies were substantially less in both 1976 and 1977, suggesting that depressed market conditions in the EC were a more effective restraint than the understanding.

(2) The pattern of Japanese exports to the United States of steel products covered by the cartel have been generally consistent with domestic market conditions here. The major growth in export volume in 1976 was in product categories where U.S. demand grew substantially (e.g., sheets).

(3) The surge in Japanese steel exports in 1976 and 1977 was widespread and the increases in shipments to the U.S. market were not more pronounced than increases to many other markets. The U.S. share of one-fifth of total Japanese steel exports has remained relatively stable. The surge appears to be principally the result of the depressed domestic demand in Japan and low rates of steel capacity utilization which created pressure on Japanese firms to increase exports.

On the basis of these considerations, there is not sufficient justification to claim that the EC/Japanese understanding created any unfair burden on the United States.

The discontinuation is effective January 30, 1978.

ROBERT S. STRAUSS,
Special Representative
for Trade Negotiations.

[FR Doc. 78-2443 Filed 1-27-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE AT
MONTGOMERY FIELD, SAN DIEGO, CALIF.

Closing

Notice is hereby given that on or about February 10, 1978, the Air Carrier District Office at 3750 John J. Montgomery Drive, San Diego, Calif. 92123, will be closed. Services to the air carrier public of San Diego, Calif., formerly provided by this office, will be provided by the Air Carrier District Office located in the Federal Building at 880 Front Street, San Diego, Calif. 92188. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a)).)

Issued in Los Angeles, Calif., on January 18, 1978.

ROBERT H. STANTON,
Director, Western Region.

[FR Doc. 78-2442 Filed 1-27-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

U.S. Customs Service

CERTAIN TEXTILES AND TEXTILE PRODUCTS
FROM ARGENTINAReceipt of Countervailing Duty Petition and
Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of Argentina to manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later than May 7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION
CONTACT:

Vincent P. Kane, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on November 7, 1977, alleging that benefits conferred by the Government of Argentina upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber from Argentina constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and manmade fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

The textile items involved include those in categories 1-38, 101-110, and 200-213 of the correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898). In addition, all

Alleged bounties or grants as provided in the petition include the following:

1. Customs duty exemptions on imports of equipment to be used for export production.

2. Regional incentives including tax concessions and development grants.

3. Cash rebates (reembolso) or tax credits of up to 30 percent paid on export transactions.

4. Preferential financing for export operations and transactions.

5. Government provisions of export credit insurance that is not otherwise available privately and is operated at below-cost rates.

6. More favorable exchange rate for export transactions and adjustments to offset domestic cost increases.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of Argentina upon the manufacture, production or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investi-

similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

gation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, Jr.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITES		
120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmades, woven	380.0464
237	do	380.5176
237	do	380.8450
224	Manmades, knit	380.8143
224	do	380.0420

COATS AND JACKETS

49	Cotton, woven	380.0940
49	do	380.0960
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240
121	do	380.6310
121	do	380.6610
224	Manmades, knit	380.8103
224	do	380.0402
229	Manmades, woven	380.0443
229	do	380.5164
229	do	380.8415

TROUSERS

50	Cotton, woven	380.3922
50	do	380.3925
50	do	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0660
63	Cotton, woven	380.0070
124	Wool, woven	380.0265
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmades, knit	380.0428
222	do	380.8165
238	Manmades, woven	380.0467
238	do	380.5184
238	do	380.8455

OVERCOATS AND RAINCOATS

48	Cotton, woven	380.0910
48	do	380.0920
48	do	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1280
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmades, knit	380.8101
224	do	380.8107

NOTICES

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
224	Manmades, knit	380.0401
224	do	380.0404
229	Manmades, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420

SHIRTS

43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765
45	do	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778
47	do	380.2779
62	Cotton, knit	380.0027
116	Wool, knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435
235	do	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445

SWEATERS AND CARDIGANS

44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	Wool, knit	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmades	380.0423
221	do	380.8147

DRESSING GOWNS AND ROBES

55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmades, knit	380.0408
224	do	380.8117
231	Manmades, woven	380.0449
231	do	380.8425

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
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PAJAMAS AND OTHER NIGHTWEAR

60	Cotton, knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmades, knit	390.0411
217	do	380.8123
232	Manmades, woven	380.0452
232	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

62	Cotton, knit	372.1010
62	do	372.1520
63	Cotton, woven	372.1040
63	do	372.1540
63	do	372.1560
116	Wool, knit	372.3000
117	do	372.1020
117	do	372.3500
125	Wool, woven	372.1050
125	do	372.4500
224	Manmades, knit	372.1030
224	do	372.7000
227	Manmades, woven	372.1060
227	do	372.7520
227	do	372.7540

NECKTIES

62	Cotton, knit	373.0510
62	do	373.1010
63	Cotton, woven	373.0540
63	do	373.1045
117	Wool, knit	373.0520
117	do	373.1520
125	Wool, woven	373.0550
125	do	373.1540
224	Manmades, knit	373.0530
224	do	373.2500
240	Manmades, woven	373.0560
240	do	373.2700

VESTS

63	Cotton, woven	380.0073
63	do	380.3320
63	do	380.3620

BEACHWEAR

224	Manmades, knit	380.0425
224	do	380.8163
240	Manmades, woven	380.0465
240	do	380.8453

UNDERWEAR

41	Cotton, knit	380.0635
42	do	380.0018
42	do	380.0021
42	do	380.0640
56	do	378.1014
56	do	378.1029
56	do	378.1514
56	do	378.1529
57	do	378.1016
57	do	378.1516
57	do	378.2012
57	do	378.2512
58	do	378.0521
58	do	378.0541
58	do	378.0542
58	do	378.0544
58	do	378.0546
59	Cotton, woven	378.0562
59	do	378.0564
59	do	378.2018
59	do	378.2518
113	Wool, knit	378.3510

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
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125	Wool, woven	378.4010
125	do	378.4510
218	Manmades, knit	380.0416
218	do	380.0417
218	do	380.8133
218	do	380.8135
223	do	378.0524
223	do	378.0548
223	do	378.6010
239	Manmades, woven	378.0566
239	do	378.0568
239	do	378.6512
339	do	378.6518

WORK GLOVES

39	Cotton, woven	704.4010
39	Cotton, knit	704.4502
39	do	704.4504
39	do	704.4506
39	Cotton, knit	704.4508

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2105 Filed 1-27-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM BRAZIL

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of Brazil to manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. Countervailing Duty Law. A preliminary determination will be made not later than May 7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on November 7, 1977, alleging that benefits conferred by the Government of Brazil upon the manufacture,

production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber from Brazil constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

The textile items involved include those in categories 1-38, 101-110, and 200-213 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

Alleged bounties or grant as provided in the petition include the following:

1. Excessive Industrial Products Tax (IPI) and Goods Circulation Tax (ICM) credits on export transactions.
2. Exemption of export profits from the corporate income tax.
3. Preferential financing for export transactions.
4. Tax relief on equipment and earnings to certain new industries and to industries located in economically depressed areas.
5. Partial exemption from payment of IPI and import duties on machinery purchases dependent on export performance.

The leather wearing apparel from Brazil specified in the petition which is classifiable under item 791.7600 of the Tariff Schedules of the United States Annotated (TSUSA) is eligible for duty free entry under the Generalized System of Preferences. In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930 as amended, (19 U.S.C. 1301(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States. That information indicates that a sharp rise in imports as a percentage of total consumption of leather wearing apparel has occurred in the United States during a recent period of time. In addition, there is information contained in the petition that em-

ployment has dropped in addition to actual manhours expended for this industry during a recent period of time.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of Brazil upon the manufacture, production or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, Jr.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmades, woven	380.0464
237	do	380.5176
237	do	380.8450
224	Manmades, knit	380.8143
224	do	380.0420
COATS AND JACKETS		
49	Cotton, woven	380.0940
49	do	380.0960
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
121	Wool, woven	380.6310
121	do	380.6610
224	Manmades, knit	380.8103
224	do	380.0402
229	do	380.0443
229	do	380.5164
229	do	380.8415
TROUSERS		
50	Cotton, woven	380.3922
50	do	380.3925
50	do	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0660
63	Cotton, woven	380.0070
124	Wool, woven	380.0265
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmades, knit	380.0428
222	do	380.8165
238	Manmades, woven	380.0467
238	do	380.5184
238	do	380.8455
OVERCOATS AND RAINCOATS		
48	Cotton, woven	380.0910
48	do	380.0920
48	do	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1230
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmades, knit	380.8101
224	do	380.8107
224	do	380.0401
224	do	380.0404
229	Manmades, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420
SHIRTS		
43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765
45	do	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778

NOTICES

APPENDIX—Continued

APPENDIX—Continued

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
47	Cotton, woven	380.2779
62	Cotton, Knit	380.0027
116	Wool, Knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435
235	do	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445

SWEATERS AND CARDIGANS

44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	Wool, knit	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmade	380.0423
221	do	380.8147

DRESSING GOWNS AND ROBES

55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmade, knit	380.0408
224	do	380.8117
231	Manmade, woven	380.0449
231	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR

60	Cotton, knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmade, knit	390.0411
217	do	380.8123
232	Manmade, woven	380.0452
232	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

62	Cotton, knit	372.1010
62	do	372.1520
63	Cotton, woven	372.1040
63	do	372.1540
63	do	372.1560
116	Wool, knit	372.3000
117	do	372.1020
117	do	372.3500
125	Wool, woven	372.1050
125	do	372.4500
224	Manmade, knit	372.1030
224	do	372.7000
227	Manmade, woven	372.1060
227	do	372.7520
227	do	372.7540

Catalog No.	Item	TSUSA No.
NECKTIES		
62	Cotton, knit	373.0510
62	do	373.1010
63	Cotton, woven	373.0540
63	do	373.1045
117	Wool, knit	373.0520
117	do	373.1520
125	Wool, woven	373.0550
125	do	373.1540
224	Manmade, knit	373.0530
224	do	373.2500
240	Manmade, woven	373.0560
240	do	373.2700

VESTS

63	Cotton, woven	380.0073
63	do	380.3320
63	do	380.3620

BEACHWEAR

224	Manmade, knit	380.0425
224	do	380.8163
240	Manmade, woven	380.0465
240	do	380.8453

UNDERWEAR

41	Cotton, knit	380.0635
42	do	380.0018
42	do	380.0021
42	do	380.0640
56	do	378.1014
56	do	378.1029
56	do	378.1514
56	do	378.1529
57	do	378.1016
57	do	378.1516
57	do	378.2012
57	do	378.2512
58	do	378.0521
58	do	378.0541
58	do	378.0542
58	do	378.0544
58	do	378.0546
59	Cotton, woven	378.0562
59	do	378.0564
59	do	378.2018
59	do	378.2518
113	Wool, knit	378.3510
125	Wool, woven	378.4010
125	do	378.4510
218	Manmade, knit	380.0416
218	do	380.0417
218	do	370.8133
218	do	370.8135
223	do	378.0524
223	do	378.0548
223	do	378.6010
239	Manmade, woven	378.0566
239	do	378.0568
239	do	378.6512
239	do	378.6518

WORK GLOVES

39	Cotton, woven	704.4010
39	Cotton, knit	704.4502
39	do	704.4504
39	do	704.4506
39	do	704.4508
	Leather (100 percent)	705.3510
	Leather (part)	705.3550
	Rubber and plastics (dipped)	705.8600

LEATHER WEARING APPAREL

49	With cotton, woven	791.7414
50	do	791.7418
62	With cotton, knit	791.7420
63	With cotton, woven	791.7426
117	With wool, knit	791.7430

Catalog No.	Item	TSUSA No.
125	With wool, woven	791.7440
221	With manmade, knit	791.7456
222	do	791.7458
224	do	791.7462
224	do	791.7464
229	With manmade, woven	791.7472
238	do	791.7482
240	do	791.7484
	With other fibers	791.7490
	All leather apparel	791.7600

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2103 Filed 1-27-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM THE REPUBLIC OF CHINA

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of the Republic of China to manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. Countervailing Duty Law. A preliminary determination will be made not later than May 7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Al Jemmott, Operations Officer, Technical Branch, Duty assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue NW., Washington, D. C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on November 7, 1977, alleging that benefits conferred by the Government of the Republic of China upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber from the Republic of China constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics,

household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements;¹ and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

Alleged bounties or grants as provided in the petition include the following:

1. Income tax holidays for firms opening or expanding production facilities or accelerated depreciation of their fixed assets used for exportation.

2. Special incentives for enterprises requiring higher technology and equipment with longer service life.

3. Loans under preferential terms for companies producing for export.

4. Exemption from import duties on certain machinery and equipment.

5. A tax incentive for sales promotion abroad.

6. Tax benefits for exporting firms that locate in Export Processing Zones, including exemption from import duties and dues on machinery and equipment, raw materials and semi-finished products imported for their own use.

7. Government supported export risk insurance at premiums below cost.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of the Republic of China upon the manufacture, production or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

¹The textile items involved include those in categories 1-38, 101-110, and 200-213 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976, (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, Jr.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmades, woven	380.0464
237	do	380.5176
237	do	380.8450
224	Manmades, knit	380.8143
224	do	380.0420

COATS AND JACKETS

49	Cotton, woven	380.0940
49	do	380.0960
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240
121	do	380.6310
121	do	380.6610
224	Manmades, knit	380.8103
224	do	380.0402
229	Manmades, woven	380.0443
229	do	380.5164
229	do	380.8415

TROUSERS

50	Cotton, woven	380.3922
50	do	380.3925
50	do	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0680
63	Cotton, woven	380.0070
124	Wool, woven	380.0265
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmades, knit	380.0428
222	do	380.8165
238	Manmades, woven	380.0467
238	do	380.5184
238	do	380.8455

OVERCOATS AND RAINCOATS

48	Cotton, woven	380.0910
48	do	380.0920

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
48	Cotton, woven	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1280
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmades, knit	380.8101
224	do	380.8107
224	do	380.0401
224	do	380.0404
229	Manmades, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420
SHIRTS		

43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765
45	do	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778
47	do	380.2779
62	Cotton, knit	380.0027
116	Wool, knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435
235	do	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445

SWEATERS AND CARDIGANS

44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	Wool, knit	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmades	380.0423
221	do	380.8147

NOTICES

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
DRESSING GOWNS AND ROBES		
55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmades, knit	380.0408
224	do	380.8117
231	Manmades, woven	380.0449
231	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR

60	Cotton, knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmades, knit	390.0411
217	do	380.8123
232	Manmades, woven	380.0452
232	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

62	Cotton, knit	372.1010
62	do	372.1520
63	Cotton, woven	372.1040
63	do	372.1540
63	do	372.1560
116	Wool, knit	372.3000
117	do	372.1020
117	do	372.3500
125	Wool, woven	372.1050
125	do	372.4500
224	Manmades, knit	372.1030
224	do	372.7000
227	Manmades, woven	372.1060
227	do	372.7520
227	do	372.7540

NECKTIES

62	Cotton, knit	373.0510
62	do	373.1010
63	Cotton, woven	373.0540
63	do	373.1045
117	Wool, knit	373.0520
117	do	373.1520
125	Wool, woven	373.0550
125	do	373.1540
224	Manmades, knit	373.0530
224	do	373.2500
240	Manmades, woven	373.0560
240	do	373.2700

VESTS

63	Cotton, woven	380.0073
63	do	380.3320
63	do	380.3620

BEACHWEAR

224	Manmades, knit	380.0425
224	do	380.8163
240	Manmades, woven	380.0465
240	do	380.8453

UNDERWEAR

41	Cotton, knit	380.0635
42	do	380.0018
42	do	380.0021
42	do	380.0640

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
56	Cotton, knit	378.1014
56	do	378.1029
56	do	378.1514
56	do	378.1529
57	do	378.1016
57	do	378.1516
57	do	378.2012
57	do	378.2512
58	do	378.0521
58	do	378.0541
58	do	378.0542
58	do	378.0544
58	do	378.0546
59	Cotton, woven	378.0562
59	do	378.0564
59	do	378.2018
59	do	378.2518
113	Wool, knit	378.3510
125	Wool, woven	378.4010
125	do	378.4510
218	Manmades, knit	380.0416
218	do	380.0417
218	do	370.8133
218	do	370.8135
223	do	378.0524
223	do	378.0548
223	do	378.6010
239	Manmades, woven	378.0566
239	do	378.0568
239	do	378.6512
239	do	378.6518

WORK GLOVES

39	Cotton, woven	704.4010
39	Cotton, knit	704.4502
39	do	704.4504
39	do	704.4506
39	do	704.4508

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2106 Filed 1-27-78; 8:45am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM COLOMBIA

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of Colombia to manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. Countervailing Duty Law. A preliminary determination will be made not later than May 7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Technical Branch, Duty Assessment

Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on November 7, 1977, alleging that benefits conferred by the Government of Colombia upon the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber from Colombia constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and manmade fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their tariff schedule classifications.

Alleged bounties or grants as provided in the petition include the following:

1. Payment of negotiable tax certificates (CAT's) at 5 percent of the value of export transactions.

2. Customs duty exemptions on equipment used in production for export.

3. Direct subsidy payments as well as indirect maritime subsidies for export-oriented industries.

4. Advantageous rates for loans to finance export production.

5. Government assistance in the payment of export credit insurance costs.

6. Tax concessions for firms located in free trade zones.

The leather wearing apparel from Colombia specified in the petition which is classifiable under item 791.7600 of the Tariff Schedules of the United States Annotated (TSUSA), is eligible for duty-free entry under the Generalized System of Preferences. In the event that it becomes necessary to refer this matter to the U.S. International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930 as amended (19 U.S.C. 1301(a)(2)), there

The textile items involved include those in categories 1-38, 101-110, and 200-213 of the Correlation: Textile and Apparel Categories with Tariff Schedules of The United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purpose of this notice.

is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States. That information indicates that a sharp rise in imports as a percentage of total consumption of leather wearing apparel has occurred in the United States during a recent period of time. In addition, there is information contained in the petition that employment has dropped in addition actual man-hours expended for this industry during a recent period of time.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of Colombia upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, JR.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmade, woven	380.0464
237	do	380.5176
237	do	380.8450

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
224	Manmade, knit	380.8143
224	do	380.0420
COATS AND JACKETS		
49	Cotton, woven	380.0940
49	do	380.0660
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240
121	do	380.6310
121	do	380.6610
224	Manmade, knit	380.8103
224	do	380.0402
229	Manmade, woven	380.0443
229	do	380.5164
229	do	380.8415

TROUSERS

50	Cotton, woven	380.3922
50	do	380.3925
50	do	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0660
63	Cotton, woven	380.0070
124	Wool, woven	380.0265
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmade, knit	380.0428
222	do	380.8165
238	Manmade, woven	380.0467
238	do	380.5184
238	do	380.8455

OVERCOATS AND RAINCOATS

48	Cotton, woven	380.0910
48	do	380.0920
48	do	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1280
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmade, knit	380.8101
224	do	380.8107
224	do	380.0401
224	do	380.0404
229	Manmade, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420

SHIRTS

43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
45	Cotton, woven	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778
47	do	380.2779
62	Cotton, knit	380.0027
116	Wool, knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435
235	do	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445

SWEATERS AND CARDIGANS

44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	Wool, knit	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmade	380.0423
221	do	380.8147

DRESSING GOWNS AND ROBES

55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmade, knit	380.0408
224	do	380.8117
231	Manmade, woven	380.0449
231	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR

60	Cotton, knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmade, knit	380.0411
217	do	380.8123
232	Manmade, woven	380.0452
232	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

62	Cotton, knit	372.1010
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APPENDIX—Continued

Catalog No.	Item	TSUSA No.
62	Cotton, knit.....	372.1520
63	Cotton, woven.....	372.1040
63	do.....	372.1540
63	do.....	372.1560
116	Wool, knit.....	372.3000
117	do.....	372.1020
117	do.....	372.3500
125	Wool, woven.....	372.1050
125	do.....	372.4500
224	Manmades, knit.....	372.1030
224	do.....	372.7000
227	Manmades, woven.....	372.1060
227	do.....	372.7520
227	do.....	372.7540

NECKTIES

62	Cotton, knit.....	373.0510
62	do.....	373.1010
63	Cotton, woven.....	373.0540
63	do.....	373.1045
117	Wool, knit.....	373.0520
117	do.....	373.1520
125	Wool, woven.....	373.0550
125	do.....	373.1540
224	Manmades, knit.....	373.0530
224	do.....	373.2500
240	Manmades, woven.....	373.0560
240	do.....	373.2700

VESTS

63	Cotton, woven.....	380.0073
63	do.....	380.3320
63	do.....	380.3620

BEACHWEAR

224	Manmades, knit.....	380.0425
224	do.....	380.8163
240	Manmades, woven.....	380.0465
240	do.....	380.8453

UNDERWEAR

41	Cotton, knit.....	380.0635
42	do.....	380.0018
42	do.....	380.0021
42	do.....	380.0640
56	do.....	378.1014
56	do.....	378.1029
56	do.....	378.1514
56	do.....	378.1529
57	do.....	378.1016
57	do.....	378.1516
57	do.....	378.2012
57	do.....	378.2512
58	do.....	378.0521
58	do.....	378.0541
58	do.....	378.0542
58	do.....	378.0544
58	do.....	378.0546
59	Cotton, woven.....	378.0562
59	do.....	378.0564
59	do.....	378.2018
59	do.....	378.2518
113	Wool, knit.....	378.3510
125	Wool, woven.....	378.4010
125	do.....	378.4510
218	Manmades, knit.....	380.0416
218	do.....	380.0417
218	do.....	370.8133
218	do.....	370.8135
223	do.....	378.0524
223	do.....	378.0548
223	do.....	378.6010
239	Manmades, woven.....	378.0566
239	do.....	378.0568
239	do.....	378.6512
239	do.....	378.6518

WORK GLOVES

39	Cotton, woven.....	704.4010
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APPENDIX—Continued

Catalog No.	Item	TSUSA No.
39	Cotton, knit.....	704.4502
39	do.....	704.4504
39	do.....	704.4506
39	do.....	704.4508
—	Leather (100 pct).....	705.3510
—	Leather (part).....	705.3550
—	Rubber and plastics (dipped).....	705.8600

LEATHER WEARING APPEAL

49	With cotton, woven.....	791.7414
50	do.....	791.7418
62	With cotton, knit.....	791.7420
63	With cotton, woven.....	791.7426
117	With wool, knit.....	791.7430
125	With wool, woven.....	791.7440
221	With manmades, knit.....	791.7456
222	do.....	791.7458
224	do.....	791.7462
224	do.....	791.7464
229	With manmades, woven.....	791.7472
238	do.....	791.7482
240	do.....	791.7484
—	With other fibers.....	791.7490
—	All leather apparel.....	791.7600

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2107 Filed 1-27-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM INDIA

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of India to manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. Countervailing Duty Law. A preliminary determination will be made not later than May 7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was re-

ceived on November 7, 1977, alleging that benefits conferred by the Government of India upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber from India constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements;¹ and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

Alleged bounties or grants as provided in the petition include the following:

1. Direct cash assistance provided to exporters of textiles and textile products on exportation and amounting to from 9 to 17.5 percent of the f.o.b. value on certain textile products.

2. Direct tax credits of 15 percent of export value which may be applied directly to outstanding income or business taxes.

3. Deduction of 150 percent of overseas expenses for export promotion from total taxable income. Through the Market Development Fund, the Indian Government may make outright grants for export promotion to individual firms.

4. Remission of Customs duties and excise taxes on machinery and equipment used in export production.

5. Comprehensive export insurance and low rate export credits available to Indian exporters for overseas market development available through the Export Credit and Guarantee Corporation and the Industrial Development Bank of India, both Indian Government entities.

6. Favorable treatment with respect to import licenses and foreign exchange as a reward for export performance.

7. Special foreign exchange concessions and financial assistance for purchase of equipment to firms located in the Kandla Free Trade Zone.

¹The textile items involved include those in categories 1-38, 101-110, and 200-213 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

The leather wearing apparel from India specified in the petition which is classifiable under item 791.7600 of the Tariff Schedules of the United States Annotated (TSUSA) is eligible for duty free entry under the Generalized System of Preferences. In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930 as amended (19 U.S.C. 1301(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States. That information indicates that a sharp rise in imports as a percentage of total consumption of leather wearing apparel has occurred in the United States during a recent period of time. In addition, there is information contained in the petition that employment has dropped in addition to actual man-hours expended for this industry during a recent period of time.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of India upon the manufacture, production or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investi-

gation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, Jr.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmade, woven	380.0464
237	do	380.5176
237	do	380.8450
224	Manmade, knit	380.8143
224	do	380.0420

COATS AND JACKETS

49	Cotton, woven	380.0940
49	do	380.0960
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240
121	do	380.6210
121	do	380.6610
224	Manmade, knit	380.8103
224	do	380.0402
229	Manmade, woven	380.0443
229	do	380.5164
229	do	380.8415

TROUSERS

50	Cotton, woven	380.3922
50	do	380.3925
50	do	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0660
63	Cotton, woven	380.0070
124	Wool, woven	380.0265
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmade, knit	380.0428
222	do	380.8165
238	Manmade, woven	380.0467
238	do	380.5184
238	do	380.8455

OVERCOATS AND RAINCOATS

48	Cotton, woven	380.0910
48	do	380.0920
48	do	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1280
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmade, knit	380.8101
224	do	380.8107

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
224	Manmade, knit	380.0401
224	do	380.0404
229	Manmade, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420

SHIRTS

43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765
45	do	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778
47	do	380.2779
62	Cotton, knit	380.0027
116	Wool, knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435
235	do	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445

SWEATERS AND CARDIGANS

44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	Wool, knit	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmade	380.0423
221	do	380.8147

DRESSING GOWNS AND ROBES

55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmade, knit	380.0408
224	do	380.8117
231	Manmade, woven	380.0449
231	do	380.8425

APPENDIX—Continued

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
PAJAMAS AND OTHER NIGHTWEAR		
60	Cotton, knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmades, knit	380.0411
217	do	380.8123
232	Manmades, woven	380.0452
232	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

62	Cotton, knit	372.1010
62	do	372.1520
63	Cotton, woven	372.1040
63	do	380.1540
63	do	380.1560
116	Wool, knit	372.3000
117	do	380.1020
117	do	380.3500
125	Wool, woven	372.1050
125	do	380.4500
224	Manmades, knit	372.1030
224	do	380.7000
227	Manmades, woven	372.7520
227	do	380.7540

NECKTIES

62	Cotton, knit	373.0510
62	do	380.1010
63	Cotton, woven	373.0540
63	do	380.1045
117	Wool, knit	373.0520
117	do	380.1520
125	Wool, woven	373.0550
125	do	380.1540
224	Manmades, knit	373.0530
224	do	380.2500
240	Manmades, woven	373.0560
240	do	380.2700

VESTS

63	Cotton, woven	380.0073
63	do	380.3320
63	do	380.3620

BEACHWEAR

224	Manmades, knit	380.0425
224	do	380.8163
240	Manmades, woven	380.0465
240	do	380.8453

UNDERWEAR

41	Cotton, knit	380.0635
42	do	380.0018
42	do	380.0021
42	do	380.0640
56	do	378.1014
56	do	378.1029
56	do	378.1514
56	do	378.1529
57	do	378.1016
57	do	378.1516
57	do	378.2012
57	do	378.2512
58	do	378.0521
58	do	378.0541
58	do	378.0542
58	do	378.0544
58	do	378.0546
59	Cotton, woven	378.0562
59	do	378.0564

Catalog No.	Item	TSUSA No.
59	Cotton, woven	378.2018
59	do	378.2518
113	Wool, knit	378.3510
125	Wool, woven	378.4010
125	do	378.4510
218	Manmades, knit	380.0416
218	do	380.0417
218	do	370.8133
218	do	370.8135
223	do	378.0524
223	do	378.0548
223	do	378.6010
239	Manmades, woven	378.0566
239	do	378.0568
239	do	378.6512
239	do	378.6518

WORK GLOVES

39	Cotton, woven	704.4010
39	Cotton, knit	704.4502
39	do	704.4504
39	do	704.4506
39	do	704.4508
—	Leather (100 pct)	705.3510
—	Leather (part)	705.3550
—	Rubber and plastics (dipped)	705.8600

LEATHER WEARING APPAREL

49	With cotton, woven	791.7414
50	do	791.7418
62	With cotton, knit	791.7420
63	With cotton, woven	791.7426
117	With wool, knit	791.7430
125	With wool, woven	791.7440
221	With manmades, knit	791.7456
222	do	791.7458
224	do	791.7462
224	do	791.7464
229	With manmades, woven	791.7472
238	do	791.7482
240	do	791.7484
—	With other fibers	791.7490
—	All leather apparel	791.7600

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2104 Filed 1-27-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of the Republic of Korea to manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. Countervailing Duty Law. A preliminary

determination will be made not later than May 7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Anthony L. Russo, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION:

A petition in satisfactory form was received on November 7, 1977, alleging that benefits conferred by the Government of the Republic of Korea upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber from the Republic of Korea constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

Alleged bounties or grant as provided in the petition include the following:

1. Short and long term financing at preferential interest rates.
2. Credit on duty payments for imports used in export production.
3. Deferred payment export financing arrangements.
4. Deferral of due dates for certain domestic taxes.
5. "Link" of distribution of import permits for otherwise restricted items on the basis of export performance.
6. Inclusion in loss accounts of reserve funds for losses from exports.
7. Special depreciation allowance related to export performance.
8. Tax exemption, special public services and other benefits to firms located in Export Industrial Estates and Masan and Iri Export Zones.

The textile items involved include those in categories 1-38, 101-110, and 200-213 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

9. Excessive "wastage" drawback allowances.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKWELL, Jr.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmade, woven	380.0464
237	do	380.5176
237	do	380.8450
224	Manmade, knit	380.8143
224	do	380.0420
COATS AND JACKETS		
49	Cotton, woven	380.0940
49	do	380.0960
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240
121	do	380.6310

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
121	Wool, woven	380.6610
224	Manmade, knit	380.8103
224	do	380.0402
229	Manmade, woven	380.0443
229	do	380.5164
229	do	380.8415
TROUSERS		
50	Cotton, woven	380.3922
50	do	380.3925
50	do	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0660
63	Cotton, woven	380.0070
124	Wool, woven	380.0245
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmade, knit	380.0428
222	do	380.8165
238	Manmade, woven	380.0467
238	do	380.5184
238	do	380.8455
OVERCOATS AND RAINCOATS		
48	Cotton, woven	380.0910
48	do	380.0920
48	do	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1280
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmade, knit	380.8101
224	do	380.8107
224	do	380.0401
224	do	380.0404
229	Manmade, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420
SHIRTS		
43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765
45	do	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778
47	do	380.2779

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
62	Cotton, knit	380.0027
116	Wool, knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435
235	do	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445
SWEATERS AND CARDIGANS		
44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	Wool, knit	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmade	380.0423
221	do	380.8147
DRESSING GOWNS AND ROBES		
55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmade, knit	380.0408
224	do	380.8117
231	Manmade, woven	380.0449
231	do	380.8425
PAJAMAS AND OTHER NIGHTWEAR		
60	Cotton, Knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmade, knit	380.0411
217	do	380.8123
232	Manmade, woven	380.0452
232	do	380.8430
MUFFLERS, SCARVES AND SHAWLS		
62	Cotton, knit	372.1010
62	do	372.1520
63	Cotton, woven	372.1040
63	do	372.1540
63	do	372.1560
116	Wool, knit	372.3000
117	do	372.1020
117	do	372.3500
125	Wool, woven	372.1050
125	do	372.4500
224	Manmade, knit	372.1030
224	do	372.7000
227	Manmade, woven	372.1060
227	do	372.7520
227	do	372.7540

NECKTIES

62	Cotton, knit	373.0510
62	do	373.1010
63	Cotton, woven	373.0540
63	do	373.1045
117	Wool, knit	373.0520
117	do	373.1520
125	Wool, woven	373.0550
125	do	373.1540
224	Manmades, knit	373.0530
224	do	373.2500
240	Manmades, woven	373.0560
240	do	373.2700

VESTS

63	Cotton, woven	380.0073
63	do	380.3320
63	do	380.3620

BEACHWEAR

224	Manmades, knit	380.0425
224	do	380.8163
240	Manmades, woven	380.0465
240	do	380.8453

UNDERWEAR

41	Cotton, knit	380.0635
42	do	380.0018
42	do	380.0021
42	do	380.0640
56	do	378.1014
56	do	378.1029
56	do	378.1514
56	do	378.1529
57	do	378.1016
57	do	378.1516
57	do	378.2012
57	do	378.2512
58	do	378.0521
58	do	378.0541
58	do	378.0542
58	do	378.0544
58	do	378.0546
59	Cotton, woven	378.0562
59	do	378.0564
59	do	378.2018
59	do	378.2518
113	Wool, knit	378.3519
125	Wool, woven	378.4010
125	do	378.4510
218	Manmades, knit	380.0416
218	do	380.0417
218	do	370.8133
218	do	370.8135
223	do	378.0524
223	do	378.0548
223	do	378.6010
239	Manmades, woven	378.0566
239	do	378.0568
239	do	378.6512
239	do	378.6518

WORK GLOVES

39	Cotton, woven	704.4010
39	Cotton, knit	704.4502
39	do	704.4504
39	do	704.4506
39	do	704.4508

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2108 Filed 1-27-78; 8:45 am]

[4810-22]

Customs Service

LEATHER WEARING APPAREL FROM URUGUAY

Final Countervailing Duty Determination

AGENCY: Customs Service, U.S. Treasury Department.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to advise the public that an investigation has resulted in a determination that the Government of Uruguay has given benefits considered to be bounties or grants within the countervailing duty law to manufacturers who export leather wearing apparel to the United States. Since this merchandise is duty-free, the case is being referred to the U.S. International Trade Commission for an injury determination. However, should the Commission's determination be affirmative, the Treasury would consider it appropriate to waive countervailing duties, based upon the criteria established by the Trade Act of 1974, including the actions taken and to be taken by the Government of Uruguay to reduce significantly the bounty or grant.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On July 27, 1977, a "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (42 FR 38251). The notice stated that it preliminarily had been determined that benefits had been received by the Uruguayan manufacturers/exporters of leather wearing apparel which may constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act"). The benefits preliminarily determined to be bounties or grants were:

(1) Income tax exemptions on certain export-related income;

(2) Preferential financing for exports; and

(3) The granting of tax certificates, known as "reintegros," to manufacturers of leather wearing apparel, upon the exportation of the goods.

The rebate of value-added taxes upon export of goods and a rebate of import duties paid on raw materials used in the production of leather wearing apparel for export has been determined not to constitute a bounty or grant within the meaning of the Act.

Programs found not to have been utilized by the leather wearing apparel industry included government-sponsored export insurance, a tax holiday for new industries, and benefits for locating within certain free ports and zones.

The notice offered interested parties an opportunity to submit any relevant data, views or arguments in writing with respect to the preliminary determination in time to be received not later than August 26, 1977.

Subsequent investigation lead to the conclusion that the subsidy granted to the tanners upon the exportation of the finished leather wearing apparel constitute a bounty or grant within the meaning of the Act. Based on present information available, however, the tanners' subsidy serves to make Uruguayan tannery prices equal with neighboring country competition, which is readily available to leather wearing apparel manufacturers in Uruguay. Thus the net effect of the bounty or grant is zero since the cost of producing leather wearing apparel absent the subsidy would not be increased due to lower prices available from neighboring countries.

In addition, the effect of the export subsidy is offset by certain fiscal charges which are indirect taxes that are directly related to the exported leather wearing apparel. These taxes are not rebated on export, and under the Act would be eligible for rebate and thus act to reduce the effective export benefit. Such taxes include:

(1) Export taxes charged on the value of the leather wearing apparel plus a tax on the value of the export rebate certificates;

(2) Value-added taxes that are charged in manufacturing the leather wearing apparel (the Government of Uruguay generally rebates 75 percent of value-added taxes paid);

(3) Taxes on agricultural transactions which in this case involve a 4-percent tax on the value of the hide purchased by the tanner; and

(4) Import taxes and other special taxes which are assessed on the non-leather items of the leather apparel.

Finally, the export benefit is reduced due to a regular devaluation of the peso to the dollar since the certificate tendering the benefit is not received before 90 days after application has been made for it.

After consideration of all information received, it is hereby determined that leather wearing apparel from Uruguay is subject to bounties or grants within the meaning of section 303 of the Act. The bounties or grants are in the form of the payments referred to in the preliminary determination, taking into account the offsets described in this notice. The net amount of the bounty or grant has been estimated and determined to be

approximately 12 percent of the f.o.b. price for export to the United States of leather wearing apparel from Uruguay.

Further, the leather wearing apparel subject to this determination is classified under item 791.7600 of the Tariff Schedules of the United States, Annotated (TSUSA), and is entered duty-free pursuant to the U.S. Generalized System of Preferences, authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465, 88 Stat. 2066-2071).

In accordance with sec. 303(a)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), countervailing duties may not be imposed upon any article of merchandise which is free of duty in the absence of a determination by the U.S. International Trade Commission that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States.

Accordingly, the U.S. International Trade Commission is being advised of this determination and the liquidation of entries, or withdrawals from warehouse, for consumption of the duty-free leather wearing apparel in question will be suspended pending the determination of the Commission.

Should the determination of the Commission be affirmative, the Treasury would consider it appropriate to waive countervailing duties under section 303(d) of the Act. The Government of Uruguay is committed to the total removal of the net bounty derived from the tax rebate certificate program (reintegró) for all leather products, except tanned leather, between January 1, 1978 and January 1, 1979. A 50-percent reduction in the effective bounty was accomplished December 29, 1977. A 50-percent reduction in the remaining effective export subsidy will be made on or before July 1, 1978, with total elimination accomplished on or before January 1, 1979. These actions will have the effect of removing almost completely the effective bounty or grant, thus satisfying the first waiver criteria under section 303(d) of the Act. Based on the very active role of the developing countries in the Multilateral Trade Negotiations in Geneva, combined with progress that is being made to negotiate agreements eliminating non-tariff barriers to trade, the remaining criteria governing the waiver provision would appear to be satisfied.

Effective on or after January 30, 1978, and until further notice, upon the entry for consumption of withdrawal from warehouse for consumption of such duty-free leather wearing apparel, liquidation will be suspended pending the determination of the U.S. International Trade Commission.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department

Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised November 2, 1954, and section 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

JANUARY 24, 1978.

[FR Doc. 78-2468 Filed 1-27-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM THE PHILIPPINES

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of the Philippines to the manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later than May 7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Edward F. Haley, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D. C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on November 7, 1977, alleging that benefits conferred by the Government of the Philippines upon the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber from India constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and manmade fibers, as specified in U.S. bilateral textile agree-

ments; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their tariff schedule classifications.

A. Deductions for 5 years of costs for direct labor and local raw materials used in the manufacture of products for export.

B. Exemption from import duties and compensating taxes on imported machinery and equipment.

C. Tax credits on domestic capital equipment purchased equal to the amount of taxes and duties that would have been paid had the equipment been imported.

D. Reduced income tax for 5 years.

2. Various incentives for qualifying enterprises under the Investment Incentives Act (R.A. 5186), including:

A. Tax deductions of organizational and preoperating expenses.

B. Accelerated depreciation of assets with a life expectancy over 5 years.

C. Tax deductions of net operating loss carryovers.

D. Exemption from duties and compensation tax on necessary imports.

E. Tax deductions of expansion of investments.

F. Tax credit for import duties and compensating taxes not paid if domestic machinery purchased.

G. Tax deductions of labor training expenses.

H. Tax credit for taxes withheld on loan payments made and direct-labor costs.

I. Exemption from all but income tax for new industries.

3. Special incentives granted to companies located in the Bataan export processing zone, including:

A. Accelerated depreciation rates for fixed assets.

B. The carryover as deductions from taxable income for 5 years of losses incurred during the first 5 years of operation.

C. The exemption of taxes and duties on imports of machinery and equipment used in the production of articles to be exported.

D. Financial and use of special public services.

4. Export insurance against commercial and political risks.

5. Relaxed cash deposit requirements on letters of credit opened by

The textile items involved include those in categories 1-38, 101-110, and 200-213 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

Philippine importers whose importer directly or indirectly encourages local export enterprises.

The leather wearing apparel from the Philippines specified in the petition which is classifiable under item 791.7600 of the Tariff Schedules of the United States Annotated (TSUSA) is eligible for duty-free entry under the generalized system of preferences. In the event that it becomes necessary to refer this matter to the U.S. International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930 as amended (19 U.S.C. 1301(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States. That information indicates that a sharp rise in imports as a percentage of total consumption of leather wearing apparel has occurred in the United States during a recent period of time. In addition, there is information contained in the petition that employment has dropped in addition to actual man-hours expended for this industry during a recent period of time.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of the Philippines upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investi-

gation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, Jr.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmade, woven	380.0464
237	do	380.5176
237	do	380.8450
224	Manmade, knit	380.8143
224	do	380.0420

COATS AND JACKETS

49	Cotton, woven	380.0940
49	do	380.0960
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240
121	do	380.6310
121	do	380.6610
224	Manmade, knit	380.8103
224	do	380.0402
229	Manmade, woven	380.0443
229	do	380.5164
229	do	380.8415

TROUSERS

50	Cotton, woven	380.3922
50	do	380.3925
50	do	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0660
63	Cotton, woven	380.0070
124	Wool, woven	380.0265
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmade, knit	380.0428
222	do	380.8165
238	Manmade, knit	380.0467
238	do	380.5184
238	do	380.8455

OVERCOATS AND RAINCOATS

48	Cotton, woven	380.0910
48	do	380.0920
48	do	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1280
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmade, knit	380.8101
224	do	380.8107

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
224	Manmade, knit	380.0401
224	do	380.0404
229	Manmade, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420

SHIRTS

43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765
45	do	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778
47	do	380.2779
62	Cotton, knit	380.0027
116	Wool, knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435
235	do	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445

SWEATERS AND CARDIGANS

44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	Wool, knit	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmade	380.0423
221	do	380.8147

DRESSING GOWNS AND ROBES

55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmade, knit	380.0408
224	do	380.8117
231	Manmade, woven	380.0449
231	do	380.8425

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
PAJAMAS AND OTHER NIGHTWEAR		
60	Cotton, knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmade, knit	390.0411
217	do	380.8123
232	Manmade, woven	380.0452
232	do	380.8430

MUFFLERS, SCARVES, AND SHAWLS

62	Cotton, knit	372.1010
62	do	372.1520
63	Cotton, woven	372.1040
63	do	372.1540
63	do	372.1560
116	Wool, knit	372.3000
117	do	372.1020
117	do	372.3500
125	Wool, woven	372.1050
125	do	372.4500
224	Manmade, knit	372.1030
224	do	372.7000
227	Manmade, woven	372.1060
227	do	372.7520
227	do	372.7540

NECKTIES

62	Cotton, knit	373.0510
62	do	373.1010
63	Cotton, woven	373.0540
63	do	373.1045
117	Wool, knit	373.0520
117	do	373.1520
125	Wool, woven	373.0550
125	do	373.1540
224	Manmade, knit	373.0530
224	do	373.2500
240	Manmade, woven	373.0560
240	do	373.2700

VESTS

63	Cotton, woven	380.0073
63	do	380.3320
63	do	380.3620

BEACHWEAR

224	Manmade, knit	380.0425
224	do	380.8163
240	Manmade, woven	380.0465
240	do	380.8453

UNDERWEAR

41	Cotton, knit	380.0635
42	do	380.0018
42	do	380.0021
42	do	380.0640
56	do	378.1014
56	do	378.1029
56	do	378.1514
56	do	378.1529
57	do	378.1016
57	do	378.1516
57	do	378.2012
57	do	378.2512
58	do	378.0521
58	do	378.0541
58	do	378.0542
58	do	378.0544
58	do	378.0546
59	Cotton, woven	378.0562
59	do	378.0564
59	do	378.2018
59	do	378.2518
113	Wool, knit	378.3510

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
125	Wool, woven	378.4010
125	do	378.4510
218	Manmade, knit	380.0416
218	do	380.0417
218	do	370.8133
218	do	370.8135
223	do	378.0524
223	do	378.0548
223	do	378.6010
239	Manmade, woven	378.0566
239	do	378.0568
239	do	378.6512
339	do	378.6518

WORK GLOVES

39	Cotton, woven	704.4010
39	Cotton, knit	704.4502
39	do	704.4504
39	do	704.4506
39	do	704.4508
—	Leather (100 pct)	705.3510
—	Leather (part)	705.3550
—	Rubber and plastics (dipped)	705.8600

LEATHER WEARING APPAREL

49	With cotton, woven	791.7414
50	do	791.7418
62	With cotton, knit	791.7420
63	With cotton, woven	791.7426
117	With wool, knit	791.7430
125	With wool, woven	791.7440
221	With manmade, knit	791.7456
222	do	791.7458
224	do	791.7462
224	do	791.7464
229	With manmade, woven	791.7472
238	do	791.7482
240	do	791.7484
—	With other fibers	791.7490
—	All leather apparel	791.7600

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2109 Filed 1-27-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM URUGUAY

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started to determine if benefits are paid by the Government of Uruguay to manufacturers or exporters of textile products which constitute the payment of a bounty or grant within the meaning of the U.S. Countervailing Duty Law. A preliminary determination will be made not later than May

7, 1978, and a final determination not later than November 7, 1978.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION:

A petition in satisfactory form was received on November 7, 1977, alleging that benefits conferred by the Government of Uruguay upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and made-made fiber from India constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements;¹ and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

Alleged bounties or grants as provided in the petition include the following:

1. Exemption of export earnings from the corporate income and dividends taxes.

2. Tax holidays on all earnings and concessions for new investments in export-oriented industries.

3. Rebates ("reintegros") allegedly up to 50 percent of export value that are in addition to the ordinary VAT rebate.

4. Advantageous loan rates for exports and export credit insurance.

5. Tax concessions and free services for firms located within free ports and zones.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not

¹The textile items involved include those in categories 1-38, 101-110, and 200-213 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than May 7, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of Uruguay upon the manufacture, production or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 7, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, Jr.,
Acting General Counsel
of the Treasury.

JANUARY 19, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
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SUITS

120	Wool, woven	380.0260
120	do	380.5146
120	do	380.6350
120	do	380.6650
237	Manmade, woven	380.0464
237	do	380.5176
237	do	380.8450
224	Manmade, knit	380.8143
224	do	380.0420

COATS AND JACKETS

49	Cotton, woven	380.0940
49	do	380.0960
49	do	380.1240
49	do	380.1260
63	do	380.0043
116	Wool, knit	380.5710
117	do	380.6110
121	Wool, woven	380.0240
121	do	380.6310
121	do	380.6610
224	Manmade, knit	380.8103
224	do	380.0402
229	Manmade, woven	380.0443
229	do	380.5164
229	do	380.8415

TROUSERS

50	Cotton, woven	380.3922
50	do	380.3925

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
50	Cotton, woven	380.3927
50	do	380.3929
50	do	380.3932
50	do	380.3935
50	do	380.3937
50	do	380.3939
50	do	380.5124
62	Cotton, knit	380.0033
62	do	380.0660
63	Cotton, woven	380.0070
124	Wool, woven	380.0265
124	do	380.5154
124	do	380.6360
124	do	380.6660
222	Manmade, knit	380.0428
222	do	380.8165
238	Manmade, woven	380.0467
238	do	380.5184
238	do	380.8455

OVERCOATS AND RAINCOATS

48	Cotton, woven	380.0910
48	do	380.0920
48	do	380.1210
48	do	380.1220
49	do	380.0980
49	do	380.0990
49	do	380.1280
49	do	380.1290
62	Cotton, knit	380.0003
62	do	380.0006
62	do	380.0610
62	do	380.0615
63	Cotton, woven	380.0040
63	do	380.0046
121	Wool, woven	380.0245
121	do	380.5138
121	do	380.6320
121	do	380.6620
224	Manmade, knit	380.8101
224	do	380.8107
224	do	380.0401
224	do	380.0404
229	Manmade, woven	380.0440
229	do	380.0446
229	do	380.5168
229	do	380.8410
229	do	380.8420

SHIRTS

43	Cotton, knit	380.0650
45	Cotton, woven	380.0061
45	do	380.0064
45	do	380.2752
45	do	380.2755
45	do	380.2759
45	do	380.2762
45	do	380.2765
45	do	380.2769
46	do	380.0067
46	do	380.2782
46	do	380.2785
46	do	380.2787
46	do	380.2789
46	do	380.2792
46	do	380.2795
46	do	380.2797
46	do	380.2799
47	do	380.2772
47	do	380.2775
47	do	380.2777
47	do	380.2778
47	do	380.2779
62	Cotton, knit	380.0027
116	Wool, knit	380.5720
117	do	380.0205
117	do	380.6120
125	Wool, woven	380.0255
125	do	380.5142
125	do	380.6340
219	Manmade, knit	380.0419
219	do	380.8137
234	Manmade, woven	380.0455
234	do	380.8435

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
235	Manmade, woven	380.0458
235	do	380.0461
235	do	380.5172
235	do	380.8440
235	do	380.8445

SWEATERS AND CARDIGANS

44	Cotton, knit	380.0655
62	do	380.0030
62	do	380.0690
116	do	380.5730
116	do	380.5740
116	do	380.5750
117	do	380.0210
117	do	380.0215
117	do	380.0220
117	do	380.5900
117	do	380.6130
117	do	380.6140
117	do	380.6150
117	do	380.6160
117	do	380.7215
221	Manmade	380.0423
221	do	380.8147

DRESSING GOWNS AND ROBES

55	Cotton, woven	380.0049
55	do	380.1520
55	do	380.1540
55	do	380.1820
55	do	380.1840
62	Cotton, knit	380.0009
62	do	380.0620
125	Wool, woven	380.0250
125	do	380.6330
125	do	380.6630
224	Manmade, knit	380.0408
224	do	380.8117
231	Manmade, woven	380.0449
231	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR

60	Cotton, Knit	380.0012
60	do	380.0625
60	Cotton, woven	380.2100
60	do	380.2400
60	do	380.3909
63	do	380.0052
63	do	380.0055
217	Manmade, knit	380.0411
217	do	380.8123
232	Manmade, woven	380.0452
232	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

62	Cotton, knit	372.1010
62	do	372.1520
63	Cotton, woven	372.1040
63	do	372.1540
63	do	372.1560
116	Wool, knit	372.3000
117	do	372.1020
117	do	372.3500
125	Wool, woven	372.1050
125	do	372.4500
224	Manmade, knit	372.1030
224	do	372.7000
227	Manmade, woven	372.1060
227	do	372.7520
227	do	372.7540

NECKTIES

62	Cotton, knit	373.0510
62	do	373.1010
63	Cotton, woven	373.0540
63	do	373.1045
117	Wool, knit	373.0520

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
117	Wool, knit	373.1520
125	Wool, woven	373.0550
125	do	373.1540
224	Manmades, knit	373.0530
224	do	373.2500
240	Manmades, woven	373.0560
240	do	373.2700
VESTS		
63	Cotton, woven	380.0073
63	do	380.3320
63	do	380.3620
BEACHWEAR		
224	Manmades, knit	380.0425
224	do	380.8163
240	Manmades, woven	380.0465
240	do	380.8453
UNDERWEAR		
41	Cotton, knit	380.0635
42	do	380.0018
42	do	380.0021
42	do	380.0640
56	do	378.1014
56	do	378.1029
56	do	378.1514
56	do	378.1529
57	do	378.1016
57	do	378.1516
57	do	378.2012
57	do	378.2512
58	do	378.0521
58	do	378.0541
58	do	378.0542
58	do	378.0544
58	do	378.0546
59	Cotton, woven	378.0562
59	do	378.0564
59	do	378.2018
59	do	378.2518
113	Wool, knit	378.3510
125	Wool, woven	378.4010
125	do	378.4510
218	Manmades, knit	380.0416
218	do	380.0417
218	do	370.8133
218	do	370.8135
223	do	378.0524
223	do	378.0548
223	do	378.6010
239	do	378.0566
239	do	378.0568
239	do	378.6512
239	do	378.6518
WORK GLOVES		
39	Cotton, woven	704.4010
39	Cotton, knit	704.4502
39	do	704.4504
39	do	704.4506
39	do	704.4508

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-2110 Filed 1-27-78; 8:45 am]

[4810-40]

Office of the Secretary
(Public Debt Series No. 2-781)

TREASURY NOTES OF MAY 15, 1981

Series M-1981

JANUARY 26, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,500,000,000 of U.S. securities, designated Treasury Notes of May 15, 1981, Series M-1981 (CUSIP No. 912827 HK 1). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

1.2. If the interest rate determined in accordance with this circular is identical to the rate on an outstanding issue of U.S. notes, and the terms and conditions of such outstanding issue are otherwise identical to terms and conditions of the securities offered by this circular, this shall be considered an invitation for an additional amount of the outstanding securities and this circular will be amended accordingly. Payment for the securities in that event will be calculated on the basis of the auction price determined in accordance with this circular plus accrued interest from the last preceding interest payment date on the outstanding securities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 15, 1978, and will bear interest from that date, payable on a semiannual basis on November 15, 1978, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1981, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any

possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., eastern standard time, Tuesday, January 31, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, January 30, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities,

may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of 1 percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per 100, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, February 15, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing U.S. securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, February 10, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Thursday, February 9, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

[FR Doc. 78-2688 Filed 1-27-78; 8:45 am]

[4810-40]

[Public Debt Series—No. 3-78]

8 PERCENT TREASURY NOTES OF FEBRUARY 15, 1985

Series A-1985

JANUARY 26, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty bond Act, as amended, invites tenders for approximately \$3,000,000,000 of United States securities, designated 8 percent Treasury Notes of February 15, 1985, Series A-1985 (CUSIP No. 912827 HL 9). The securities will be sold at auction with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 15, 1978, and will bear interest from that date, payable on a semiannual basis on August 15, 1978, and each subsequent 6 months on February 15 and August 15, until the principal becomes payable. They will mature February 15, 1985, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing

United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 1, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 31, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 98.25 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal

Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before February 15, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which

the tender was submitted, which must be received at such institution no later than:

(a) Friday, February 10, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Thursday, February 9, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall

be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

[FR Doc. 78-2889 Filed 1-27-78; 8:45 am]

[4810-40]

[Public Debt Series—No. 4-78]

8 1/4 PERCENT TREASURY BONDS OF 2000-2005

JANUARY 26, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$1,250,000,000 of U.S. securities, designated 8 1/4 percent Treasury Bonds of 2000-2005 (CUSIP No. 912810 BU 1). The securities will be sold at auction with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities offered will be identical to the 8 1/4 percent Treasury Bonds of 2000-2005 (CUSIP No. 912810 BU 1) issued under Depart-

ment of the Treasury Circular, Public Debt Series—No. 15-75, dated May 2, 1975, except that interest will accrue from February 15, 1978, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from November 15, 1977. With this exception, the securities are as described in the following excerpt from the above circular:

"1. The bonds will be dated May 15, 1975, and will bear interest from that date, payable semiannually on November 15, 1975, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 2005, but may be redeemed at the option of the United States on and after May 15, 2000, in whole or in part at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

"2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

"3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

"4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds, and the transfer of registered bonds will be permitted.

"5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds."

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt,

¹On May 9, 1975, the Secretary of the Treasury announced that the interest rate on the bonds would be 8 1/4 percent per annum.

Washington, D.C. 20226, up to 1:30 p.m., eastern standard time, Thursday, February 2, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, February 1, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 93.25 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the

price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, February 15, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from November 15, 1977, to February 15, 1978, in the amount of \$20.96685 per \$1,000 of securities allotted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, February 10, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Thursday, February 9, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The Securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are au-

thorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

[FR Doc. 78-2690 Filed 1-27-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Amendment of System Notice; Additional Routine Uses

Notice is hereby given that the Veterans Administration is considering adding three new routine use statements to each of the following systems of VA records set forth on pages 49726-49767 of the FEDERAL REGISTER of September 27, 1977.

49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.

50VA22 Veterans, Dependents, Beneficiaries, and Armed Forces Personnel Education and Rehabilitation Records—VA.

58VA21/22 TARGET—Compensation, Pension, Education, and Rehabilitation Records—VA.

The first two routine use statements were previously adopted for the system of records entitled "Patient Medical Records—VA" (24VA136), and the third routine use statement was adopted for the system of records entitled "Veterans and Beneficiary Identification and Records Locator System—VA" (38VA28). Since these routine use statements allow for the release of medical record data, excluding name and address (unless furnished by the requester), for necessary and proper research purposes to epidemiological and other research facilities and allow for the release of the name(s) and address(es) of present or former personnel of the armed services and/or their dependents to Federal agencies for the purpose of conducting, directly or under Federal contract, Government research necessary in order to accomplish a statutory purpose of that agency, the Veterans Administration has determined that, in addition to the "Patient Medical Records—VA" and "Veterans and Beneficiary Identification and Records Locator System—VA", these routine uses are required in

the three additional systems listed above. Release of information for these purposes is considered a necessary and proper use of data in these systems of records and will enable the Veterans Administration to be of maximum assistance in the conduct of authorized medical studies.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before March 1, 1978, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make these routine use statements effective the date of final approval by the Administrator of Veterans Affairs.

Approved: January 23, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In the system identified as 49VA21, "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA", appearing at 42 FR 49753, the following routine use statements are added to read as follows:

System name:

Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

23. Disclosure of medical record data, excluding name and address (unless name and address is furnished by the requester) for research purposes determined to be necessary and proper, to epidemiological and other research facilities approved by the Chief Medical Director.

24. The name(s) and address(es) of present or former personnel of the armed services and/or their dependents may be disclosed to the Depart-

ment of Health, Education, and Welfare, or agency thereof, or other Federal agency, at the written request of the head of the agency or designee of the head of that agency, for the purpose of conducting government research necessary in order to accomplish a statutory purpose of that agency.

25. Inquiry of record by research facilities to obtain data necessary to assist in medical studies on veterans for the Veterans Administration and other agencies, as approved by the Chief Medical Director, provided that the name of the veteran and other pertinent identifying data is furnished by the requester.

In the system identified as 50VA22 "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA", appearing at 42 FR 49754, the following routine use statements are added to read as follows:

System name:

Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

30. Disclosure of medical record data, excluding name and address (unless name and address is furnished by the requester) for research purposes determined to be necessary and proper, to epidemiological and other research facilities approved by the Chief Medical Director.

31. The name(s) and address(es) of present or former personnel of the armed services and/or their dependents may be disclosed to the Department of Health, Education, and Welfare, or agency thereof, or other Federal agency, at the written request of the head of the agency or designee of the head of that agency, for the purpose of conducting government research necessary in order to accomplish a statutory purpose of that agency.

32. Inquiry of record by research facilities to obtain data necessary to assist in medical studies on veterans for the Veterans Administration and other agencies, as approved by the Chief Medical Director, provided that the name of the veteran and other pertinent identifying data is furnished by the requester.

In the system identified as 58VA21/22, "TARGET—Compensation, Pension, Education, and Rehabilitation Records—VA", appearing at 42 FR 49760, the following routine use statements are added to read as follows:

System name:

TARGET—Compensation, Pension, Education, and Rehabilitation Records—VA

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

31. Disclosure of medical record data, excluding name and address (unless name and address is furnished by the requester) for research purposes determined to be necessary and proper, to epidemiological and other research facilities approved by the Chief Medical Director.

32. The name(s) and address(es) of present or former personnel of the armed services and/or their dependents may be disclosed to the Department of Health, Education, and Welfare, or agency thereof, or other Federal agency, at the written request of the head of the agency or designee of the head of that agency, for the purpose of conducting government research necessary in order to accomplish a statutory purpose of that agency.

33. Inquiry of record by research facilities to obtain data necessary to assist in medical studies on veterans for the Veterans Administration and other agencies, as approved by the Chief Medical Director, provided that the name of the veteran and other pertinent identifying data is furnished by the requester.

[FR Doc. 78-2485 Filed 1-27-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 578]

ASSIGNMENT OF HEARINGS

JANUARY 25, 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.

AB 1 (Sub 40), Chicago & Northwestern Transportation Co., abandonment between

Gillett, Oconto County, Wis., and Scott Lake, Iron County, Mich., now assigned February 28, 1978, at Rhinelander, Wis., will be held at the City Council Chambers, City Hall, 135 South Steven Street.

MC 126473 (Sub 30), Harold Dickey Transport, Inc., now assigned March 7, 1978, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 133689 (Sub 135), Overland Express, Inc., now assigned March 8, 1978, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

AB10 (Sub 6), Wabash Railroad Co. and Norfolk & Western Railway Co., abandonment between Fairbury and Clay in Livingston County, Ill., now being assigned April 17, 1978 (1 week), at Pontiac, Ill., in a hearing room to be later designated.

MC 110420 (Sub 771), Quality Carriers, Inc. and MC 124078 (Sub 726), Schwerman Trucking Co., now being assigned April 11, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 110988 (Sub 346), Schneider Truck Lines, Inc., now being assigned April 12, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 141511 (Sub 1), Robert W. Rettig, d.b.a. Protein Express, now being assigned April 13, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 102401 (Sub 22), Taylor Heavy Hauling, Inc., now being assigned April 14, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 119619 (Sub 110), Distributors Service Co., Inc., now assigned March 9, 1978 at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 119789 (Sub 360), Caravan Refrigerated Cargo, Inc., now assigned March 13, 1978, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 51146 (Sub 501), Schneider Transport, Inc., now assigned March 14, 1978, at Chicago, Ill., will be held at Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 113678 (Sub 684), Curtis, Inc., now assigned March 16, 1978, at Chicago, Ill., will be held at Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 115496 (Sub 70), Lumber Transport, Inc., now being assigned January 31, 1978, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 13163, R. C. Van Lines, Inc.—Purchase—Trans-World Movers, Inc., Transport Clearing of Colorado, Inc., Successor in Interest, and MC 128155 (Sub 5), R. C. Van Lines, Inc., now assigned February 13, 1978, at Denver, Colo., will be held in the Courtroom, 1050 17th Street, Suite 1718.

MC 58035 (Sub 13), Trans-Western Express, Ltd., now assigned February 8, 1978, at Denver, Colo., will be held in the Courtroom, 1050 17th Street, Suite 1718.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2502 Filed 1-27-78; 8:45 am]

[7036-01]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 25, 1978.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before February 14, 1978.

FSA No. 43494, Trans-Continental Freight Bureau, Agent's No. 520, rail rates on champagne, vermouth and wine, from Modesto Colony, Calif., to Elizabeth, N.J., to be published in its tariff 2-0, I.C.C. 1947.

Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2496 Filed 1-27-78; 8:45 am]

[7035-01]

[Notice No. 286]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 30, 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:

No. MC-FC-77514. By application filed January 17, 1978, GEORGE KU, INC., 1480 Mount Jackson Road, New Castle, Pa. 16102, seeks temporary authority to transfer the operating rights of Bressemer Hillsville Bus Co., 310 East Liberty Street, Lowellville, Ohio 44436, under section 210a(b). The transfer to George Ku, Inc., of the operating rights of Bessemer Hillsville Bus Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2499 Filed 1-27-78; 8:45 am]

[7035-01]

[Notice No. 287]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 30, 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:

No. MC-FC-77515. By application filed January 19, 1978, MICHAEL J. FITZGIBBON, an individual, d.b.a. FITZ FREIGHT TRANSFER, P.O. Box 1144, Miami, Okla. 74354, seeks temporary authority to transfer the operating rights of Security Bank & Trust Co., P.O. Box 880, Miami, Okla. 74354, under section 210a(b). The

transfer to Michael J. Fitzgibbon, an individual, d.b.a. Fitz Freight Transfer, of the operating rights of Security Bank & Trust Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2500 Filed 1-27-78; 8:45 am]

[7035-01]

[Notice No. 288]

**MOTOR CARRIER BOARD TRANSFER
PROCEEDINGS**

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 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 by March 1, 1978. 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 synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77426, filed November 23, 1977. Transferee: J. R. McGINNIS, d.b.a. ILLINOIS FILM SERVICE, 1405 Old West Main Street, Carbondale, Ill. 62901. Transferor: Madge Evelyn Channess, d.b.a. Illinois Film Service, 1405 Old West Main Street, Carbondale, Ill. 62901. Applicant's representative: Ernest A. Brooks II, Attorney at Law, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought for purchase by transferee of

the operating rights of transferor, as set forth in Certificate No. MC-2332, issued July 18, 1967, as follows: *Motion picture films, theatre supplies, and advertising matter*, between St. Louis, Mo., on the one hand, and, on the other Anna, Cairo, Mounds, Eldorado, Harrisburg, Carrier Mills, Johnston City, Herrin, Carterville, Hurst, Royalton, Zeigler, Christopher, Carbondale, Murphysboro, Pinckneyville, Sparta, Marissa, and New Athens, Ill., and Cape Girardeau, Jackson, Lutesville, Ilmo, Chaffee, Oran, Sikeston, East Prairie, Charleston, Campbell, Caruthersville, Poplar Bluff, New Madrid, Dexter, and Malden, Mo. *Newspapers, periodicals, films and materials, supplies, and equipment* used in the operation of motion-picture theatres, between St. Louis, Mo., on the one hand, and, on the other, points in a specified part of Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77463 filed December 16, 1977. Transferee: FRITZ L. MENSINGER, d.b.a. MENSINGER TRUCKING, 1430 Powers, Lewiston, Idaho, 83501. Transferor: Ron Andrews, d.b.a. Ron Andrews Trucking, P.O. Box 142, Lewiston, Idaho, 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Washington, 99201. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-139405 (Sub-No. 2), issued June 29, 1977, as follows: *Bananas*, from Long Beach and Wilmington, Calif., to the facilities of Pacific Gamble Robinson, doing business as Pacific Fruit and Product Co., located at Missoula and Kalispell, Mont., Pendleton, Oreg., and Lewiston, Idaho. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77466 filed December 14, 1977. Transferee: MOVING SERVICES, INC., 800 Route 44, Raynham, Mass. 02767. Transferor: W. H. Luddy & Son Moving Co., Inc., 275 North Central Street, E. Bridgewater, Mass. 02333. Transferee's attorney: Michael M. McLaughlin, 101 Charles Street, Manchester, N.H. 03105. Transferor's attorney: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-42578 issued March 19, 1975, as follows: *General commodities*, with specified exceptions, over irregular routes, between East Bridgewater, Mass., on the one hand, and, on the other, points within 10 miles of East Bridgewater; Milk and cream, between East Bridgewater, Mass., and points

within 5 miles thereof, on the one hand, and, on the other, Providence and East Providence, R.I., and Somerville, Mass.; and Household goods as defined by the Commission, between East Bridgewater, Mass., and points in Massachusetts within 25 miles of East Bridgewater, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, New York, and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77469 filed December 18, 1977. Transferee: ROBERT WILLIAMS AND DANIEL R. WILLIAMS, a partnership, d.b.a. WILLIAMS BROTHERS, Ohio Street, Box 365, Wheatland, Pa. 16161. Transferor: Robert Williams and Thomas Williams, a partnership d.b.a. Williams Brothers, Address: Same as Transferee. Applicants' representative: John H. Evans, Jr., P.O. Box 949, Sharon, Pa. 16146. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC-77255 and MC-77255, (Sub-No. 1), issued December 8, 1943, and June 20, 1950, respectively, as follows: *Bulk commodities*, exempted from cargo security requirements under the provisions of the Commission's order in Ex Parte No. MC-5 entered January 23, 1942, in dump trucks, from Hillsville and Carbon, Pa., to Wheatland, Pa.; Between points and places in Mercer and Lawrence Counties, Pa., on the one hand, and, on the other, points and places in Mahoning, Trumbull, and Ashtabula Counties, Ohio; Contractors' equipment and supplies, and such commodities as are transported in dump trucks, between points and places in Crawford, Mercer, and Lawrence Counties, Pa., on the one hand, and, on the other, points and places in Ashtabula, Trumbull, and Mahoning Counties, Ohio; Materials, used in the construction of highways, between points and places in Mercer County, Pa., on the one hand, and, on the other, points and places in Mahoning, Trumbull, and Ashtabula Counties, Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77491 filed January 5, 1978. Transferee: VN TRANSPORTATION CO., INC., 37 Doctors Park, Cape Girardeau, Mo. 63701. Transferor: Marvin E. VanNoy, 2000 North 14th Street, St. Louis, Mo. 63155. Applicants' representative: Richard D. Kinder, Box 643, Cape Girardeau, Mo. 63701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-141913, issued July 23,

1976, as follows: *Equipment, materials, and supplies* used in the operation and maintenance of hospitals from St. Louis, Mo. to points in McCracken County, Ky., Randolph, Alexander, Williamson, Jefferson, and Saline Counties, Ill., and Crawford County, Kans. and return shipments from the named counties to St. Louis, Mo. Applicant holds no Commission authority and does not seek Section 210a(b) temporary authority.

No. MC-FC-77494, filed January 9, 1978. Transferee: WESTERN DRYWALL TRANSPORT, INC., 2001 Broadway, Vallejo, Calif. 94590. Transferor: V.W.S. MATERIALS & SUPPLY CO., 2001 Broadway, Vallejo, Calif. 94590. Applicant's representative: Daniel W. Baker, attorney at law, 100 Pine Street, San Francisco, Calif. 94111. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 136644 (Sub-No. 1) and (Sub-No. 3), issued July 20, 1973, and January 9, 1978, as follows: *Gypsum wallboard and materials* used in the installation and application of gypsum wallboard, from the plantsites of Gold Bond Building Products, Division of National Gypsum Co., at or near Richmond and Long Beach, Calif., to points in Arizona, Montana, Idaho, Nevada, Oregon, Utah, and Washington, with no transportation for compensation on return except as otherwise authorized. *Gypsum wallboard and materials* used in the installation and application of gypsum wallboard, from the facility of Kaiser Gypsum Co., Inc., at Antioch, Calif., to the Port of Oakland, Calif., and points in Oregon, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77500, filed January 10, 1978. Transferee: GREENWOOD TRANSFER & STORAGE CO., INC., P.O. Box 1032, Laurens Highway, Greenwood, S.C. 29673. Transferor: HERMAN C. HALEY, doing business as Haley Transport Service, 1130 Jackson Street, Anderson, S.C. 29621. Applicant's representative: Talmadge Seymore, Rt. 11, Staunton Bridge Road, Greenville, S.C. 29605. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 134391, issued February 5, 1971, as follows: *Used passenger automobiles, and used trucks*, in truckaway service, from Buffalo, Rochester, and Syracuse, N.Y., to points in Anderson and Greenville Counties, S.C. Transferee is presently authorized to operate as a common carrier under certificate No. MC 108948 and subs thereafter. Application

has not been filed for temporary authority under section 210a(b).

No. MC-FC-77503, filed January 11, 1978. Transferee: SUN TRANSPORTATION, INC., Robinson Road, Brewster, Mass. 02631. Transferor: PHILIP J. KANE, INC., P.O. Box 987, 130 South Main Street, Fall River, Mass. 02720. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate of registration No. MC 3730 (Sub-No. 3), issued January 13, 1964, authorizing the transportation of general commodities anywhere in the Commonwealth of Massachusetts. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77506, filed January 12, 1978. Transferee: MOYER PACKING TRANSPORTATION CO., doing business as V. & J. Derstine, P.O. Box 395, Allentown Road, Souderton, Pa. 18964. Transferor: V & J DERSTINE, INC., 438 Derstine Road, Hatfield, Pa. 19440. Applicant's representative: Edwin L. Scherlis, attorney at law, 1315 Walnut Street, (Suite 420), Philadelphia, Pa. 19107. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in permit No. MC 142051 (Sub-No. 2), issued August 16, 1977, as follows: Over irregular routes, to transport meat, in vehicles equipped with mechanical refrigeration, from the facilities of Moyer Packing Co. at Souderton, Blooming Glen, and Bernville, Pa., to points in Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Maine, Maryland, Massachusetts, Michigan, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia under a continuing contract or contracts with Moyer Packing Co. 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. 78-2501 Filed 1-27-78; 8:45 am]

[7035-01]

[ICC Order No. 43 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. is unable to transport promptly all traffic offered for movement over its lines between St. Paul,

Minn., and Tacoma-Seattle, Wash., because of blizzards and a major freight train derailment.

It is ordered, That: (a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul & Pacific Railroad Co. being unable to transport promptly all traffic offered for movement over its lines between St. Paul, Minn., and Tacoma-Seattle, Wash., because of blizzards and a major freight train derailment, that line is authorized to divert or re-route such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:30 a.m., January 20, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 3, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 20, 1978.

For the Interstate Commerce Commission.

JOEL E. BURNS,
Agent.

[FR Doc. 78-2497 Filed 1-27-78; 8:45 am]

[7035-01]

[ICC Order No. 44 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: In the opinion of Joel E. Burns, Agent, the Consolidated Rail Corp. is unable to transport trailer-on-flatcar and container-on-flatcar traffic over its entire line because of massive snow accumulations and has placed an embargo against such traffic.

It is ordered, That: (a) *Rerouting traffic.* The Consolidated Rail Corp. being unable to transport trailer-on-flatcar and container-on-flatcar traffic over its entire line because of massive snow accumulations and having placed an embargo against such traffic, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch at the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during

the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 5 p.m., January 20, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 25, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 20, 1978.

For the Interstate Commerce Commission.

JOEL E. BURNS,
Agent.

[FR Doc. 78-2498 Filed 1-27-78; 8:45 am]

[7035-01]

[AB 149 (SDM)]

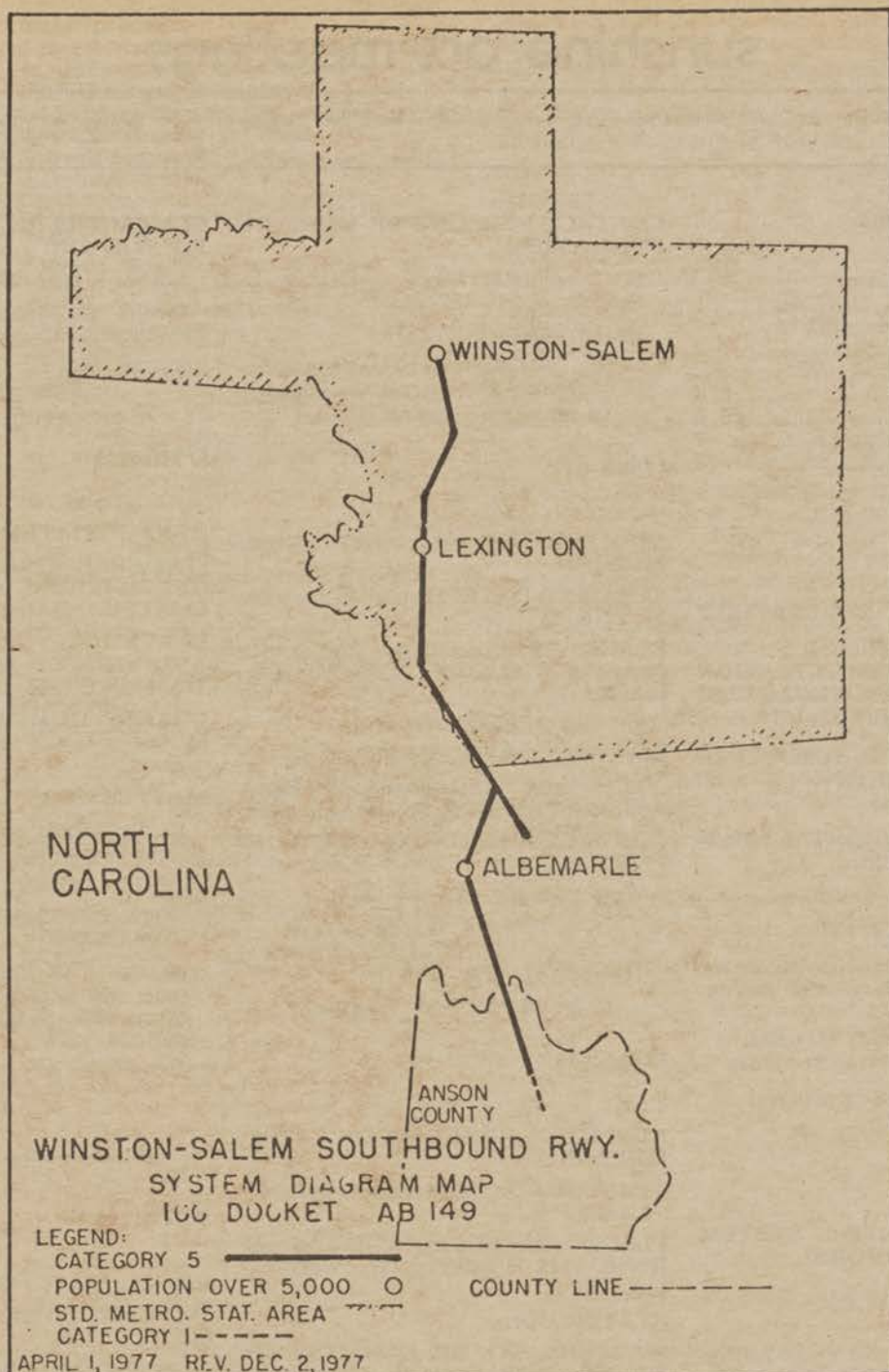
WINSTON-SALEM SOUTHBOUND RAILWAY CO.

Revised System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Winston-Salem Southbound Railway Co., has filed with the Commission its revised color-coded system diagram map in Docket No. AB 149 (SDM). The maps reproduced here in black and white are reasonable reproductions of that revised system diagram map and the Commission on December 23, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the revised system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 149 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.



WINSTON-SALEM SOUTHBOUND RAILWAY
Co.

ICC DOCKET AB-149

Description of line shown in Category 1 on System Diagram Map: This segment is the terminal 1.23 miles of

the Winston-Salem Southbound main-line located in Wadesboro, Anson County, N.C. It extends from Milepost 87.18 to Milepost 88.41. There will be no agency or non-agency stations affected by this abandonment.

[FR Doc. 78-2495 Filed 1-27-78; 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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[6740-02]

1

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published January 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 1, 1978.

CHANGE IN MEETING: The following items have been added:

Item No., Docket No., and Company

CI-7.—CI77-718. South Louisiana Production Co., Inc. (Operator), et al.
M-2.—RM 78-2, (Formally Ex Parte No. 308), Valuation of Common Carrier Pipelines.

LOIS D. CASHELL,
Acting Secretary.

[S-208-708 Filed 1-26-78; 2:48 pm]

[8210-01]

2

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Wednesday, February 1, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed statement to be presented to the Subcommittee on Taxation and Debt. Management of the Senate Committee on Finance regarding to Federal debt ceiling.

2. Personnel appointments within the Board's staff.

3. 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 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-205-78 Filed 1-26-78; 9:31 am]

[7590-01]

3

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, January 26, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open (Cancellation).

MATTERS TO BE CONSIDERED:

11:00 a.m. Discussion of FOIA Appeal for EICSB Report is Cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

JANUARY 25, 1978.

[S-206-78 Filed 1-26-78; 9:31 am]

[7590-01]

4

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Tuesday, January 24, 1978.

PLACE: Commissioners Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: 3:30 p.m., approximately. Briefing on Fort St. Vrain Release of Gaseous Radioactivity, approximately 1 hour.

By a vote of 3-0 on January 24, 1978 (Commissioner Gilinsky not participating) the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and §9.107(a) of the Commission's rules that Commission business requires that this agenda item be held on less than one week's notice to the public. Prompt scheduling is required so that the Commission can be informed of a recent incident.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated at Washington, D.C., this 24th day of January 1978.

WALTER MAGEE,
Chief, Operations Branch.

[S-207-78 Filed 1-26-78; 8:45 am]

[7910-01]

5

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3473, January 25, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 31, 1978, 10 a.m.

CHANGE IN MEETING: Addition of Matter 10 to the previously announced agenda.

MATTER TO BE CONSIDERED:

10. Principles and Concepts for the Application of the Statutory Factors.

STATUS: Open to public observation.

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 26, 1978.

GOODWIN CHASE,
Chairman.

[S-210-78 Filed 1-26-78; 2:48 pm]

[7910-01]

6

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, February 7, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 are open to the public Status is not applicable to matters 4 and 5.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held January 31, 1978, and other Board meetings, if any.

2. Report of the Chairman concerning: (a) Budget; (b) case processing; (c) personnel actions; (d) organization

progress of the staff; (e) rulemaking and regulations.

3. Recommendation for Assignment to a Division: Bata Shoe Co., Inc., Fiscal year ended December 31, 1972.

4. Approval of agenda for meeting to be held February 22, 1978.

5. Approval of agenda for other meetings, if any.

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 26, 1978.

GOODWIN CHASE,
Chairman.

[S-211-78 Filed 1-26-78; 2:48 pm]

[8120-01]

7

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., February 6, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED: Meeting with interested parties from the Duck River area in middle Tennessee to hear their views concerning the Columbia Dam portion of TVA's Duck River Project.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Informa-

tion, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information is also available at TVA's Washington Office, 202-566-1401.

[S-204-78 Filed 1-26-78; 9:31 am]

[4410-01]

8

U.S. PAROLE COMMISSION.

TIME AND DATE: Tuesday, January 24, 1978, 9 a.m.

PLACE: Room 338, 320 First Street NW., Washington, D.C.

STATUS: Open.

CHANGES IN THE MEETING

By majority vote on January 25, 1978, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 5 U.S.C. 552b(e)(2)(1) that the date and time for the completion of the agenda of the above meeting be changed to Wednesday, January 25, at 5:30 p.m.

The Commission further determined that Commission business requires that this continuation of an open business meeting be held at the date and time designated on less than one week's notice and that no earlier announcement of the change is possible.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-3117.

[S-209-78 Filed 1-26-78; 2:48 pm]

dial-a-reg

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AREA CODE 202

523-5022