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Federal Register

WEDNESDAY, FEBRUARY 8, 1978

highlights

SUNSHINE ACT MEETINGS 5468

HEAVY DUTY TRUCK CABS
DOT/FHA issues advance notice of proposed rulemaking regarding excessive in-cab heat; comments by 5-9-78 5397

CRIMINAL INVESTIGATION
Justice/LEAA establishes funding and operating principles for LEAA Discretionary Funded Criminal Intelligence Systems 5440

FOREIGN FISHING
Commerce/NOAA proposes interim policy to govern consideration of applications for permits by foreign vessels seeking to purchase or receive fish from U.S. vessels in Fishery Conservation Zone; comments by 2-23-78 5398

CB RADIO TRANSCEIVERS
Office of Special Representative for Trade Negotiations solicits public views on importation 5448

CAREER EDUCATION PROGRAM
HEW/OE extends closing date to 2-17-78 for receipt of applications 5438

CREDIT UNIONS
NCUA amends regulations implementing Privacy Act 5359
NCUA delays effective date for regulations on share draft programs; effective 3-6-78 5359

RURAL HEALTH CLINICS
HEW/HCFA establishes conditions for certification as suppliers of services under medicare and medicaid; effective 2-8-78.. 5373

RURAL DEVELOPMENT
USDA/FmHA proposes regulations on Area Development Assistance Grants for comprehensive planning; comments by 3-10-78 (Part III of this issue) 5488

STATE WATER STANDARDS
EPA issues interim rule on State authority to assess penalties for violations; effective 2-8-78 5372
EPA proposes amendment to State Public Water System Supervision Program Grant regulations; comments by 4-10-78.. 5390

FLOOD-HAZARDOUS AREAS
FHLBB adopts amendments to loan provisions; effective 2-8-78 5358

PIPELINE TRANSPORTATION AGREEMENTS
DOE/FERC amends certification policy 5362

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	**202**–783–3238
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"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–3187
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5286
Weekly Compilation of Presidential Documents.	523–5284
Public Papers of the Presidents	523–5285
Index	523–5285

PUBLIC LAWS:

Public Law dates and numbers	523–5266
	523–5282
Slip Laws	523–5266
	523–5282
U.S. Statutes at Large	523–5266
	523–5282
U.S. Government Manual	523–5287
Automation	523–5240
Special Projects	523–4534

HIGHLIGHTS—Continued

PRIVACY ACT OF 1974

DOD/Navy notice of new and amended systems of records (2 documents) (Part II of this issue) **5472**

MEETINGS—

CRC: Utah Advisory Committee, 2–9–78 ..... **5404**
DOD: Electron Devices Advisory Group, 2–22, 2–23, and 3–2–78 ..... **5408**
Marine Mammal Commission, 2–23 and 2–24–78 ..... **5441**
NFAH/NEH: National Council on the Humanities Advisory Committee, 2–23 and 2–24–78 ..... **5442**
NRC: Advisory Committee on Reactor Safeguards, 2–9 through 2–11 and 2–23–78 (3 documents) **5442, 5443, 5446**
State/AID: Board for International Food and Agricultural Development, 2–27–78 ..... **5448**
DOT/FRA: Conference on terms and conditions of initiation of ABD power brake equipment test program, 2–15–78 ..... **5449**
VA: Merit Review Boards, 2–78, 3–78, and 4–78 ..... **5466**

HEARINGS—

National Transportation Policy Study Commission, 2–27–78 .. **5447**

SEPARATE PARTS OF THIS ISSUE

Part II, DOD/Navy **5472**
Part III, USDA/FmHA **5488**

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Meetings:
International Food and Agricultural Development Board 5448

AGRICULTURAL MARKETING SERVICE

Rules

Prunes (dried) produced in Calif.. 5355

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Federal Grain Inspection Service; Soil Conservation Service.

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
Humanities National Council Advisory Committee 5442

CENSUS BUREAU

Notices

Population censuses, special; results 5404

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Delta Airlines 5401
International Air Transport Association 5399
Miami-Los Angeles low-fare case (2 documents) 5402
Schwaben Charters, Inc 5402
Super saver fares investigation 5403

CIVIL AERONAUTICS BOARD

Proposed Rules

Charters:
Flight delays and substitute air transportation 5383

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Utah 5404

COMMERCE DEPARTMENT

See Census Bureau; Industry and Trade Administration; National Oceanic and Atmospheric Administration.

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Bounce fabric softener; petition denied 5407

CUSTOMS SERVICE

Notices

Manufacturers, producers and wholesalers petitions:
Metal from United Kingdom 5449

DEFENSE CIVIL PREPAREDNESS AGENCY

Proposed Rules

Identification for Federal employees, reservists, and non-Federal support personnel; CFR deletion 5389

DEFENSE DEPARTMENT

See also Defense Civil Preparedness Agency; Navy Department.

Rules

Metric system of measurement, use; correction 5372

Notices

Meetings:
Electron Devices Advisory Group (2 documents) 5408

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:
Knauf & Tesch Co 5439

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Career education program 5438

ENERGY DEPARTMENT

See Federal Energy Regulatory Commission.

ENVIRONMENTAL PROTECTION AGENCY

Rules

Drinking water implementation:
Violations, assessment of penalties 5372

Proposed Rules

Grants, State and local assistance:
State public water system supervision programs 5390
Ocean dumping; Kwajalein Atoll, Marshall Islands; site designation 5391

Notices

Environmental statements; availability of agency comments (2 documents) 5425, 5430
Food additive petitions:
Inter-Regional Research Project 5425
Pesticides; tolerances, registration, etc.:
Metolachlor, etc 5425

FARMERS HOME ADMINISTRATION

Proposed Rules

Loan and grant making:
Area development assistance planning grants for comprehensive planning for rural development 5486

FEDERAL COMMUNICATIONS COMMISSION

Rules

Maritime services; land and shipboard stations:
Canada-U.S. channeling agreements 5377

FEDERAL ELECTION COMMISSION

Notices

Federal Election Campaign Act and Internal Revenue Code, statutory responsibility guide; memorandum of understanding with Justice Department. 5441

FEDERAL ENERGY REGULATORY COMMISSION

Rules

Policy and interpretations:
Pipeline transportation agreements; certification 5362

Notices

Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend... 5409
Small producer certificates, applications 5409
Hearings, etc.:
Boise Cascade 5413
Columbus & Southern Ohio Electric Co 5413
Duke Power Co 5416
Illinois Power Co 5422
Mississippi Power & Light Co.. 5423
Montana Power Co 5417
Natural Gas Pipeline Co. of America et al 5424
Nevada Power Co 5417
Northern States Power Co 5417
Outline Oil Corp 5412
Pennsylvania Power & Light Co 5417
Southern Natural Gas Co. et al. (2 documents)..... 5418, 5424
Tennessee Gas Pipeline Co. (3 documents) 5418-5420
Transcontinental Gas Pipe Line Corp 5421

FEDERAL GRAIN INSPECTION SERVICE

Notices

Grain standards; inspection points:
Ohio 5399

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules

Motor carrier safety regulations:
Truck cabs, heavy duty; ambient temperature; inquiry 5397

FEDERAL HOME LOAN BANK BOARD

Rules

Federal home loan bank system:
Flood disaster protection; certain loan exemptions; members of banks 5358

Notices

Applications, etc.:
Statewide Financial Corp 5436

FEDERAL INSURANCE ADMINISTRATION

Proposed Rules

Flood elevation determinations:
Colorado; correction 5389

FEDERAL RAILROAD ADMINISTRATION

Notices

Petitions for exemptions, etc.:
Association of American Railroads; conference 5449

FEDERAL RESERVE SYSTEM

Rules

Truth-in-lending:
Official staff interpretations .. 5357

Proposed Rules

Bank holding companies:
Securities, government-issued; underwriting and dealing in; withdrawn 5382

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Perpetual Federal Savings & Loan Association 5360

Proposed Rules

Consent orders:
Driver Training Institute, Inc., et al 5383

GENERAL SERVICES ADMINISTRATION

Rules

Property management:
Federal; household goods traffic management, motor vehicle data reporting, and motor vehicle accident investigation report; cross reference 5373

Notices

Property management regulations, temporary:
Household goods traffic management 5436
Motor vehicle accident report.. 5437
Motor vehicle data reporting.. 5437

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Health Care Financing Administration.

HEALTH CARE FINANCING ADMINISTRATION

Rules

Professional standards review:
Health facilities certification; rural health clinics; certification conditions 5373

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Immigration regulations:
Service officers, powers and duties; availability of service records; fee reductions 5355

INDUSTRY AND TRADE ADMINISTRATION

Notices

Coal and coke; export monitoring reports, 1977:
December 5404

INTERIOR DEPARTMENT

See also Land Management Bureau.

Proposed Rules

Property management; uniform relocation assistance and property acquisition policies... 5391

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 5466
Hearing assignments 5450
Motor carriers:
Irregular route property carriers; gateway elimination 5450

JUSTICE DEPARTMENT

See also Drug Enforcement Administration; Immigration and Naturalization Service; Law Enforcement Assistance Administration.

Notices

Federal Election Campaign Act and Internal Revenue Code, statutory responsibility guide; memorandum of understanding with FEC 5441

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Wyoming (3 documents) 5439

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Criminal Intelligence Systems Operation, proposed policies; inquiry 5440

MARINE MAMMALS COMMISSION

Notices

Meetings:
Marine Mammals Scientific Advisors Committee 5441

NATIONAL CREDIT UNION ADMINISTRATION

Rules

Federal Credit Unions:
Organization and operations; share draft programs 5359
Privacy Act; implementation 5359

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Fishery conservation and management:
Foreign fishing; permit application policy 5398

NAVY DEPARTMENT

Notices

Privacy Act; systems of records (2 documents) 5472

NUCLEAR REGULATORY COMMISSION

Rules

Radiation protection standards:
Caution signs, labels, etc 5356

Notices:

Meetings:
Reactor Safeguards Advisory Committee (3 documents).... 5442, 5443, 5446
Regulatory guides; issuance and availability 5446
Applications, etc.:
Baltimore Gas & Electric Co . 5447
Chem-Nuclear Systems, Inc.... 5442
Commonwealth Edison Co 5444
Consumers Power Co 5444
Georgia Power Co. et al.; correction 5444
Nuclear Fuel Services, Inc..... 5445
Pacific Gas & Electric Co..... 5445
Public Service Electric & Gas Co. et al 5443
Virginia Electric & Power Co.. 5445

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc.; correction 5448

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Bicentennial Park Public Water-Based Recreation RC&D Measure, Ind 5399

STATE DEPARTMENT

See Agency for International Development.

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Import relief investigations; determinations:
Radio transceivers, citizen band; inquiry 5448

TRANSPORTATION DEPARTMENT

See Federal Highway Administration; Federal Railroad Administration.

TRANSPORTATION POLICY STUDY, NATIONAL COMMISSION

Notices

Hearings 5447

TREASURY DEPARTMENT

See also Customs Service.

Notices

Authority delegations:
General Counsel; approval of IRS laws 5450

VETERANS ADMINISTRATION

Notices

Meetings:
Medical Research Service Merit Review Boards 5466

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

993 5355

PROPOSED RULES:

1948 5488

8 CFR

103 5355

10 CFR

20 5356

12 CFR

226 5357
523 5358
701 5359
720 5359

PROPOSED RULES:

225 5382

14 CFR

PROPOSED RULES:

207 5383
208 5383

14 CFR—Continued

PROPOSED RULES—Continued

212 5383
214 5383

16 CFR

13 5360

PROPOSED RULES:

13 5383

18 CFR

2 5362

24 CFR

PROPOSED RULES:

1917 5389

32 CFR

209 5372

PROPOSED RULES:

1810 5389

40 CFR

142 5372

40 CFR—Continued

PROPOSED RULES:

35 5390
228 5391

41 CFR

Ch. 101 5373

PROPOSED RULES:

114-50 5391

42 CFR

481 5373

47 CFR

81 5377

49 CFR

PROPOSED RULES:

399 5397

50 CFR

PROPOSED RULES:

611 5398

CUMULATIVE LIST OF PARTS AFFECTED DURING FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

PROCLAMATIONS:

3279 (Amended by EO 12038) 4957
4548 4413
4549 4583
4550 4961

EXECUTIVE ORDERS:

8526 (Amended by EO 12038) 4957
10127 (Amended by EO 12038) .. 4957
10480 (Amended by EO 12038) .. 4957
10485 (Amended by EO 12038) .. 4957
10865 (Amended by EO 12038) .. 4957
10899 (Amended by EO 12038) .. 4957
11030 (See EO 12038) 4957
11057 (Amended by EO 12038) .. 4957
11177 (Amended by EO 12038) .. 4957
11331 (Amended by EO 12038) .. 4957
11345 (Amended by EO 12038) .. 4957
11371 (Amended by EO 12038) .. 4957
11477 (Amended by EO 12038) .. 4957
11490 (Amended by EO 12038) .. 4957
11578 (Amended by EO 12038) .. 4957
11647 (Amended by EO 12038) .. 4957
11652 (Amended by EO 12038) .. 4957
11658 (Amended by EO 12038) .. 4957
11659 (Amended by EO 12038) .. 4957
11752 (Amended by EO 12038) .. 4957
11761 (Amended by EO 12038) .. 4957
11790 (Amended by EO 12038) .. 4957
11902 (Amended by EO 12038) .. 4957
11912 (Amended by EO 12038) .. 4957
11969 (Amended by EO 12038) .. 4957
12006 (See EO 12037) 4415
12009 (See EO 12038) 4957
12011 (See EO 12037) 4415
12016 (See EO 12037) 4415
12037 4415
12038 4957

MEMORANDUMS:

January 27, 1978 4245

RECOMMENDATIONS APPROVED BY THE PRESIDENT:

January 26 4377

5 CFR

213 .... 4585, 4586, 4963
302 4964

7 CFR

46 4964
401 4247
724 4966
726 4971
907 .... 4417, 4965
910 4586
959 4587
987 4249
993 5355
1139 4589
1425 4589
1955 4417

7 CFR—Continued

PROPOSED RULES:

225 4622
730 5003
1434 4437
1438 4865
1948 5488

8 CFR

103 5355

9 CFR

73 4591
78 4591
94 4594

10 CFR

20 5356
35 4972

PROPOSED RULES:

19 4865
20 4865

12 CFR

226 .... 4419, 5357
265 4253
523 5358
701 5359
720 5359

PROPOSED RULES:

9 5004
208 5006
217 5008
225 5382
545 5010

14 CFR

39 .... 4420, 4845
71 .... 4421, 4422, 4847, 4848

PROPOSED RULES:

21 4868
36 4868
71 4437
91 4868
121 4438
207 5383
208 5383
212 5383
214 5383

16 CFR

2 4972
13 5360
1615 4849
1616 4849

PROPOSED RULES:

13 5383
1700 4632

17 CFR

200 4254
211 4972
240 .... 4254, 4342

17 CFR—Continued

PROPOSED RULES:

32 4869
210 4264
240 4354

18 CFR

2 5362

19 CFR

10 4855
162 .... 4255, 4595
171 4255

PROPOSED RULES:

153 4871

20 CFR

404 4973

21 CFR

74 4974
81 .... 4596, 4974
82 4974
135 4596
520 .... 4601, 4975
522 .... 4975, 4976
540 .... 4601, 4602
558 .... 4976, 4977

PROPOSED RULES:

182 4635
184 4635
333 4637
500 4637
558 5010
701 4638
1040 4871

24 CFR

570 4382
2205 4255

PROPOSED RULES:

1917 5389

25 CFR

256 4257

26 CFR

1 4603
54 4603

PROPOSED RULES:

1 .... 4638, 4639

28 CFR

2 4977
16 4978

PROPOSED RULES:

2 5011

29 CFR

2200 4604

30 CFR

710 5001
715 5001
716 5001
717 5001
718 5001
720 5001
725 5001
740 5001
795 5001
837 5001

PROPOSED RULES:

270 4264

32 CFR

65 4856
209 5372
888g 4605

PROPOSED RULES:

1810 5389

33 CFR

221 4978

PROPOSED RULES:

117 ..... 4439, 4440

37 CFR

PROPOSED RULES:

2 4441

38 CFR

3 4423

39 CFR

111 4988

40 CFR

52 ..... 4257, 4611

40 CFR—Continued

86 ..... 4552, 4553
142 5372

PROPOSED RULES:

35 5390
52 ..... 4267, 4268, 4442
56 4872
228 5391
250 4366
257 4942

41 CFR

1-9 4424
Ch. 101 5373
101-11 4998
101-30 4998

PROPOSED RULES:

114-50 5391

42 CFR

50 ..... 4570, 4832
51c 5352
56 5352
405 4428
449 ..... 4571, 4833
450 4861
481 5373

PROPOSED RULES:

57 ..... 4784, 4790

43 CFR

17 4259

45 CFR

228 ..... 4581, 4843

PROPOSED RULES:

185 4639
1601 4269

46 CFR

1 4431
5 4431
252 4857
280 4260

PROPOSED RULES:

283 4269

47 CFR

73 ..... 4611-4616, 5000
78 4616
81 5377
83 4260
91 4260

PROPOSED RULES:

67 ..... 4646, 5011
73 4647
76 5012

49 CFR

177 4858
571 ..... 4859, 4860
1033 ..... 4431-4433, 4617
1125 4261
1241 4617
1249 4617
1250 4617
1251 4617

PROPOSED RULES:

399 5397

50 CFR

17 4618
33 4433

PROPOSED RULES:

17 4872
611 5398

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*	*Pages*	*Date*
4245-4412	Feb. 1	4845-4955	6
4413-4582	2	4957-5353	7
4583-4844	3	5355-5494	8

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

EPA—Air pollution control; Nevada 1341; 1-9-78

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
- Cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland; change in assessment procedure; comments by 2-15-78 ..... 3915; 1-30-78
- Milk in the New England marketing area; comments by 2-14-78 .. 3127; 1-23-78
- Potato Research and Promotion Plan; Amendment regarding designated handler; comments by 2-15-78 ..... 3915; 1-30-78

Animal and Plant Health Inspection Service—
- Milk and milk products, importation; Countries infected with reinderpest or foot-and-mouth disease; comments by 2-13-78 ..... 1962; 1-13-78

Food Safety and Quality Service—
- Tissue from ground bone; standards and labeling requirements, Washington, D.C.; comments by 2-14-78 [first published at 42 FR 54437, 10-6-77] ..3284; 1-24-78

CIVIL AERONAUTICS BOARD

Charter flight delays and substitute air transportation; uniform limits; comments by 2-13-78 ..... 64905; 12-29-77

COMMERCE DEPARTMENT

Maritime Administration—
- Dividend declarations; amendment of standards; comments by 2-15-78 ..... 1363; 1-9-78

ENERGY DEPARTMENT

Energy conservation program for consumer applicances; comments period extended to 2-15-78 ..... 3571; 1-26-78

Bonneville Power Administration—
- Draft Environmental statement; comments by 2-13-78 ..... 64401; 12-23-77

Economic Regulatory Administration—
- Administrative procedures regarding issuance of remedial orders; comments by 2-15-78 ..... 3995; 1-31-78

Federal Energy Administration—
- Remedial orders; amendments to administrative procedures regarding issuance; comments by 2-15-78 .. 1930; 1-13-78

ENVIRONMENTAL PROTECTION AGENCY

Lead; national ambient air quality standard; comments by 2-17-78 (2 documents) 63076; 63087; 12-14-77

Pennsylvania State Implementation Plan, revision; comments by 2-13-78 ..... 1967; 1-13-78

Public participation in solid waste management; interim guidelines; comments by 2-13-78 ..... 1902; 1-12-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Center for Disease Control—
- Certification of personal noise dosimeter sets; comments by 2-13-78 ..... 65194; 12-30-77

Education Office—
- Service learning centers program, administration (2 documents); comments by 2-13-78 ..... 1892; 1-12-78
- Training Program for Special Programs Staff and Leadership Personnel, award of contracts; comments by 2-18-78 ..... 1898; 1-12-78

Food and Drug Administration—
- Syva, Palo Alto, Calif.; panel recommendation on petition for reclassification; comments by 2-13-78 ..... 1996; 1-13-78

Office of the Secretary—
- Department grant appeals process and Emergency School aid; comments by 2-13-78 ..... 1968; 1-13-78

Social Security Administration—
- Federal Old-Age, Survivors, and Disability Insurance; revision to regulations on evidence; comments by 2-13-78 .. 64910; 12-29-77

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Insurance Administration—
- National flood insurance program; insurance coverage and rates; sale of insurance and adjustment of claims; comments 2-15-78 ..... 2570; 1-17-78

INTERIOR DEPARTMENT

Indian Affairs Bureau—
- Management of Osage judgment funds for education and socioeconomic programs; comments by 2-16-78 .. 2408; 1-17-78

INTERSTATE COMMERCE COMMISSION

Class III railroads for accounting and reporting purposes; comments by 2-15-78 ..... 3140; 1-23-78

Energy Policy and Conservation Act of 1975; implementation; comments by 2-13-78 ..... 62939; 12-14-77

Maintaining Commission's accounting regulations; procedures to expedite adoption of newly issued accounting pronouncements; comments by 2-15-78 ..... 1370; 1-9-78

Railroad Annual Report Froms R-1 and R-2; revision; comments by 2-17-78 ..... 1376; 1-9-78

LABOR DEPARTMENT

Office of the Secretary—
- Comprehensive Employment Training Act, youth programs for members of migrant and other seasonally employed farmworker families; comments by 2-13-78 ..... 2150; 1-13-78

TREASURY DEPARTMENT

Comptroller of the Currency—
- Leasing of personal property; limitations on national banks; comments by 2-12-78 [First published at 42 FR 60749, 11-29-77] 64904; 12-29-77

Customs Service—
- International airports of entry; proposed revocation of Felts Field, Spokane, Wash.; comments by 2-13-78 .... 1963; 1-13-78

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Agency Decisional Process Committee, Washington, D.C. (open); 2-17-78 . 4446; 2-2-78

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

National Advisory Committee on an Accessible Environment, Atlanta, Ga. and Decatur, Ga. (open); 2-12 and 2-13-78 ..... 3602; 1-26-78

AGRICULTURE DEPARTMENT

Food and Nutrition Service—
- Advisory Council on Maternal, Infant and Fetal Nutrition, Memphis, Tenn. (open) 2-15 and 2-16-78 ..... 2415; 1-17-78

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Literature Advisory Panel to the National Council on the Arts, Washington, D.C. (partially open) 2-18 and 2-19-78 ..... 3955; 1-30-78

Media Arts Advisory Panel, Washington, D.C. (closed) 2-14-78 ..... 3632; 1-26-78

National Council on the Arts, Washington, D.C. (partially open) 2-10 through 2-12-78 ..... 3632; 1-26-78

Research Grants Panel Advisory Committee, Washington, D.C. (closed) 2-13-78 3184; 1-23-78

CIVIL RIGHTS COMMISSION

New York Advisory Committee, New York, N.Y. (open), 2-16 and 2-17-78..... 4664; 2-3-78

COMMERCE DEPARTMENT

Economic Development Administration—
- Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (closed) 2-15-78..... 2908; 1-20-78

Industry and Trade Administration—
Computer Systems Technical Advisory Committee, Washington, D.C. (partially open) 2-16-78 ..... 3418; 1-25-78
Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (partially open) 2-14-78 ..... 3420; 1-25-78
Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (partially open) 2-14-78..... 3419; 1-25-78
Computer Systems Technical Advisory Committee, Technology Transfer Subcommittee, Washington, D.C. (partially open) 2-15-78 ..... 3602; 1-26-78
National Oceanic and Atmospheric Administration—
Caribbean Fishery Management Council and its Scientific and Statistical Committee and Advisory Panel, San Juan, P.R. (open) 2-14 through 2-16-78..... 1523; 1-10-78
Gulf of Mexico Fishery Management Council Subpanels of the Advisory Panel, Tampa, Fla. (open) 2-13 through 2-16-78..... 3737; 1-27-78
New England Fishery Management Council, Arlington, Va. (open) 2-16 and 2-17-78..... 3926; 1-30-78
Pacific Fishery Management Council and Scientific and Statistical Committee and Salmon Advisory Panel, Portland, Oreg. (partially open) 2-15 through 2-17-78..... 4273; 2-1-78

COPYRIGHTED WORKS, NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES

New York City, N.Y. (open) 2-16 and 2-17-78 ..... 4465; 2-2-78

DEFENSE DEPARTMENT

Air Force Department—
Scientific Advisory Board, Wright-Patterson AFB, Ohio (closed) 2-14 and 2-15-78..... 2750; 1-19-78
Office of the Secretary—
Defense Intelligence Agency Scientific Advisory Committee, Washington, D.C. (closed) 2-16 and 2-17-78..... 1637; 1-11-78
Defense Science Board Task Force on Cruise Missiles, Marina Del Rey, Calif. (closed) 2-14 and 2-15-78 ..... 61300; 12-2-77
President's Commission on Military Compensation, Washington, D.C. (open) 2-16-78..... 2205; 1-16-78

ENERGY DEPARTMENT

Natural Gas Advisory Committee Subcommittee, Washington, D.C. (open) 2-14-78 ..... 64924; 12-29-77
Economic Regulatory Administration—
Fuel Oil Marketing Advisory Committee, Middle Distillate Monitoring Subcommittee, Washington, D.C. (open) 2-15-78..... 3926; 1-30-78

ENVIRONMENTAL PROTECTION AGENCY

Drinking Water National Advisory Council, Washington, D.C. (open), 2-14-78 . 3313; 1-24-78
Lead: National Ambient Air Quality Standard, Washington, D.C. (open), 2-15-78 65222; 12-30-77

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services, Washington, D.C. (open), 2-16-78 ..... 3436; 1-25-78
Radio Technical Commission for Marine Services, No. 65 Ship Radar, Washington, D.C. (open), 2-15 and 2-16-78 ..... 4110; 1-31-78

FEDERAL REGISTER OFFICE

Legal Drafting Workshop, Washington, D.C. 2-13 thru 2-16-78; reservations required 1161; 1-6-78
Legal Drafting Workshops, Washington, D.C. 2-16 and 2-17-78; reservations required 39680; 8-5-77

GENERAL SERVICES ADMINISTRATION

Regional Public Advisory Panel on Architectural and Engineering Services, Washington, D.C. (open), 2-16 and 2-17-78 3762; 1-27-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—
Clinical Program Projects Research Review Committee, Arlington, Va. (partially open), 2-17 and 2-18-78 ..... 2939; 1-20-78
Experimental Psychology Research Review Committee, Washington, D.C. (partially open), 2-15 through 2-18-78..... 2939; 1-20-78
Neuropsychology Research Review Committee, Bethesda, Md. (partially open), 2-16 through 2-18-78 .. 2939; 1-20-78
Personality and Cognition Research Review Committee, Washington, D.C. (partially open), 2-16 through 2-18-78..... 2939; 1-20-78
Social Sciences Research Review Committee, Washington, D.C. (partially open), 2-16 through 2-18-78 ..... 2939; 1-20-78
Education Office—
Black Higher Education and Black Colleges and Universities National Advisory Council, Washington, D.C., (open), 2-13 and 2-14-78 ..... 3624; 1-26-78
Food and Drug Administration—
Neurologic Drugs Advisory Committee, Rockville, Md. (open), 2-13 and 2-14-78..... 2001; 1-13-78
Ophthalmic Device Classification Panel, Washington, D.C. (partially open), 2-16 and 2-17-78 ..... 2447; 1-17-78
Health Care Financing Administration and Public Health Service—
Sterilizations funded by HEW, Arlington, Tex. (open), 2-17-78 64649; 12-27-77
Sterilizations funded by HEW, Portland, Ore. (open), 2-14-78 64649; 12-27-77
Health Resources Administration—
Graduate Medial Education National Advisory Committee, Hyattsville, Md. (open), 2-17-78..... 3767; 1-27-78
Health Professions Education National Advisory Council, Bethesda, Md. (partially closed), 2-13 and 2-14-78 ..... 3766; 1-27-78
Health Services Administration—
PHS Hospitals Ad Hoc Advisory Committee, Washington, D.C. (open), 2-17 and 2-18-78..... 4113; 1-31-78
National Institutes of Health—
Committee on Cancer Immunodiagnosis, Bethesda, Md. (partially open), 2-14-78..... 2008; 2-13-78
Developmental Therapeutics Committee, Silver Spring, Md. (partially open), 2-14 and 2-15-78 ..... 2008; 1-13-78
National Heart, Lung, and Blood Institute, Bethesda, Md. (open), 2-13-78 .. 3770; 1-27-78
Neurology B Study Section, Washington, D.C. (open), 2-15 through 2-18-78..... 2006; 1-13-78
Neurological Disorders Program-Project Review A Committee, New Orleans, La. (partially open), 2-18 through 2-20-78 ..... 64443; 12-23-77
Pancreatic Cancer Subcommittee of the Large Bowel and Pancreatic Cancer Review Committee, New Orleans, La. (partially open), 2-17-78 ..... 3771; 1-27-78
Pharmacology Study Section, Bethesda, Md. (open), 2-14 through 2-16-78. 2006;1-13-78
Physiology Study Section, Bethesda, Md. (open), 2-16 through 2-18-78 ..... 2006; 1-13-78
Pulmonary Diseases Advisory Committee, Bethesda, Md. (open), 2-16 and 2-17-78 ..... 64444; 12-23-77
Recombinant DNA Molecule Program Advisory Committee, Bethesda, Md. (open), 2-13 and 2-14-78 ..... 2007; 1-13-78

INTERIOR DEPARTMENT

National Park Service—
Chesapeake and Ohio Canal National Historical Park Commission, Williamsport, Md. (open), 2-18-78..... 3443; 1-25-78
Office of the Secretary—
Bureau of Indian Affairs Reorganization Task Force, Washington, D.C. (open), 2-15-78 ..... 63664; 12-19-77

LABOR DEPARTMENT

Labor Statistics Bureau—
Business Research Advisory Council, Washington, D.C. (open), 2-15-78 ..... 2458; 1-17-78
Occupational Safety and Health Administration—
Construction Safety and Health Advisory Committee, Washington, D.C. (open), 2-14-78..... 3319; 1-24-78

MANPOWER POLICY, NATIONAL COMMISSION

Washington, D.C. (open), 2-17-78 ..... 2463; 1-17-78

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Advisory Council Life Sciences Committee, Washington, D.C. (open), 2-15 through 2-17-78 ..... 3781; 1-27-78

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physiology, Cellular and Molecular Biology, Subcommittee on Developmental Biology, Washington, D.C. (closed), 2-12, 2-13, and 2-14-78 . 3782; 1-27-78

Advisory Committee for Social Sciences, Subcommittee on Political Science, Washington, D.C. (closed) 2-16 and 2-17-78 ..... 3957; 1-30-78

Advisory Panel for Social and Developmental Psychology, Subcommittee on Social and Developmental Psychology of the Advisory Committee for Behavioral and Neural Sciences, Washington, D.C. (closed) 2-16 and 2-17-78 ..... 3955; 1-30-78

NEIGHBORHOODS, NATIONAL COMMISSION

Cleveland, Ohio (open) 2-17 and 2-18-78 ..... 4698; 2-3-78

NUCLEAR REGULATORY COMMISSION

Reactor Safeguards Advisory Committee, Subcommittee on Emergency Core Cooling Systems, Washington, D.C. (open) 2-16-78 ..... 4293; 2-1-78

Reactor Safeguards Advisory Committee, Working Group on Anticipated Transients Without Scram, Washington, D.C. (open), 2-17-78 ..... 63665; 12-19-77

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE

Washington, D.C. (open), 2-16 and 2-17-78 ..... 3780; 1-27-78

PRESIDENT'S COMMISSION ON MENTAL HEALTH

Washington, D.C. (open) 2-17 and 2-18-78 ..... 4700; 2-3-78

SCIENCE AND TECHNOLOGY POLICY OFFICE

Working Group on Basic Research in the Department of Defense, Washington, D.C. (open), 2-14 and 2-15-78 3783; 1-27-78

SMALL BUSINESS ADMINISTRATION

Region I—Regional Advisory Councils Executive Board, Boston, Mass. (open), 2-13-78 ..... 3452; 1-25-78

STATE DEPARTMENT

Agency for International Development—

Joint Committee on Agricultural Development of the Board for International food and Agricultural Development, Arlington, Va. (open), 2-13 through 2-15-78 3785; 1-27-78

Office of the Secretary—

International Radio Consultative Committee, Study Group 6 of U.S. Organization, Boulder, Colo. (open), 2-14 and 2-15-78..... 3327; 1-24-78

Secretary of State's Advisory Committee on Private International Law; Study Group on Maritime Law Matters, Washington, D.C. (open), 2-15-78..... 3786; 1-27-78

Shipping Coordinating committee:

Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 2-16-78 ..... 3786; 1-27-78

SUSQUEHANNA RIVER BASIN COMMISSION

Joint meeting with Pennsylvania Department of Environmental Resources, Jersey Shore, Pa. (open), 2-16-78..... 3327; 1-24-78

TRANSPORTATION DEPARTMENT

Coast Guard—

New York Harbor Vessel Traffic Service Advisory Committee, Governors Island, N.Y. (open), 2-15-78 1863; 1-12-78

Rules of the Road Advisory Committee, New Orleans, La. (open), 2-15 and 2-16-78..... 2253; 1-16-78

VETERANS ADMINISTRATION

Veterans education, policies and procedures; comments by 2-13-78 ..... 2035; 1-13-78

Next Week's Public Hearings

FEDERAL TRADE COMMISSION

Labeling and advertising of residential thermal insulation materials; trade regulation rule, Washington, D.C., 2-13-78 ... 59678; 11-18-77

INTERNATIONAL TRADE COMMISSION

Impression fabric of manmade fiber from Japan, New York, N.Y., 2-15-78 .... 3319; 1-24-78

INTERSTATE COMMERCE COMMISSION

Reporting railroad track maintenance, Washington, D.C., 2-15-78 ..... 3921; 1-30-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

S. 1585..... Pub. L. 95-225

"Protection of Children Against Sexual Exploitation Act of 1977". (Feb. 6, 1978; 92 Stat. 7) Price: $.50

rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Amendment of Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule would revise some of the district boundaries for independent producer membership positions of the Prune Administrative Committee. The marketing order for California dried prunes requires that these districts be as equal as practicable in terms of the number of independent producers and their collective prune production.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice of the proposed revision in district boundaries was published in the January 16, 1978, issue of the FEDERAL REGISTER (43 FR 2182). No comments were received.

This rule revises paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101-993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

As recommended by the Prune Administrative Committee, the rule revises some of the boundaries of the seven independent producer election districts in § 993.128(a). The districts are for the purpose of obtaining nominations for producer members to represent independent producers on the Committee. The rule shifts: Butte and Yuba Counties from their current districts (Districts 2 and 6, respectively) to District 5; Monterey, San Benito, and part of Santa Clara Counties from District 5 to District 4; and Stanislaus County from District 4 to District 6. By making these realignments, the seven districts will have, insofar as practicable, equal representation by number of independent producers and production of dried prunes by such producers, as required by § 993.28.

After consideration of all relevant matter presented, including the proposals in the notice, the recommendation of the Committee, and other available information, it is found that the following regulation should be approved.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The districts, as defined by their boundaries, serve as the basis for selecting independent grower members of the Prune Administrative Committee and current membership positions end on May 31, 1978; (2) the Committee will begin holding nominations for new members soon in order to submit its recommendations to the Secretary by April 16, 1978; and (3) no useful purpose would be served by delaying the effective time of this action.

The regulation is as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. That portion of Sutter County south of a line extending along Nuestro Road easterly to the Yuba County line and westerly to the Colusa County line.

District No. 2. That portion of Sutter County not included in District No. 1.

District No. 3. The counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Siskiyou, Sonoma, and Trinity.

District No. 4. The counties of Alameda, Contra Costa, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Solano.

District No. 5. The counties of Butte and Yuba.

District No. 6. The counties of Amador, Fresno, Merced, Placer, Sacramento, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all the counties in the area not included in Districts No. 1 through 5, inclusive, and in District No. 7.

District No. 7. The counties of Colusa, Glenn, Shasta, Tehama, and Yolo.

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

Dated: February 3, 1978, to become effective February 10, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 78-3467 Filed 2-7-78; 8:45 am]

[4410-01]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Reductions of Certain Service Fees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to reduce the amount of certain fees in the Service's fee schedule. The amendments are necessary to comply with a stipulated order issued by the U.S. District Court for the District of Columbia.

EFFECTIVE DATE: February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, telephone 202-376-8373.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Corporate plaintiffs, the Urban Law Institute of Antioch College, Ayuda, Inc., and other individual plaintiffs brought an action for declaratory judgment against the Commissioner of Immigration and Naturalization alleging that certain fee increases pub-

lished by the Service in the FEDERAL REGISTER on January 13, 1976, at 41 FR 1887-1888 to become effective February 12, 1976, were not authorized by the "user" statute (31 U.S.C. 483a) on which they were based; were arbitrary, capricious, unreasonable, and excessive in comparison with other Service fees and with the services performed; and that their imposition would inhibit the efforts of the persons dealing with the Immigration and Naturalization Service from obtaining fair administrative consideration and from seeking judicial review of Service actions, thus violating the due process clause of the Fifth Amendment. It was further alleged that enforcement of the Service order increasing the fees would cause immediate and irreparable injury to the individual plaintiffs and to the clients who would be represented by the corporate plaintiffs, and to other large numbers of persons having to deal with the Service throughout the United States, by requiring the payment of illegal and exorbitant fees.

In a stipulated order, the Court dismissed the action with prejudice and approved a stipulation entered into by the parties in which the Service agreed to promulgate an order in the FEDERAL REGISTER reducing certain fees. The stipulation provided that nothing contained in it would preclude the Service from raising any of its current fees, establishing new fees, or reinstating discontinued fees pursuant to 31 U.S.C. 483a or any other applicable statute, at any time after one year from the repromulgation of the revised fee schedule.

B. THE FEES INVOLVED AND THE COURT ORDER

The fees described below are the subject of the action.

(a) $50 for filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. Prior to the increase, this fee was $25. The Service agreed to reduce this fee to $35.

(b) $65 for filing application for waiver of the foreign-residence requirement under section 212(e) of the Act. Prior to the increase this fee was $25. The Service agreed to reduce this fee to $50.

(c) $50 for filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter. Prior to the increase, this fee was $25. The parties agreed that this fee should remain at $50. They further agreed that the fee for an appeal from a bond decision of an Immigration Judge to the Board should be abolished.

(d) $40 for filing application for stay of deportation under Part 243 of this chapter. Prior to the increase this fee was $25. The Service agreed to reduce this fee to $25.

(e) Finally, the Service agreed to reduce the fee for motions to reopen or reconsider any decision under the immigration laws (before the Service or before the Board) from $50 to $25.

Accordingly, the fee schedule is 8 CFR 103.7(b)(1) will be revised to effect the reductions in the fees stipulated by the parties and approved by the Court. A corollary amendment will be made in 8 CFR 103.3(a) to reduce the fee appearing therein.

C. REVISED FEES PRESCRIBED

1. In § 103.3(a) the third sentence is amended by changing $50 to $35. As amended the third sentence reads as follows:

§ 103.3 Denials, appeals, and precedent decisions.

(a) *Denials and appeals.* * * * When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the service of the notification of decision, accompanied by a supporting brief if desired and a fee of $35, by filing Notice of Appeal, Form I-290B, which shall be furnished with the written notice. * * *

2. § 103.7(b)(1) is revised by amending the description and reducing the amounts of four existing fees and by adding a new separate $25 fee for the filing of a motion to reopen or reconsider any decision under the immigration laws in any type of proceeding. These fee schedule revisions read as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

* * * * *

For filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. (The fee of $35 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision), $35.

* * * * *

For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act, $50.

* * * * *

For filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter, except that there shall be no fee for an appeal to the Board of Immigration Appeals from a bond decision of an Immigration Judge. (The fee of $50 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision), $50.

For filing a motion to reopen or reconsider any decision under the immigration laws in any type of proceeding. When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, such application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The fee of $25 shall be charged whenever a motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision), $25.

For filing application for stay of deportation under Part 243 of this chapter, $25.

* * * * *

(Sec. 103, 8 U.S.C. 1103.)

These amendments are published in accordance with section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments made in this order reduce the amounts of certain Service fees in compliance with an order of the United States District Court for the District of Columbia.

Effective date: The amendments made in this order become effective on February 8, 1978.

Dated: February 2, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 78-3373 Filed 2-7-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Caution Signs, Labels, Signals, and Controls; Notice of Approval by Comptroller General

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule. Approval of reporting and record keeping requirements by Comptroller General.

SUMMARY: On December 27, 1977, the Nuclear Regulatory Commission

published in the FEDERAL REGISTER a notice of rulemaking, effective March 14, 1978, amending its Standards for Protection Against Radiation.

The notice included a note that: (1) The Nuclear Regulatory Commission has submitted the rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, as amended and (2) the date on which the reporting and record keeping requirements of the rule become effective, unless advised to the contrary, accordingly reflects inclusion of the 45-day period which that statute allows for such review. The reporting and recordkeeping requirements set out in the rule have been approved by the U.S. General Accounting Office under No. B-180225 (R0084).

EFFECTIVE DATE: March 14, 1978. The reporting and record keeping requirements set out in § 20.203(c) of the rule published in the FEDERAL REGISTER on December 27, 1977 (42 FR 64619), have been approved by the U.S. General Accounting Office under No. B-180225 (R0084) and the effective date of the rule is March 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Rules and Procedures Branch, Division of Rules and Records, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, tel. 301-492-7211.

Dated at Bethesda, Md., this 1st day of February 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-3454 Filed 2-7-78; 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-0143 through FC-0145]

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: February 8, 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 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR 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).

12 CFR Part 226, FC-0143, § 226.8(b). Where customer is under no obligation to refinance balloon payment at end of term, and creditor may not increase APR during term of loan, § 226.8(b)(8) is inapplicable.

JANUARY 17, 1978.

This is in response to your letter of * * *, in which you ask whether the provisions of § 226.8(b)(8) of Regulation Z, which requires certain disclosures in connection with credit transactions in which the annual percentage rate is prospectively subject to increase, apply in the fact situation discussed below.

To begin our discussion, I would point out that staff, as a general matter, believes that § 226.8(b)(8) applies only when the rate is subject to increase during the term of the loan to which the customer is committed.

In the situation you pose, a bank makes a consumer loan to a customer for the purchase of a single family dwelling and takes as a security interest a first lien on the dwelling. The loan is repayable in fifty-nine equal monthly instalments which are based upon a twenty year amortization schedule. In the sixtieth month, one final "balloon payment" (see § 226.8(b)(3) of Regulation Z) of all unpaid principal and interest is due. At no time during the sixty-month term of the loan may the bank increase, decrease or otherwise vary the annual percentage rate. Neither the bank nor the customer is under any commitment or obligation to refinance the balloon payment at the end of the sixty-month term of the loan.

In the foregoing circumstances, the staff is of the opinion that § 226.8(b)(8) is inapplicable. Inasmuch as the customer is not obligated to refinance the loan at the end of sixty months and can terminate all obligation to the bank by making the balloon payment when due, and since the annual percentage rate cannot be increased during the term of the loan, the loan is not a credit transaction in which the annual percentage rate is prospectively subject to increase, and the bank is not required to make the disclosures specified in § 226.8(b)(8) in connection with the loan. (Our Public Information Letter 1200 (June 27, 1977) bears upon the issue you raise, and a copy of that letter is enclosed for your reference.)

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts and issues discussed above. I trust that this is responsive to your inquiry. If you have further questions, please contact the Federal Reserve Bank of St. Louis or this office.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

12 CFR Part 226, FC-0144, § 226.6(g). Purchase and financing by creditor of required property insurance upon customer's failure to do so is subsequent occurrence. § 226.8(j). Financing of required property insurance subsequent to consummation at customer's request is not a refinancing and requires no new disclosures.

JANUARY 18, 1978.

This is in response to your letter of * * *, which requested an official staff interpretation of Regulation Z. You asked several questions concerning a program that your company (the "creditor") may undertake in conjunction with an insurance company (the "insurer") by which the insurer would offer physical damage insurance to your company's credit customers.

Under this program the insurer, either on its own or with the help of the creditor, will contact customers of the creditor whose required physical damage insurance is about to expire and solicit them to purchase the insurance offered by the insurer. The creditor requires that the customer maintain physical damage insurance with respect to the goods used as security for the extension of credit. Upon expiration of the initial term of the insurance, the customer has the obligation to either renew the insurance or otherwise insure the goods. If the customer elects to purchase the required insurance from the soliciting insurer, he or she may do so either by paying cash or by requesting the creditor to finance the purchase of the insurance by increasing the existing obligation.

Your first question is whether the purchase of the insurance by the customer from the soliciting insurer where the customer requests the creditor to finance the cost of the premiums constitutes a refinancing under § 226.8(j) of Regulation Z. It is the staff's opinion that the financing of the insurance premium at the request of the customer is not a refinancing of the obligation subject to the Regulation. No disclosures would be required of the creditor. Section 226.8(j) of the regulation provides in part that "any increase in an existing obligation to reimburse the creditor for undertaking the customer's obligation in perfecting, protecting or preserving the security shall not be considered a new transaction subject to this Part." In this situation the creditor is undertaking the customer's obligation, at his or her request, to protect or preserve the security by continuing the insurance coverage. Therefore, it is unnecessary for the creditor to make disclosures regarding the transaction.

Your second question is whether your client must make disclosures when the customer fails to purchase the required physical damage insurance and the creditor purchases the insurance and adds the amount of the premium to the existing obligation. It is the staff's opinion that purchase by the creditor of the required insurance upon failure of the customer to do so constitutes a subsequent occurance under § 226.6(g) of the regulation, and no new disclosures are required. (See footnote 6 to § 226.6(g).)

Your third question is whether or not the promotional material sent to customers which solicits the purchase of the physical damage insurance constitutes an advertisement that must comply with § 226.10(d). It is the staff's opinion, as stated in Public Information Letters 227 and 861, that no disclosures would be required in solicitation material which advertises a credit transaction for which there are no disclosure requirements.

Your other questions concerning specific disclosure requirements are irrelevant, as the transaction is not subject to the regulation.

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

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

12 CFR Part 226, FC-0145, § 226.8(g). Loan by mail program in which the only contact between the creditor and the potential customer is by mail or national advertising is "without personal solicitation" within the meaning of § 226.8(g).

JANUARY 27, 1978.

This is in response to your letter of * * *, in which you requested official staff interpretations of §§ 226.2(r) and 226.8(g) of Regulation Z. This letter will respond to your inquiry regarding § 226.8(g). Your remaining question will be considered in a separate letter.

Your question involves a client which operates a loan by mail program. The only contact between the lender and the customer is through national advertising or by mail. You request an official staff interpretation on the issue of whether your client's program is accomplished "without personal solicitation" so as to permit delayed delivery of disclosures pursuant to § 226.8(g). You state that the loan program complies in all other respects with that section.

In the staff's view, "without personal solicitation" means without direct, immediate influence by the creditor, such as a telephone conversation or a face-to-face interview with the customer. With this in mind, staff believes that magazine advertisements and contact by mail do not constitute "personal solicitation," since both methods allow applicants to review the credit information at their leisure without pressure by the creditor. In staff's view, the loan program complies with the provisions of § 226.8(g) of Regulation Z in that it is accomplished without personal solicitation. Thus, the delay in delivery of disclosures is permissible pursuant to that section. It might be noted that the Board itself originally suggested the legislative provision on which § 226.8(g) is based, and the plan you describe appears to be one of the types of programs which the Board considered in recommending this provision.

This is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(3) of the regulation. Its application is limited solely to the facts and issues presented. We hope that it will be of assistance to you.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, February 2, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-3397 Filed 2-7-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

[No. 78-66]

PART 523—MEMBERS OF BANKS

Loans in Flood-Hazardous Areas

FEBRUARY 2, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final amendment.

SUMMARY: This amendment implements in part the recently enacted Housing and Community Development Act of 1977, by deleting provisions prohibiting certain loan transactions in communities not participating in the national flood insurance program and requiring lenders to give written notice whether Federal disaster relief assistance will be available if property in a designated flood-hazardous area is damaged by a flood. This opportunity has been taken to also simplify and remove obsolete language from the affected regulations.

EFFECTIVE DATE: February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202-376-3556, or the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 703(a) of the Housing and Community Development Act of 1977 changes the national flood insurance program by amending § 202(b) of the Flood Disaster Protection Act of 1973.

Prior to its amendment, § 202(b) required the Board to issue regulations which, with certain exceptions, prohibited member institutions from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in a designated flood hazard area unless the area was participating in the National Flood Insurance Program. Section 523.29(c) of the regulations was issued to impose the prohibition mandated by the statute. This amendment deletes the regulatory prohibition, because the statute no longer requires it. However, loans in communities participating in the National Flood Insurance Program are still required to have the flood insurance available under that program.

Section 202(b) of the Flood Disaster Protection Act of 1973, as amended by section 703(a) of the Housing and Community Development Act of 1977, requires the Board to issue regulations to require member institutions, as a condition of making, increasing, extending or renewing any loan secured by improved real estate or a mobile home located or to be located in an identified flood hazard area, to notify the property's purchaser or lessee whether, in the event of flood damage to the property, Federal disaster relief assistance will be available. This amendment implements that statutory requirement by revising § 523.29(h) of the regulations. This provision is also redesignated as § 523.29 (e) to reflect simplifying changes to § 523.29 made by this amendment.

This amendment simplifies § 523.29 by deleting paragraphs (f) and (g) thereof and including their substance in paragraph (a) and otherwise shortening and improving the language of the regulation. These simplifying changes are not intended to change the regulation's meaning or effect.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. § 553(b) and 12 CFR 508.11, because this amendment is necessitated by statute, and (2) publication of said amendment for the 30-day period specified in 5 U.S.C. § 553(d) and 12 CFR 508.14 prior to effective date is unnecessary for the same reason.

Accordingly, 12 CFR Part 523.29 is revised to read as set forth below, effective February 8, 1978.

§ 523.29 Flood disaster protection.

(a) *General.* This section implements, in part, sections 4012a (b) and (c), 4104a, and 4106(b) of Title 42 of the United States Code. This section does not apply to a member whose accounts are insured by the Federal Deposit Insurance Corporation or to a service corporation or a holding company parent of a member. As used in this section, the term "loan" includes an installment sale contract.

(b) *Flood insurance.*—(1) *Requirement.* A member shall not make (including purchase, except as provided in paragraph (d) of this section), increase, extend, or renew any loan (other than a loan closed after March 1, 1974, as to which there was outstanding at the close of March 1, 1974, a commitment to make such loan) secured by improved real estate or a mobile home located or to be located in an area identified by the Secretary of Housing and Urban Development ("Secretary") as having special flood

hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended ("Act"), unless the property securing such loan is covered for the term of the loan by flood insurance at least equal to the outstanding principal balance of the loan or the maximum coverage available with respect to the particular type of property under the Act, whichever is less.

(2) *Exception.* However, flood insurance is not required on any State-owned property covered under an adequate State policy of self-insurance satisfactory to the Secretary. The Secretary is required by statute to publish and periodically revise a list of States which have such adequate self-insurance.

(c) *Records of compliance.* Each member shall maintain in connection with all loans secured by improved real estate or a mobile home sufficient records to indicate the method used by it to determine whether such loans require flood insurance under this section.

(d) *Purchase of loans.* This section does not prohibit purchase after March 1, 1974, of a loan if:

(1) As to a loan closed before that date, the loan has not thereafter been increased, extended, or renewed; or

(2) As to a loan closed on or after that date, the loan was closed under a loan commitment outstanding on that date and the loan has not thereafter been increased, extended or renewed.

(e) *Notice of special flood hazard area and availability of Federal disaster relief assistance.* A member shall, as a condition of making (including purchasing), increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area identified by the Secretary as having special flood hazards, mail or deliver as soon as feasible, but not less than 10 days before closing of the transaction (or not later than the member's commitment, if any, if the commitment and closing are less than 10 days apart) a written notice to the borrower stating that the property securing the loan is or will be located in an area so identified; or in lieu of such notification, a member may obtain satisfactory written assurances that a seller or lessor has notified the borrower, prior to execution of any agreement for sale or lease, that the property securing the loan is or will be located in an area so identified. A member shall similarly notify the borrower whether, in the event of damage to the property caused by flooding in a Federally-declared disaster, Federal disaster relief assistance will be available for the property. A member shall require the borrower, prior to closing, to provide the member with a written acknowledgment that the property securing the loan is or will be located in an area so identified and the borrower has received the above-required notice regarding Federal disaster relief assistance.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. § 1437); sec. 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 982, as amended (42 U.S.C 4106(b)); Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-3455 Filed 2-7-78; 8:45 am]

[7535-01]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Share Draft Programs

AGENCY: National Credit Union Administration.

ACTION: Final rule—Delay of effective date.

SUMMARY: This regulation prescribes the requirements for the establishment and implementation of permanent share draft programs by Federal credit unions. A share draft program allows Federal credit union members to write drafts on their share accounts to obtain cash or to pay for goods or services. It eliminates the delay and inconvenience in making withdrawals by mail or in person.

EFFECTIVE DATE: March 6, 1978.

ADDRESS: National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

J. Leonard Skiles, Deputy General Counsel, at the above address, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: On December 8, 1977, this Administration published a final rule (42 FR 61977) which prescribed the requirements for the establishment and implementation of share draft programs for Federal credit unions (12 CFR 701.34).

On December 9, 1977, the American Bankers Association and Tioga State Bank filed suit to permanently enjoin the implementation of the rule by this Administration. Simultaneously, the same parties filed a motion for a temporary injunction to prevent additional approvals of share draft programs until the issues involved were finally litigated.

It being an objective of this Administration to have the legality of the share draft program judicially determined as expeditiously as possible, it was considered that, even under the best of circumstances, a hearing on the motion for preliminary injunction would further delay a final resolution of the legal issues involved. This Administration, therefore, offered to delay the effective date of the rule until March 6, 1978, or if a hearing is held in the case prior to that date, until such time as an opinion was issued. After consultation with all parties present to ascertain any objections, the court agreed to the proposal and it was subsequently so ordered.

Accordingly, the effective date of the share draft rule (12 CFR 701.34) is amended to read March 6, 1978.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

LAWRENCE CONNELL,
Administrator.

FEBRUARY 3, 1978.

[FR Doc. 78-3469 Filed 2-7-78; 8:45 am]

[7535-01]

PART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Simplification of Procedures

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This rule amends the National Credit Union Administration's (NCUA) regulations implementing the Privacy Act of 1974. Experience with the present regulations has indicated that individuals not sophisticated with administrative agencies may find certain requirements needlessly complex and discouraging. Changes made include simplifying requirements for identification of recipients of written requests, decreasing copying costs, extending the suggested time frame for appeals to access denial (and clarifying the nonmandatory nature of this limit), and shortening the time for agency acknowledgement of requests.

DATE: These regulations are to be effective on March 1, 1978.

ADDRESS: National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

Robert M. Fenner, Office of the General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: On July 25, 1977, the Administration published a proposed rule (42 FR 37823) to amend the regulations implementing the Privacy Act of 1974. Public comment was invited to be received on or before August 5, 1977. No comments were received on the proposed rule, and after further review, the amendments are now published in final form without substantive change.

Accordingly, 12 CFR Part 720 is amended as set forth below:

§ 720.21 [Amended]

1. In § 720.21, by designating each paragraph as (a) through (g).

§ 720.22 [Amended]

2. Section 720.22(a) is revised as follows:

(i) The words "in person or in writing" are deleted; and

(ii) The following is inserted at the end of paragraph (a): "An individual who does not have access to the FEDERAL REGISTER and who is unable to determine the appropriate official to whom his request should be submitted may submit his request to the Assistant Administrator for Administration, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, in which case the request will then be referred to the appropriate Administration official(s) and the date of receipt of the request will be determined as the date of receipt by that official(s)."

§ 720.23 [Amended]

3. Section 720.23 is revised as follows:

(i) In paragraph (a) the word "minimum" is deleted, and after the word "request" the words "either in person or by mail" are added;

(ii) In paragraph (a)(1) the word "may" is deleted, and, in lieu thereof, the words "shall, if not personally known to the Administration official responding to the request," are added;

(iii) In paragraph (a)(2) the word "shall" is deleted, and, in lieu thereof, the word "may" is added. After the words "other document" a period and the following words are inserted: "If less than all of this requisite identifying information is provided, and unless that which is provided is considered sufficient to establish the requestor's identity, in view of the nature of the information requested, the Administration official responding to the request may require further identifying information prior to any notification or responsive disclosure:";

(iv) A new paragraph (c) is added as follows:

* * * * *

(c) Individuals may request notification of the existence of and access to records about themselves and contained in a system of records by telephone. In such a case, the Administration official responding to the request shall require, for the purpose of comparison and verification of identity, at least two items of identifying information (such as date of birth, home address, social security number) which are already possessed by the Administration. If the requisite identifying information is not provided, or otherwise at the discretion of the responsible Administration official, the individual may be required to submit his request by mail or in person in accordance with paragraph (a), above.;

* * * * *

(v) Paragraph (c) is redesignated as paragraph (d); and

(vi) Paragraph (d) is redesignated as paragraph (e). The word "and" after the words "in paragraph (a)," is deleted, and, in lieu thereof, a comma is inserted. After "(b)" the words "and (c)" are inserted.

§ 720.24 [Amended]

4. Section 720.24 is revised as follows:

(i) In paragraph (a), the words "within thirty days" are deleted the first time they appear therein, and, in lieu thereof, the words "preferably within 180 days" are inserted; and

(ii) In paragraph (b)(1) the number "20" is deleted, and, in lieu thereof, the number "10" is inserted.

§ 720.26 [Amended]

5. Section 720.26(a) is revised by adding the following to the end of paragraph (a): "An individual who does not have access to the Administration's 'Notices of Records Systems,' and to whom the appropriate address is otherwise unavailable may submit his request to the Assistant Administrator for Administration, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, in which case the request will then be referred to the appropriate Administration official and the date of receipt of the request will be determined as of the date of receipt by that official."

§ 720.27 [Amended]

6. Section 720.27 is revised as follows:

By adding a period following the words "by the individual", in paragraph (c). After that period, the words "It is requested that they be furnished" are added.

§ 720.34 [Amended]

7. Part 720.34 is revised as follows:

(i) In paragraph (a), the colon following the words "to pay" is deleted, and, in lieu thereof, the words "or the cost of collecting the fee:" are inserted;

(ii) In paragraph (a)(1) the figure "$0.25" is deleted, and, in lieu thereof, the figure "$0.10" is inserted; and

(iii) In paragraph (b) the words "Where it is anticipated" are deleted, and, in lieu thereof, the words "If it is determined" are added.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

LAWRENCE CONNELL,
Administrator.

FEBRUARY 2, 1978.

[FR Doc. 78-3437 Filed 2-7-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9083-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Perpetual Federal Savings & Loan Association

AGENCY: Federal Trade Commission.

ACTION: Final order to cease and desist.

SUMMARY: This order, among other things, requires a Washington, D.C. savings and loan association to cease having as directors individuals who simultaneously serve, or may serve, as directors for the American Security & Trust Co., National Bank of Washington, Union First Bank of Washington, or any other competitive financial institution.

DATES: Complaint issued, May 13, 1976, Final order issued, Dec. 6, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

David J. Saylor, Assistant Director, Bureau of Competition, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580. 202-724-1441.

SUPPLEMENTARY INFORMATION: In the Matter of Perpetual Federal Savings & Loan Association, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

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

The Final Order to cease and desist, including further order requiring report of compliance therewith, is as follows:

[1] Copies of the Complaint, Initial Decision, Dissenting Opinion by Commissioner Collier, Opinion and Final Order filed with the original document.

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion, having determined to sustain the initial decision with certain modifications:

It is ordered, That the initial decision of the administrative law judge, pages 1-49, be adopted as the Findings of Fact and Conclusions of Law of the Commission, except to the extent indicated in the accompanying Opinion.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to Cease and Desist be, and it hereby is, entered:

I

It is ordered, That the following definitions shall apply in this Order:

(a) "Director" includes voting members of boards of directors, non-voting members of boards of directors, advisory directors, and directors emeriti.

(b) "Financial services" means any financial service presently or hereafter offered by Perpetual including, but not limited to solicitation and maintenance of demand, savings or time deposits or accounts; residential loans; other mortgage loans; any other type of loans; retirement accounts; or direct deposit services.

(c) "Parent" of a corporation means any other corporation which owns or controls 50 percent or more of the voting stock of such corporation.

(d) "Residential loans" are loans secured by mortgages or other liens on non-farm property containing 1-4 dwelling units.

(e) "Savings" includes all savings accounts, savings deposits, passbook savings accounts, and savings deposit accounts offered by any business organization.

(f) "Sister" corporations are corporations sharing a common parent.

(g) "Subsidiary" of a corporation is any corporation of which the subject corporation is a parent.

(h) "Time deposits" are all deposits, including certificates of deposit, that are not demand deposits or savings.

II

It is further ordered, That for purposes of this Order, a corporation, including Perpetual Federal Savings and Loan Association ("Perpetual") and any corporation which shares a common director with Perpetual, shall be deemed to be engaged in the provision of a financial service, if any parent, subsidiary, or sister of such corporation is so engaged.

III

It is further ordered, That upon this order's becoming final respondent Perpetual, its successors and assigns, do forthwith cease and desist from having, and in the future shall not have any individual serve as a director who either:

(a) Is or would be at the same time a director of Perpetual and a director of American Security and Trust Co. ("American Security"), National Bank of Washington ("National Bank"), Union First National Bank of Washington ("Union First") or any other corporation, so long as such corporation is engaged in the provision of any financial service in competition with Perpetual;

(b) Fails to submit to Perpetual any statement required by Paragraph IV of this order.

IV

It is further ordered, That within thirty (30) days of the date of service of this order and prior to each election of directors or to the solicitation of proxies for such election, whichever is earlier, hereafter, Perpetual shall obtain a written statement from each member of its board of directors (except directors whose terms expire at the next election and who are not standing for re-election) and from each nominee for a directorship (who is not then a director) showing:

(a) the name and home mailing address of each director or nominee; and

(b) the name and principal office mailing address of, and a description of each product or service produced or sold by, each corporation in which each such person then serves as a director or has been nominated as a director.

The requirements of this Paragraph shall not apply to elections of directors occurring after five (5) years from the effective date of this order.

Nothing in this Paragraph shall be construed to relieve respondent of its obligation under Paragraph III(a) hereof.

V

It is further ordered, That within forty-five (45) days of the date of service of this order and annually for a period of ten (10) years thereafter, Perpetual shall file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order. Copies of the statements obtained pursuant to Paragraph IV of this order shall be submitted to the Commission as part of the reports of compliance required by this Paragraph during the first five (5) years. Expiration of the obligations imposed by this Paragraph shall not excuse Perpetual's obligation to comply with Paragraph III of this order.

VI

It is further ordered, That the provisions of Paragraphs III through V hereof shall not apply where the interlocked corporation is Perpetual's (1) parent, (2) sister, or (3) subsidiary.

VII

It is further ordered, That Perpetual shall give the Commission at least thirty (30) days prior notice of any change in the corporation such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of a parent, sister or subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

Commissioner Collier dissented and issued a dissenting Opinion.

CAROL M. THOMAS,
Secretary.

DISSENTING OPINION OF COMMISSIONER COLLIER

I concur in the majority's conclusion that these interlocking directorates must be measured by the standard of Section 5 of the FTC Act which prohibits, among other things, unfair methods of competition, I dissent, however, from the Commission's holding that a violation has been proved and I would remand the case for further hearings.

The majority holds that a director interlock between competing corporations constitutes a per se violation of section 5. This rule is consistent with the standard of liability for such arrangements that is embodied in section 8 of the Clayton Act. By its terms, however, section 8 does not reach the instant transaction.

It is now familiar doctrine that the potential reach of section 5 may exceed the limitations of the Sherman and Clayton Acts. E.g., *FTC* v. *Brown Shoe Co.*, 384 U.S. 316, 321-22 (1966); *Grand Union Co.* v. *FTC*, 300 F. 2d 92 (2d Cir. 1962). "[L]egislative and judicial authorities alike convince us that the Federal Trade Commission does not arrogate excessive power to itself if, in measuring a practice against the elusive, but congressionally mandated standard of fairness, it, like a court of equity, considers public values beyond simply those enshrined in the letter or encompassed in the spirit of the antitrust laws."[1] *FTC* v. *Sperry and Hutchinson Co.*, 405 U.S. 233, 244 (1972). In my view, however, the Commission's invocation of a per se rule of section 5 liability for director interlocks is an unwise exercise of this extremely broad grant of statutory authority.[2]

[1] Although this statement immediately follows a discussion of the Wheeler-Lea Amendment, 52 Stat. 111, to the FTC Act, its context makes clear its application to "unfair methods of competition."

[2] Further sources of Commission liberty in assessing business conduct are found in the general and established doctrines of judicial deference on review of administrative agency decisions. For example, under 5 U.S.C. §§ 556 and 706, Commission findings of fact are affirmed if supported by substantial evidence on the whole record; and, under the doctrine of *Udall* v. *Tallman*, 380 U.S. 1, 16 (1965), the Commission's interpretations of its own statute are entitled to great weight.

This case involves the discovery of neither a new form of business conduct nor familiar conduct in the context of new circumstances. Compare *FTC* v. *Sperry and Hutchinson, supra*, at 240-44. Even more importantly, the majority's rule is not based on independent evidence or other facts indicating that director interlocks between companies that compete to any extent are likely to cause consumer injury. Rather, the majority's interpretation of section 5 relies heavily upon the policies underlying section 8 of the Clayton Act. One difficulty with that approach is that the Congress which enacted this provision apparently did not regard these policies as absolute, as it did not include within the coverage of section 8 the class of interlock that this case represents.

Another difficulty with the majority's decision to establish a rule of per se illegality is that this approach ignores the recent teaching of *Continental TV, Inc.* v. *GTE Sylvania, Inc.*, U.S. (June 23, 1977):

> Per se rules thus require the Court to make broad generalizations about the social utility of particular commercial practices. The probability that anticompetitive consequences will result from a practice and the severity of those consequences must be balanced against its procompetitive consequences. Cases that do not fit the generalization may arise, but a per se rule reflects the judgment that such cases are not sufficiently common or important to justify the time and expense necessary to identify them. Once established, per se rules tend to provide guidance to the business community and to minimize the burdens on litigants and the judicial system of the more complex rule of reason trials, see *Northern Pac. R. Co.* v. *United States*, 356 U.S. 1, 5 (1958); *United States* v. *Topco Associates*, 405 U.S. 596, 609-10 (1972), but those advantages are not sufficient in themselves to justify the creation of per se rules. If it were otherwise, all of antitrust law would be reduced to per se rules, thus introducing an unintended and undesirable rigidity in the law. —— U.S. at —— n. 16.

We need to know more than we do about the actual impact of these arrangements on competition to decide whether they have such a "pernicious effect on competition and lack * * * any redeeming virtue" (*Northern Pac. R. Co.* v. *United States, supra*, p. 5) and therefore should be classified as per se violations of the Sherman Act. [Quoting from *White Motor Co.* v. *U.S.*, 372 U.S. 253 (1963).]

It seems to me that these admonitions directed at courts in Sherman Act cases are no less salient when applied to the Commission in cases arising under section 5. Certainly the Commission's authority to ignore this counsel is not a reason to do so.

It is, of course, arguable that the Commission enjoys a relative advantage over Federal courts in fashioning per se rules. Our more frequent exposure to antitrust issues and varying factual situations, as well as our reservoir of economic analysts, equip us well to consider the adoption of such rules. Our authority to conduct broad investigations into business practices[3] and to initiate rulemaking proceedings[4] certainly complement this potential for enlightened lawmaking in the public interest.[5]

With regard to the class of transactions covered by the per se rule of this case, however, we can claim none of these advantages. Our prior experience with director interlocks has been acquired in the per se context of section 8. We therefore know little of the effects of these arrangements and even less of their consequences when employed by financial institutions. At most, we have gained some experience in framing remedial orders.[6]

In the absence of a factual foundation for inferring public injury and in cases such as this one that are outside the terms of a statutory per se rule, I would turn for policy guidance to the controlling standard of section 7 of the Clayton Act. In my view, arrangements such as the one before us should be declared unlawful if their effects "may be substantially to lessen competition . . . in any line of commerce in any section of the country . . ." While the antitrust laws are not without anomalies,[7] I would not employ our discretion to proliferate new ones. And it is at least anomalous to me that a showing of competitive injury should be required for illegality when two corporations become one but not when they share a director. That this result is commanded in situations covered by § 8 is no reason to extend the anomaly to situations that are not.

While it might be argued in response that the social cost of limiting the supply of eligible directors is less than that of prohibiting mergers that cannot be expected to cause discernible injury to competition, I know of no basis for such a conclusion.[8] Moreover, there is every reason to suppose that the presence of an interlocked director poses less threat to competition than does a permanent and complete union of the firms.

Because anticompetitive effects were neither alleged or proved in this case, I would amend the complaint and remand the case for further prodeedings.

[FR Doc. 78-3375 Filed 2-7-78; 8:45 am]

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[3] 15 U.S.C. § 46.

[4] *National Petroleum Refiners Ass'n.* v. *FTC*, 482 F. 2d 672 (1973), cert. denied, 415 U.S. 951 (1974).

[5] 15 U.S.C. § 45.

[6] See, e.g., our recent orders in Addressograph-Multigraph, Docket No. 9084; Kane-Miller Corp., et al., Docket No. 9034; International Business Machines Corp., Docket No. C-2864; and Kraftco Corp., Docket No. 9035.

[7] For recent examples, see the diverse treatment of price and non-price vertical restrictions in the majority's opinion in *GTE Sylvania, supra*, n. 17 and accompanying text, as well as Justice White's comment on this distinction, n. 10 and accompanying text. See also the Third Circuit's decision in *U.S.* v. *U.S. Gypsum Co.*, 550 F. 2d 115, 120-127 (1977), cert. granted, October 3, 1977, No. 76-1560, allowing, as a defense to a horizontal price-fixing allegation, the argument that communications concerning prices were necessary to avoid violations of the Robinson-Patman Act. See generally R. Bork & W. Bowman, The Goals of Antitrust: A Dialogue on Policy, 65 Colum. L. Rev. 363 (1965). Compare R. Bork, The Rule of Reason and the Per Se Concept: Price Fixing and Market Division, 74 Yale L. J. 775, 830 (1965).

[8] One might, however, infer the low costs of regulating directorships from both the relatively modest compensation of directors and from the readiness with which corporate respondents have usually been prepared to settle section 8 cases.

[6740-02]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

[Docket No. RM75-25]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Amendments to Policy Regarding Certification of Pipeline Transportation Agreements

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: On June 24, 1977, the Federal Power Comission[1] issued a notice of its intent to review the policy set forth in Order No. 533 and 533-A (10 CFR 2.79) with respect to the transportation by jurisdictional pipelines of natural gas from the onshore domain and the offshore non-Federal domain to non-resale industrial and commercial customers for high priority uses. The purpose of the policy was to provide high priority users with a means to mitigate the effects of curtailments by purchasing supplemental gas supplies directly from producers.

At its inception, that policy was regarded as experimental in nature and as requiring a subsequent review based on experience with the program to determine if it should be continued. The June 24 notice therefore requested comments on whether the policy should be continued and on whether it should be modified in certain respects.

Upon review of the comments, staff reports and experience with the program, the Federal Energy Regulatory Commission has determined that the policy set forth in Order No. 533 and 533-A has been of assistance to high priority users, and that since the conditions which led to its adoption persist, it should be continued. The Commission has also adopted a number of minor modifications to the policy as explained in detail below.

EFFECTIVE DATE: February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frederick Cornelius, Office of Producer and Pipeline Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, 202-275-4496.

[1] On October 1, 1977, jurisdiction over this proceeding was transferred to the Federal Energy Regulatory Commission pursuant to the Department of Energy Organization Act, Pub. L. 95-91.

Jane Drennan, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, 202-275-4252.

I. Procedural Background

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) the 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) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC", 10 CFR ——: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

By notice issued June 24, 1977, and published at 42 FR 34521, July 6, 1977, the Federal Power Commission stated its intent to review the policy statement of Order Nos. 533 and 533-A. At its inception, the policy statement was viewed as experimental in nature, and recognizing that requests for renewal of previously issued authorizations under Order No. 533 would be filed this winter, the Commission concluded that it was appropriate to consider whether the policy should be continued, and if so, on what basis. Although the Commission set forth issues which it considered to be of primary importance, it also invited any interested person to raise any issue or suggestions believed to be helpful to its inquiry.

In Order No. 533, the Commission adopted as § 2.79 of its General Policy and Interpretations, 18 CFR Part 2, a statement of policy with respect to the transportation by jurisdictional pipelines of natural gas sold by certain producers from the onshore domain and the offshore non-Federal domain to non-resale industrial and commercial customers for high priority uses. Due to the steady increase in curtailment levels on interstate pipelines which resulted in production cutbacks, plant closing, employee layoffs, and shortages of various products and services, the Commission found it appropriate to issue the statement of policy with regard to specific pipeline transportation arrangements so that industrials requiring gas for high priority use could obtain an independent source of gas for their operations. The policy was viewed as a vehicle for obtaining required gas supplies for high priority use due to the anticipated severe curtailment on the interstate pipelines during the 1975-1976 winter.

The Commission projected that this policy would increase the amount of gas available to the interstate market, thereby resulting in utilization of idle pipeline capacity with attendant cost benefits to pipelines and their customers. There was also perceived a potential for increased producer revenues, which would then promote increased exploration and development of gas supplies. In adopting this policy statement, the Commission stated:

> The policy is admittedly experimental and requires empirical evidence on its merits in specific applications and trial before we can determine whether the public convenience and necessity demand that the policy be made permanent. (Citations omitted.) If, upon review, it appears that the policy has not resulted in the attraction of incremental gas supplies to meet the demand of the interstate market and to avert an imminent crisis in the winter of 1975-1976, we will revise of abandon the experiment.[2]

In response to the notice of intent to review the program, an overwhelming majority of the parties filed comments in support of the policy's continuation asserting that the gas transported under Order No. 533 represented a crucial part of the energy supply for many industrial users requiring gaseous fuel for process, plant protection and other direct-fired applications in their manufacturing facilities. The parties supporting the program also maintained that it has reduced the adverse impact of the severe natural gas shortage on the United States' economy. Many comments detail the benefits to specific commercial and industrial establishments which otherwise could not have continued production or maintained their labor forces.

In its initial comments, the Commission Staff described the operation of the policy. As the 1975-1976 winter was considerably warmer than normal, only 28 arrangements were filed with the Commission during the heating season. As of May 1976, only 365,183 Mcf had been transported under the program, or an average seasonal daily volume of slightly more than 2,000 Mcf. From May 1, 1976, through December 31, 1976, 35 arrangements were filed; however, with the onset of the severe winter, a dramatic increase in applications occurred.

As of June 1977, a total of 106 separate arrangements have been filed pursuant to this program.[3] For the period of August 1975 through March 1977, a total of 7,969,587 Mcf had been delivered of which 1,857,708 Mcf was delivered in the month of March 1977. The consumers served by eleven pipelines have purchased gas directly under this program,[4] however direct and indirect customers of Columbia Gas Transmission Corp., Transcontinental Gas Pipe Line Corp. and Texas Gas Transmission Corp. have purchased more than 75 percent of the total supply transported under this program and more than 60 percent of the March volumes thereof.[5] Of the applications filed from August 1975 to June 1977, 40 percent were filed during the emergency period.

II. Policy Considerations

In its notice, the Commission set forth issues that interested parties should address. In light of the two years of actual experience with the experimental 533 program, the first question was whether the program should be continued. We have independently reviewed past transactions under Order No. 533 to ascertain the effects of this program.

A. Continuation of the Policy

Of the parties that filed comments, the majority were strongly in favor of continuing the 533 policy. The level of anticipated economic disruption that has been forestalled for the past two years through utilization of the 533 procedures is predicted to continue and therefore, the need for these supplemental supplies also will continue.

It is evident from our review that the program has become an important means of maintaining plant operations in facilities which use natural gas and are subject to curtailment. As of November 30, 1977, 113 certificates had been issued under this program,[6] and

[2] Order No. 533, Docket No. RM75-25, 54 FPC——, mimeo p. 28 (1975).

[3] Each arrangement may involve a group of purchasers, multiple delivery points and/or a number of transporters so that the actual number of certificate applications filed with the Commission is greater.

[4] This figure represents the primary pipelines who were directly responsible for the particular end-uses of supply.

[5] See Appendix I, "Notice of Proposed Rulemaking to Review Policy Statement of Order Nos. 533 and 533-A," Docket No. RM75-25, —— FPC —— (June 24, 1977).

[6] Twenty-two are currently being reviewed. One hundred and thirty five applications have been filed. See Appendix A which sets forth the number of applications certificated and the volumes delivered and consumed at plant facilities.

approximately 16 million Mcf of gas had been transported. The deliveries under this program were a critical element last winter in maintaining the operating capacity of many industries in the eastern United States. Approximately 40 percent of the certificates issued and 38 percent of the 533 deliveries occurred during last year's emergency period, from November 1, 1976, to March 31, 1977. Over 6 million Mcf of gas was delivered during the winter emergency period.[7]

These supplies were used primarily by customers in industrial states. The major states receiving the largest quantities of 533 supplies were Pennsylvania, North Carolina, and Ohio. Over 85 percent of the gas involved in these transactions was produced in the states of Louisiana, Ohio, and Texas where many marginal sources of supply are available. The following indicates the number of purchases which occurred in the consuming states:

Pennsylvania	27
South Carolina	24
Ohio	19
Tennessee	14
Indiana	13
Virginia	12
North Carolina	10
Kentucky	9
West Virginia	8
Maryland	3
New York	3
Alabama	2
Illinois	2
Iowa	2
Mississippi	2
New Jersey	1

The following table sets forth the number of applications for transportation and percentage of such which involved 533 gas from the eight producing states. Nine applications to transport industrial owned gas are not included.

		Percent
Louisiana	70	56.0
Ohio	26	21.0
Texas	13	10.0
Oklahoma	7	5.0
West Virginia	6	5.0
Mississippi	2	2.0
Michigan	1	0.5
New Mexico	1	0.5
Total	126	100

The February 4, 1977, report of the Natural Gas Action Group of the Department of Commerce stated that 1.2 million workers were unemployed as a direct result of gas curtailments. The 533 supplies offset curtailment into Priority 2 which was being experienced on many major interstate systems forestalling plant shut-downs and work stoppages. Of the 92 applications filed through March 31, 1976, the 533 transactions allowed more than 215,000 workers to continue their employment. Without this program, the number of unemployed workers could have been larger.

Through this policy, many natural gas consumers, including factories, schools and hospitals, have been able to remain in operation when gas curtailments otherwise would have forced them to shut down for extended periods of time. In addition to hospitals and public schools, over 100 industrial facilities in at least 16 states have remained in operation during periods of severe gas curtailment as a result of gas obtained under Order No. 533. Without these supplies, the economic repercussions would probably have been significant. Many of the products produced by these industrial consumers are essential and any shortage resulting from plant closings could have caused a ripple effect throughout both regional economies and the nation, as a whole. The applications indicating the end uses to which the gas has been utilized are as follows:[8]

General usage	*Number of facilities*
Metals	58
Glass	34
Textiles	32
General plant usage	18
Chemicals and synthetics	17
Commercial	17
Food processing	11
Brick	5
Paper	2
Oil production	2
Agriculture	1
Coal gas	1

The 533 program in conjunction with Emergency Natural Gas Act of 1977 proved to be critical programs as they provided means of securing necessary gas supplies for facilities without alternate fuel capability and allowed industrial production and the employment of workers to continue.

In summary, the effects of the policy have been positive as economic dislocation and unemployment were minimized. Pipeline curtailments are continuing and will certainly continue for the next several years. High priority industrial users must have access to additional gas supplies or the severe economic disruptions that were prevented in the past by the 533 policy will occur.

One of the arguments that has been proffered in opposition to the 533 policy is that it may divert gas from the interstate market. Most of the parties that filed comments dispute this contention. They view these limited gas supplies as being produced from marginal reserves that otherwise would not have been developed at the national ceiling prices or would have been sold to the intrastate market for boiler fuel or other low priority use.

Several of the interstate pipelines oppose the continuation of this policy. They argue that they are placed at a competitive disadvantage in securing additional supplies.[9] While stating that deregulation is necessary, these pipelines maintain that Order No. 533 provides a method whereby a producer of new reserves may obtain a price above the national rate. They claim that the result of Order No. 533 is not to enable a prospective high priority customer to purchase gas actively sought by the intrastate market, but to allow industrial customers to obtain the same gas supplies sought by the interstate pipelines at the national rate for its system supply.

The American Public Gas Association (APGA)[10] opposes Commission consideration of the continuation of the policy on two grounds. APGA argues that the Commission should wait for the issuance of a decision by the U.S. Court of Appeals for the District of Columbia Circuit as to the legality of Order Nos. 533 and 533-A.[11] APGA also excepts to this program on the basis that since certain interstate pipelines were curtailed into Priority 1 last winter, supplies might have been available to the interstate resale market to offset curtailment absent the alternative offered producers by Order No. 533.

After examining the certificate applications and reports filed pursuant to Order Nos. 533 and 533-A, the Bureau of Natural Gas, as part of the staff comments, concluded that there was no evidence of diversion. In its comments, Staff recommended that the current reporting requirements be expanded to elicit additional information from future applicants so as to better assess potential diversion. Staff suggested that the following factors be considered in reviewing future proposals: Location of the sale, proximity and availability to the interstate market, and the relative value of the gas. We adopt herein additional reporting requirements to obtain this information.[11a]

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[7] During the winter of 1976-77, a total of 6,065,969 Mcf was delivered. The monthly deliveries were as follows:

November 1976	666,344
December 1976	654,110
January 1977	1,444,039
February 1977	1,443,768
March 1977	1,857,708
Total	6,065,969

[8] Above total end use applications will exceed total of filed applications because a few applications were filed on behalf of a number of small industries.

[9] These pipelines are Florida Gas Transmission Co., Mid-Louisiana Gas Co., Southern Natural Gas Co., Arkansas-Louisiana Gas Co., Northern Natural Gas Co., and Cities Service Gas Co.

[10] Although the Consumers Federation of America is named in the instant petition, only counsel for APGA signed the filing.

[11] "APGA v. FPC", No. 75-2105 (D.C.).

[11a] The Commission has determined that in certain instances the information should be

The assertion that the implementation of the 533 program diverts gas from pipeline supply is the most serious challenge to the 533 program. The stated purpose of the policy was to supplement available pipeline supply by making what would otherwise be intrastate gas accessible to curtailed interstate customers through direct purchase.

While a bifurcated pricing system exists (intrastate versus interstate), gas will continue to be sold intrastate for prices in excess of the Commission's national rate. The Commission recognizes that most 533 sales were made at rates in excess of the nationwide rate as shown in Appendix B.[12] It is also apparent that interstate pipelines can not compete for these supplies at that price, however, we have found no evidence that the 533 program has resulted in either an increase in intrastate prices or a deterrent to interstate dedications. So long as the intrastate market demand is greater than the supply, the prices unregulated, and the uses unrestricted, parity of access will not be restricted by Commission action; but it will be restricted instead by the dynamics of the marketplace.

In reviewing these transactions to determine whether this policy resulted in the diversion of gas from the intrastate pipeline systems, we assessed the nature of the producing properties. Staff experience indicated that most of the wells involved produced small amounts of gas. The volumes transported under those arrangements substantiated this finding. In addition, a further measure of the marginal nature of these producing properties was considered to be the number of amended applications filed. Amended applications were submitted by the transporting pipelines to allow the delivery of previously certificated volumes of gas from new sources of supply. The need for such amendments arises when the initial producing property did not deliver as projected. In the past 6 months, six applications were filed, about 15 percent of all applications filed during that period, which indicates the marginal nature of the 533 supply sources.

The Commission attempted to avoid any possibility of diversion by requiring the sellers of 533 gas to certify that the gas was otherwise not available to the interstate market. Nevertheless, in order to further ensure that diversion does not occur, we will adopt the requirements suggested by Staff to assist in our continuing monitoring program.

Each applicant is required to submit data in support of the proposed price. In reviewing the proposed rate, the Commission will assess data available in Form 45, other publicly available sources and information supplied by the Applicant. Consideration will also be given to the intrastate price levels in determining whether a certificate should be issued. The Commission has sought to avoid approving applications that include a purchase price[13] which would create upward pressure on gas prices in the area of production. Our review process is intended to ensure that the level of prices in the intrastate market will be unaffected by this program. It will be the intention of the Commission to review applications with regard to price following the policy stated above.

In response to APGA's argument that a Commission determination in the 533 review should be deferred pending a decision of the appellate court as to the legality of this program, it should be sufficient to refer to our discussion herein of the exigencies of the winter period, the deepening curtailment of most pipelines and the need to avoid severe economic disruption through extensive industrial shut-down.

Upon review, we have concluded that the program should be continued. Last winter many direct industrial consumers were able to maintain plant operations solely due to the availability of these 533 supplies. In the absence of this program, severe economic disruption caused by shut-down of many industrial plants would have occurred. This conclusion is substantiated by the number of authorizations which were issued by the FPC during the first three months of 1977.

The continued need for this program has been established in the recent omnibus pipeline hearings conducted to ascertain the magnitude and potential impact projected curtailments during the 1977-78 winter heating season. By Order issued May 11, 1977,[14] the FPC instituted proceedings to review the supply situation on 29 major interstate pipelines and to provide an overview of potential curtailment impact for the forthcoming winter on both a normal and 10 percent colder than normal basis.

As a result of these hearings, the Commission concluded that if the actual weather were 10 percent colder than normal, 23 pipelines would experience no significant economic dislocations; however, six pipelines anticipated severe industrial curtailments, which would undoubtedly result in plant closings. By Order issued September 14, 1977,[15] the Commission reopened these proceedings to more thoroughly evaluate the curtailment impact on these six pipelines. In so doing, the Commission elicited information as to what self-help measures, such as implementation of Order No. 533 procedures, were under consideration. The results of these proceedings were set forth in Staff reports,[16] which we incorporate into the record herein, detailing the projected impact of the 1977-78 winter curtailment on these pipelines which clearly establish that Order No. 533 procedures should be available this winter in order to provide a means of mitigating potentially severe industrial curtailment.

B. TERM OF THE CERTIFICATE

In Order No. 533, the certificates were limited to 2 years. The 533 program is an emergency type of measure designed to assist currently curtailed high priority users to secure supplemental gas supplies while they arrange to convert to more plentiful alternate fuels. It is not intended to be a permanent solution to these industrials' energy needs. That answer is conversion to alternate and more abundant fuels, such as coal and other fuels. Legislation to effectuate such conversions and to encourage more efficient use of natural gas is presently before Congress.

This Commission will not, through its policy pronouncements, elevate an essentially stop-gap measure to the level of a permanent palliative to the natural gas shortage for the relatively small group of industrial concerns that are in a position to take advantage of this program. We recognize, however, that conversion to alternate

provided where "available". Availability is defined for the purpose of these requirements as that information which the nonresale industrial or commercial consumer has obtained as a result of a good faith effort. All participants in Section 2.79 transactions are reminded that the Commission must base its findings on substantial evidence.

[12] See Appendix II of the June Notice, Supra, note 4.

[13] The Commission has rejected certain applications where it found the rate to be excessive or has conditioned certificate authorization by limiting the term, volumes or price in order to limit the rate to an appropriate level. Transcontinental Gas Pipe Line Corp., et al., Docket Nos. CP77-427, et al., issued August 29, 1977; Natural Gas Pipeline Co. of America, et al., Docket Nos. CP77-242, et al., issued July 14, 1977; Texas Gas Transmission Corp., et al., Docket Nos. CP77-296, et al., issued May 31, 1977; Transcontinental Gas Pipe Line Corp. et al., Docket Nos. CP77-452, et al., and United Gas Pipeline Co., Docket No. CP77-428, issued January 6, 1978.

[14] Alabama-Tennessee Natural Gas Company, et al., Docket Nos. RP77-65, et al.

[15] East Tennessee Natural Gas Company, et al., Docket No. RP77-72, et al.

[16] El Paso Natural Gas Co., Docket No. RP77-74; East Tennessee Natural Gas Co., Docket No. RP77-72; Tennessee Gas Pipeline Co., Docket No. RP77-86; Tennessee Natural Gas Lines, Inc., Docket No. RP77-87; Transcontinental Gas Pipe Line Corp., Docket No. RP77-89; United Gas Pipeline Co., Docket No. RP77-92 and Reports were issued October 14, 1977.

sources of energy is expensive, difficult, often slow and sometimes infeasible depending on the state of the technology for any particular use. We do not want to unduly disrupt industrial processes by prematurely terminating the 533 policy, a result which would defeat the very purpose for which the program was begun. Therefore, we find that the certificates should be limited to no more than a two year period to avert critical economic dislocations and maintain the Commission's flexibility to review and respond to the changing national gas supply situation.[17]

We will grant a buyer of 533 gas an extension of the existing authorization for 2 years if all qualifications are met. Any additional extension, however, will be granted only if substantial evidence establishes that conversion to an alternate fuel was infeasible during the term of the sale. In reviewing these requests on a case-by-case basis, the Commission will determine whether the industrial consumer has made a good faith effort to inquire into alternate fuel capability and conversion potential and further, that there is an insufficient period of time to develop such capability during the period of proposed use of 533 supplies. The reasons for the consumer's inability to implement alternate fuel capability should be clearly set forth in order to present adequate substantive evidence.

C. DIVERSION OF 533 GAS TO PRIORITY 1 CUSTOMERS

In its notice, the FPC requested the parties to comment on whether the Commission should condition transportation authorization for 533 supplies upon diversion to the transporting interstate pipeline when there is a threat of actual curtailment. Under such a condition, if the pipeline supply were inadequate to meet the requirements of residential, small commercial and human needs consumers in Priority 1, the pipelines would have an alternate method of coping with emergencies of limited duration.

Staff endorsed the proposed condition with certain limitations. Staff argued that if any gas were to be diverted, only those volumes over and above the amount necessary for plant protection should be made available, adequate notice should be provided in order to prevent damage to the equipment and materials being processed by the industrial consumer; and explicit assurance should be provided that the Commission will not assert jurisdiction upon the supplying producer. In addition, Staff advocated that the pipelines be required to pay back the gas diverted from industrial customers; however, in the event the customer were unable to utilize the volumes in accordance with the provisions of the policy, an exception should be created whereby the customer could take the volumes for lower priority use during the term of the authorization.

Many of the parties disagreed sharply with Staff's proposal, stating that such a condition would violate the Natural Gas Act as producers would be selling gas to be resold in interstate commerce at rates in excess of those permitted under the Act without a certificate of public convenience and necessity authorizing such sales. Noting that some producers now require that the gas purchase contract covering the sale of 533 supplies contain a clause providing for its automatic cancellation if the gas is resold, they argued that the proposed amendment to the policy would result in the automatic termination of many 533 contracts. Many parties also cited the Emergency Natural Gas Act of 1977 as support for their contention of the inadvisability of requiring this limited diversion.[18]

Others argued that "Priority 1 curtailment" at the pipeline level does not necessarily mean that there is actual curtailment of Priority 1 uses because the distributor customer may have supplemental supply sources in addition to pipeline supply. In order to mitigate these effects, some suggested that the emergency condition protecting Priority 1 customers adopted in Opinion No. 778[19] should be incorporated if the Commission finds that a protective condition is in the public interest.

Alternate means of protecting Priority 1 essential uses are available without Federal regulation. The distributors may defer delivery of gas to the 533 purchaser during an emergency, although the purchaser would continue to request gas at the wellhead making a supply available to the interstate pipeline. After the crisis passes, the distributor would deliver to the 533 purchaser an amount equal to that obtained during the emergency. This procedure is viewed as superior as there would be no unlawful passage of title of the 533 gas to a third party. Its viability depends upon the voluntary cooperation of the industrial consumer, distributor, pipeline. This commission cannot mandate such transactions; however, they appear desirable.

We find the arguments against our imposition of a diversion condition to be persuasive and therefore reject the Staff's suggestion. Order No. 533 sales are exempt from Commission jurisdiction because they are direct sales and not sales for resale. If the Staff proposal were adopted, diversion of the gas to resale markets would result and the character of the transportation would be legally changed since title would change and the gas would be unlawfully sold to a third party for resale. We conclude that at the present time the policy need not be modified to incorporate the proposed condition. During the severe emergency last winter, the pipelines were able to provide natural gas to essential human uses through voluntary cooperative efforts.

D. PERMITTING PRIORITY ONE CONSUMERS TO PARTICIPATE

In the initial rulemeaking proceeding, the FPC rejected arguments to expand the policy to include direct sales to Priority One consumers. In Order No. 533, the Commission found that due to the "exceedingly large number of residential and small commercial customers that might try to take advantage of such a policy",[20] further study was necessary. The majority of the parties, including Staff, oppose the proposed expansion for a variety of reasons. They argue that these loads are temperature-sensitive and therefore do not require a relatively consistent gas supply. Moreover, the administrative and regulatory aspects of the proposed modification would create an unwarranted burden on the pipeline. It would be impractical for an individual household or a small commercial consumer to enter into such contracts. These arguments were previously considered during the initial rulemaking whereupon the Commission concluded that Priority One consumers should not be allowed to participate in this program. No new arguments have been raised which would form a basis for modification of that determination.

A related question is whether Order No. 533 should be modified to allow the transportation of gas purchased or developed by distribution companies. Northern Illinois Gas Co. (NI-Gas), Citizens Gas and Coke Utility (Citizens) and Michigan Gas Utilities Co. (Michigan Gas) argue that such a modification is necessary and in the public interest as it would encourage domestic drilling activity and production of additional gas supplies for consumers located outside gas producing States. Maintaining that many local distribution companies are experienced in finding gas, parties favoring this view state that these companies should be allowed to compete with in-

[17] It is implicit that this Commission may initiate review of this policy at any time. It may be appropriate for us to take such action after the enactment of the National Energy Act.

[18] By legislation, Congress created the authority to reallocate natural gas supplies under certain emergency situations; however, it specifically excluded Order No. 533 gas from such reallocation.

[19] Transcontinental Gas Pipe Line Corp., Docket No. RP72-99.

[20] Supra, note 1 at Mimeo p. 22.

trastate purchasers and thereby divert additional gas from the intrastate market. Since some distributors operate large storage reservoirs and therefore can purchase gas which nonresale purchasers cannot economically purchase, these companies assert that they should be allowed to participate in an expanded 533 program.

These arguments are similar to those previously raised during the initial rulemaking proceedings. Upon review, the FPC determined that the proposed modification would be inadvisable since distributors would resell the supply which would be a jurisdictional activity and subject to the just and reasonable standard of sections 4 and 5 of the Natural Gas Act. For this reason, we find no basis upon which to amend the previous findings.

In a related matter, NI-Gas proposed that purchases by industrial and commercial users under this program not preempt pipeline capacity that would otherwise be available to local distributors and that all certificates issued under § 2.79 be conditioned to contain a provision subjecting that transportation to interruption where necessary to allow the pipeline capacity to be used in an emergency situation by local distributors acting under §§ 2.68 and 157.22 of the Commission's regulations. NI-Gas did not cite a single instance where the pipeline capacity on any interstate system has been preempted. In addition, one of the necessary findings in the approval of the 533 application is that there is available pipeline capacity. A concerned distributor could therefore address this issue in a specific proceeding when the proposed transportation is under consideration; however, since this problem does not appear to have actually happened, there is no basis at the present time for a general pronouncement on this point. Should the need for a condition as suggested by NI-Gas arise, the Commission will reexamine the question.

E. NEW CUSTOMERS

In the initial rulemaking, the FPC considered and rejected the application of § 2.79 to others than "existing customers" of interstate pipelines who are subject to curtailment. In its June notice, the FPC raised this point for discussion again and set forth three proposed categories for possible inclusion: (1) The transportation of direct sale gas to new customers, (2) customers not served by the interstate pipeline, and/or (3) volumes in excess of those presently being received by existing customers through jurisdictional pipeline suppliers.

Many parties favored the expansion of the policy beyond the current category of "existing customers", arguing that there is no basis to deny these customers the use of gas which would not otherwise be available to the interstate market. The Commission's Office of Policy and Analysis (now Office of Regulatory Analysis) concurred with these arguments, stating that supplies to new customers represent an addition to the flow of interstate gas which would not have been forthcoming in the absence of these customers' efforts and further that there are economic benefits from permitting the transportation. Moreover, it concluded that the gas contracted for by such customers is no more likely to be diverted from potential interstate supplies than any other gas under Order No. 533.

In their comments, the Commission's Office of the General Counsel and the Bureau of Natural Gas (now Office of Pipeline and Producer Regulation) opposed the expansion of the present policy to allow the transportation of direct sales gas under the three proposed categories. Allowing the transportation of 533 gas to new customers, such as a new fertilizer plant constructed in 1977, was seen as creating an unwarranted dependence on supplies which are authorized for a limited term. The use of 533 gas would allow users to postpone development of a reliable energy supply for two years and could require the incurrence of an unjustifiable expense in subsequent conversion of plant facilities to utilize alternate energy sources. The Office of the General Counsel and Bureau of Natural Gas believe that a better energy policy would be for such customers to utilize alternate fuels from the inception rather than requiring the conversion to such after a limited term.

We concur with this recommendation for the reasons advanced. The underlying purpose of the 533 policy is temporarily to assist existing customers mitigate the effects of curtailment pending conversion to alternate fuels. Adding new customers would be contrary to that intent. The application of the current 533 policy should not be extended to customers not presently served by the interstate pipeline as that would also be contrary to the purpose of Order No. 533. Due to the unregulated price of gas supplies in the intrastate market, customers of an intrastate pipeline are in a better position to obtain needed gas supplies than the customers of an interstate pipeline. To allow this expansion of the policy could diminish the limited potential supplies available to ultimate existing users by permitting additional competition.

In a related matter, United Gas Pipeline Co. (United) proposed that the Commission expand its policy statement to include two new classes of industrial customers: (1) Small industrial customers with requirements under 300 Mcf per day; and, (2) large industrial customers converting to alternate fuel but still lacking total alternate fuel capability. United maintained that the continued operation of these plants is essential to avoid the same type of economic dislocation with which Priority 2 and 3 consumers qualifying under the current policy statement are threatened.

As to the first category, United proposed that the small industrial with requirements of less than 300 Mcf per day should be included in the highest curtailment category available to industrial gas. United further argues that there is an apparent inconsistency in Commission policies in that these industrial requirements are often placed in the highest industrial category under Order No. 467-B type plans but remain ineligible for Order No. 533 consideration as they do not fall within the definition of plant protection, feedstock or process use. Because of economies-of-scale considerations discouraging their conversion to alternate fuels and the *de minimus* volumes involved, United asserts that there is adequate justification for expanding the policy.

Section 2.78(b) of the Commission's regulations provides for proceedings for extraordinary relief from curtailment and is the appropriate vehicle for seeking relief in the aforementioned situation. Order No. 533 would provide an alternate means to meet the projected curtailment of industrial customers, however, further consideration appears necessary prior to our adoption of the proposed modification. As to United's proposal to expand the policy to include large industrial consumers who are in the process of converting to alternate fuel, we find that it could have an adverse impact in minimizing the urgency of completing the necessary conversion. Moreover, there would be extreme difficulties administratively in distinguishing which plants made a good faith effort to effectuate such conversion on a prompt and expeditious basis resulting in an exemption to the current policy standards.

F. TRANSPORTATION OF USER OWNED GAS

In its initial policy statement, the FPC did not include the transportation of gas produced or owned by the industrial consumer; however, it did indicate that any filing requesting such authorization would be considered. In its recent notice, the Commission proposed to review the advisability of including this type of arrangement in the 533 program. Most parties, as well as the Office of Policy Analysis, supported the proposed expansion of the policy, arguing that the development of reserves in remote locations would be encouraged and supply of available gas for Priority 2 and Priority 3 uses would be augment-

ed. It is asserted that marginal onshore reserves will not be developed unless industrial consumers are willing to make the substantial effort and investment necessary and, therefore, the expansion of the policy in this manner would not create any additional risks of diversion from the interstate market.

The supporting parties stated that continuation of the two-year limitation on the transportation certificate would effectively preclude the development of such reserves despite modification of the policy to include consumer-owned gas or reserves-in-place because the industrial consumer (investor) would not be assured of an adequate opportunity to recover the substantial investment necessary to acquire a long-term gas supply. Consequently, long-term certificates for these projects were requested by these parties.

OGC and BNG contended that development of consumer-owned supplies or the purchase of reserves-in-place are not short-term ventures and the nature of these transactions places them outside the intent of Order Nos. 533 and 533-A. Staff argued that they should be subject to a case-by-case scrutiny under section 7(c) of the Natural Gas Act.

We concur that the requested modification of the policy does not fall within the intent of Order No. 533 as it would allow much more than short-term emergency measures to maintain high priority use. The considerations implicit in such proposals should be reviewed in the context of section 7(c) as they do not conform to the criteria of Order No. 533. The transportation of consumer-owned gas or reserves-in-place for a period not exceeding two years can be construed as falling within the scope of the policy.

G. INTERMEDIARIES (BROKERS)

In its notice, the FPC sought comments referring to the role of intermediaries (brokers) that attempt to bridge the gap between the industrial consumers seeking to purchase and the producers wanting to sell natural gas supplies. These intermediaries have acted in the role of "agents" in locating supplies of 533 gas for industrial and commercial buyers and arranging transportation from the point of production to consumption. They charge a fee for the various types of services performed, such as, planning, purchasing, contracting for gathering systems, negotiating transportation agreements, and fulfilling administrative requirements. They act solely for the industrial consumer from whom they receive all their compensation. In some instances, the brokers charge their industrial customer a fee based upon the number of Mcf's of gas delivered to the facility.

The Commission is not opposed to brokering activities and we do not want to discourage the use of these important services, but the Commission is concerned about the amount of any brokerage fee and any impact it may have on the price paid by the industrial customer. Although the Commission has no direct jurisdiction over the producer price in a direct sale, in reviewing the transportation certificate application the Commission is required to examine the effect of the price paid on market forces in the area of the purchase.[21] The Commission has examined several transactions in which brokers participated[22] and has concluded that the total cost of the gas delivered to the industrial must be reviewed in determining whether the proposed transportation is in the public interest. When brokers participate, the application for certification of the transportation must include a statement as to the total fee charged, how it is computed, and any affiliation between the broker and the seller, buyer, or pipeline applicant.

H. COST OF GATHERING FACILITIES

Some of the 533 applications recently received have included a provision whereby the buyer paid for the cost of installing gathering lines between the pipeline and the source of the gas, but the producer retained title to these facilities. The inclusion of these costs increases the total price of the gas to the industrial consumer. The Commission is not opposed to the consumer paying for such facilities provided that the total cost of the delivered 533 supplies remain consistent with the market price in the producing area.[23] Accordingly, we will amend our filing requirements to ensure that the information necessary to make an informed judgment on this matter is before the Commission. Under such arrangements, the filing made with the Commission should itemize these costs incurred by the customer, ownership, date of construction and the terms of payment.

I. USE OF INTRASTATE PIPELINES

After reviewing past transactions under the existing policy statement, the Commission is aware that the transportation costs may be a major factor in the industrial consumer's consideration of the total costs of purchasing a particular supply. Under some arrangements that have been approved by the Commission the transportation of the supply from the producer to the consumer has required the participation of two or more interstate pipelines when intrastate pipelines might have transported the supply more efficiently and economically.

A hypothetical example is illustrative of the value of an intrastate pipeline participation in the transportation of 533 supplies. Assume a producer in the vicinity of Ward County, Tex., which is near Midland, has marginal supplies available and a high priority industrial consumer, which is a customer of Transcontinental Gas Pipe Line Corp., (Transco), needs these supplies to offset curtailment. For purposes of the hypothetical, it is assumed that the redelivery point to Transco will be at a point near Houston, Tex., where a potential intrastate pipeline company has facilities. In order to transport the available gas to the Transco system through solely interstate pipelines, the gas would go through three interstate systems prior to arrival at Transco's system at a point near Houston, Tex. The gas would be picked up by Northern Natural Gas Co. in Texas and be transported approximately 460 miles to Kansas where it would be transferred to Panhandle Eastern Pipeline Co. (Panhandle). The gas would travel 610 miles on this system where there would be a point of inter-connection with Trunkline Gas Co. which would exchange the gas with Transco by displacement in Texas. The total cost of this transportation would be approximately 35.4 cents per Mcf.[24]

If an intrastate facility in Texas with available capacity were willing to transport the gas approximately 600 miles to a point near Houston for delivery to Transco, the total cost of the transportation would be 18.0 cents.[25] The cost savings are significant. This example focuses only on transportation costs; however, the reluctance of intrastate entities to participate in 533 transactions could result also in construction of unnecessary facilities, or the abandonment of potential arrangments.

Participation by an intrastate pipeline in a 533 transaction involves it in

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[21] *Transcontinental Gas Pipe Line Corp.* v. *FPC*, 365 U.S. 1 (1961).

[22] Transcontinental Gas Pipe Line Corporation, Docket No. CP77-542, issued November 8, 1977; Transcontinental Gas Pipe Line Corporation, Docket No. CP76-423, issued November 5, 1976; and Transcontinental Gas Pipe Line Corportion, Docket No. CP77-240, issued October 26, 1977.

[23] See Consolidated Gas Supply Corp. (Westinghouse) Docket No. CP77-211 (April 22, 1977) where the FPC analyzed a connection cost charged on an Mcf basis and conditioned the certificate by limiting the industrial payment to the actual cost of the facilities.

[24] Northern 460/100×14.5 cents/Mcf=20.70 cents, Panhandle 610/100×2.41 cents/Mcf=14.70 cents: Total—35.40 cents/Mcf.

[25] Intrastate 600/100×3.0 cents/Mcf=18.00 cents/Mcf.

interstate transportation which is a jurisdictional activity. In order to encourage intrastate pipelines to praticipate in 533 arrangements, the Commission will assert only a limited claim of jurisdiction over participating intrastate pipelines. commission jurisdiction will be restricted to the 533 service performed and will not serve as a basis for the assertion of authority over other activities of the intrastate pipeline nor its facilities. Should an intrastate entity choose to participate, the Commission will issue a certificate providing pregranted abandonment authorization to discontinue service upon expiration of the term.

We also find it appropriate to limit the filing requirements and waive most reporting requirements. We therefore will adopt Staff's proposals which provide two options for the intrastate entity. The intrastate pipeline may file a joint application with the interstate pipeline setting forth the proposed transportation fee and the cost basis thereof. Under this procedure, the intrastate pipeline would have the primary obligation of preparing the application; however, it would incorporate the required information relating to the intrastate transaction. Both applicants would receive the appropriate certificates. In the event that the intrastate pipeline chooses not to file a joint application, the second option allows the intrastate pipeline to file a abbreviated certificate application[26] that would subject it to only limited jurisdiction arising only from the transportation transactions, with waiver of most of Section 157 filing requirements. These are procedural alternatives; the certificate issued to the intrastate pipeline would be identical under either method.

As part of this certification procedure the Commission must approve the proposed intrastate pipeline transportation rate as just and reasonable.[27] In contrast to interstate pipelines, the Commission does not have tariffs on file which establish the appropriate transportation rate, although Section 5(b) of the Natural Gas Act provides a vehicle for obtaining such information.[28] In the event an intrastate pipeline takes advantage of our invitation to participate on a limited jurisdictional basis, it will be incumbent upon the applicant to demonstrate that the proposed rate is just and reasonable by the submission of appropriate data. Proposed transportation rates derived from rates approved by state regulatory commissions will be considered, and given some evidentiary weight when the intrastate transporter submits a statement of the proposed rates and the supporting data provided the state regulatory body.

[26] The intrastate pipelines may file an abbreviated application as provided for in § 157.7 of the regulations of the Natural Gas Act. The application will be deemed sufficient if it includes a general description of the facilities and location (or a map of the same), a statement concerning the proposed rates, and the cost-of-service used to develop such rates.

J. TAKE OR PAY PROVISIONS

In its notice, the Commission characterized the [t]ake-or-pay provision, coupled with the limitations on the purpose for which the gas may be used, (as) possibly the most problematic issue resulting from the implementation of this program.[29]

Most of the parties agreed with the Commission's assessment and suggested that the Commission should modify the policy to allow for additional flexibility. The comments highlighted the conflict with the policy statement in that there is an attempt to attract intrastate gas to the interstate market while imposing strict limitations on its end use. We recognize that the fluctuations in an industrial customer's use of natural gas may not be conducive to the full realization of both of these objectives.

The problem arises because the producer desires a guarantee that as long as certain volumes are available for sale, the supplies will either be sold or paid for, even if not actually purchased. If the latter occurs, the price of each unit of gas obtained by the user increases. This is of concern to the Commission because of the price impact and the loss to the interstate market of supplies that have been purchased but not delivered. This situation arises because the level of curtailment fluctuates such that during the summer season many industrial users are not being curtailed and cannot use 533 gas. Also, if the winter curtailment is not deep enough to make up the difference, gas will be paid for but not taken. Consequently, some parties filing comments proposed extending the term of the certificate to permit make-up and/or easing the priority restrictions on the use of 533 gas.

One method of dealing with this problem was suggested by the Staff, which proposed that the policy should be amended to establish a general rule that the underlying sales contract should not include a take-or-pay provision that exceeds 80 percent on an annual basis. In the event that the take-or-pay provision is 100 percent, a limit of 75 percent should be established for the period April through October of the calendar year. The foregoing was proposed as a means of reducing the "inflated cost" of gas actually taken when the inability to take all of the gas which has been purchased exists. In conjunction with this, Staff proposed that a purchaser should be permitted to receive make-up gas for six months after the expiration of the original transportation authorizations.

Upon review we find that it would be inappropriate to approve any form of percentage limitations upon the take-or-pay provision in sales contracts. Such action could establish both the upper and lower limits of such provisions and would be disadvantageous to the parties and the public interest. Individual applications shall be analyzed with regard to this provision. We do find, however, that additional flexibility should be provided to allow the industrial consumer an opportunity to take the gas for which it has paid and we will therefore adopt Staff's proposal to grant a six month extension for receipt of these volumes upon compliance with certain reporting requirements.

Accordingly, contracts of sale that contain a take-or-pay provision must include a provision permitting the extension provided for herein. Furthermore, when an extension is needed, the certificated pipeline shall file a request for extension with the Commission stating the volumes that need to be made up and the estimated time necessary. Extension for the full six month term will be deemed approved upon receipt by the pipeline of a letter from the Secretary of the Commission acknowledging the filing.

Many parties proposed modifications to current end-use restrictions imposed by Order No. 533 in order to allow the industrial customer greater flexibility in receiving the supply. United proposed that § 2.79 (e) and (f) be amended to allow a customer to take up to 50 percent of his authorized MDQ under his direct purchase contract in addition to his entitlement under his supplier's curtailment plan, prior to being obligated to reduce curtailment entitlements. Others suggest that the Commission should require that the pipeline system supply be the "first through the meter" whereby 533 supplies would be backed off. In other words, the 533 deliveries could be "banked" by the pipeline for future delivery to the industrial customers. The Ohio Commission requires the "first through the meter" option in all the contracts that it approves under its self-help program. It reported that there have been no objections by the participating pipelines to this provision.

Some of the parties suggested that the Commission should provide for an automatic one-year extension of the certificate's original term or such

[27] Natural Gas Act, Section 4(a), 15 U.S.C. Section 717c(a); FPC v. Texaco Inc., 417 U.S. 380, 394 (1974).

[28] 15 U.S.C. Section 717d.

[29] Supra, note 4, p. 6.

shorter period as is necessary for transportation of all make-up volumes outstanding under take-or-pay provisions of gas purchase contracts. Staff recommended that the end-use limitations be relaxed during the summer months to meet the dilemma that is particularly acute during this period. Under its proposal, the industrial consumer would be permitted to accept that volume of the 533 supply which would represent the difference between the actual pipeline supply and the total volume to which it is entitled under the pipeline's curtailment plan, regardless of the priority of service. An industrial consumer would be able to accept not only its pipeline supply, but a portion of its 533 pipeline supply limited by the total volumes to which it is entitled for all priorities of service. In the event that 533 volumes are still available, the Staff recommended that they be available to the industrial consumer for additional or new requirements.

We find that the priority restrictions on the use of 533 gas should not be changed. The 533 program was promulgated for the benefit of curtailed high priority users. If we were to implement the suggestions discussed above, gas supplies that were intended for these uses would be consumed for lower priority purposes, a result inconsistent with Commission policy. There is, however, the possibility that users could contract for storage service to store 533 gas during periods when it could not be used by the industrial for later delivery or arrange for an exchange of gas, and the Commission will entertain such applications.

A necessary factor of our decision to extend this policy is the promulgation of stricter reporting requirements with regard to alternate fuel capability. Order Nos. 533 and 533-A limited its application to situations "where gas is purchased for high priority uses that otherwise would be curtailed and without an alternate fuel capability." We intend to examine whether the industrial consumer has made a conscientious effort to develop and utilize alternate fuel capability. There are a number of industrial customers that do not have the ability to convert to more abundant fuels due to the present level of combustion technology. Nevertheless, there are many industrial processes which are classified as "process use" in most pipeline curtailment plans and are now using 533 suplies for which alternate fuel could easily be substituted. Certain information should be provided by the industrial customers in order for the Commission to have an opportunity to attempt to make this distinction. To accomplish this and meet the more stringent standard, the industrial consumer will have the burden of presenting substantial evidence that it has inquired into alternate fuel capability and conversion technology. The feasibility of implementing alternate fuel capability will be a primary consideration in our determinations of whether further extensions of existing authorizations should be granted subsequent to the first "rollover."

K. MISCELLANEOUS MATTERS

National Gypsum Co. supported the proposal that the Commission reexamine the criteria it has used in identifying high priority industrial uses. In determining which industrial uses are properly included in Priority 2 National Gypsum states the terms "feedstock" and "plant protection" have caused relatively little problems; however, "process gas" has been subject to multiple interpretations. In order to eliminate the uncertainty, it proposed an amendment to the language. Although the proposed definition may be preferable, staff and many of the parties do not support this amendment. We concur because this policy statement is not the appropriate vehicle to redefine what constitutes "process gas." A redefinition of this term should occur in the context of a reevaluation of Order Nos. 467, et seq., and 493-A.[30]

During the past two years, the Commission has followed the practice of issuing temporary certificates, when warranted, to applicants for permanent 533 certificates. All parties to the proceeding supporting continuation of the policy also support the issuance of temporary certificates. Staff concurs in the continuation of the administrative practice, but emphasize that all necessary information must accompany the application if the Commission is to review the application on an expeditious basis. We will continue the administrative practice of issuing temporary certificates where the necessary requirements have been met.

Several parties suggested that certain of the reporting requirements established under Order No. 533 should be modified. For example, it was suggested that the intermediary pipelines which transport the supplies between the producer and the pipeline providing service to the industrial customer should not be required to file monthly reports but that the primary transporting pipeline should provide all necessary information. It has also been urged that the monthly reporting requirements should be changed to provide a quarterly reporting. Upon our reassessment of the reporting requirements, we find that only the delivering pipeline need file a monthly report. Monthly information from intermediary transporting pipelines is unnecessary. However, we shall continue the requirement of monthly rather than quarterly reports from delivering pipelines in order to assist our assessment on the supply situation on major interstate pipelines during the winter.

III. CONCLUSION

Order No. 533 program was promulgated in 1975 as a statement of policy to clarify the circumstances under which the FPC would permit an interstate pipeline to transport certain supplies of gas not owned by the pipeline. Specifically, the FPC was responding to the ever-deepening curtailment situation on most jurisdictional pipelines by providing a method by which high priority industrial users could obtain supplemental supplies through direct purchase from producers. The criteria adopted for judging whether the proposed transportation of the purchased volumes was within the public convenience and necessity reflected judicial opinion[31] as well as a reveiw of the comments filed in response to the FPC's notice of proposed rulemaking.

When the FPC issued Order No. 533, it defined the program as "experimental" and requiring "empirical evidence of its merits"[32] if the policy were to be continued. To that end, the FPC published a notice of proposed rulemaking to review the policy statement and numerous comments were filed. After careful review and consideration of these submittals, this Commission has determined to continue the 533 policy.

The evidence in the record, comprised of the historical experience of the past two years, the comments filed by the parties, and the Staff reports to the Commission in the omnibus pipeline proceedings, demonstrate that the 533 policy has been a success. The program has provided high priority users with a method whereby they can mitigate the effects of curtailment by purchasing supplemental supplies directly from producers for the express purpose of decreasing the likelihood that curtailment will cause industrial plant shut-downs, which could produce a severe economic disruption in the communities affected. The gas transported under 533 and the overwhelming support of the program, as displayed in the comments, demonstrate the efficacy of the program. Since the conditions that required the 533 policy in the past persist today and are anticipated to continue in the near future, this Commission considers it prudent to maintain the policy in operation, as modified herein.

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[30] FERC authority to take such action may be proscribed by section 402(a)(1)(E) of the DOE Act.

[31] *FPC* v. *Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1 (1961); *Arizona Public Service Co.* v. *FPC*, 483 F. 2d 1275 (D.C. Cir. 1973).

[32] Order No. 533, mimeo p. 28.

The Commission finds. (1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553, Title 5 of the United States Code. Since the amendment prescribed here does not prescribe an added duty or restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The amendment of Part 2, General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations, § 2.79, Policy With Respect To Pipeline Transportation Agreements, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications to § 2.79 prescribed herein which were not included in the notice of this proceeding are of a minor nature, and are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 7, 15 and 16 thereof (52 Stat. 824, 825, 829, 930; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717n, and 717o) orders:

(A) Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below, effective immediately:

§ 2.79 [Amended]

1. Section 2.79 is amended in paragraph (e) by deleting the "." and inserting in lieu thereof a phrase to read as follows:

* * * * *

(e) * * *

; *Provided further,* That the gas may be used during an authorized six month extension of the transportation authorization.

* * * * *

2. Section 2.79 is amended in paragraph (g) by inserting a new subdivision (viii) in subparagraph (1), by inserting new subdivisions (vii)-(xiii) in subparagraph (2), by revising subparagraph (1) in the introductory language, by revising subparagraph (2) (v) and (vi), and by revising subparagraph (3) to read as follows:

* * * * *

(g) * * *

(1) Interstate pipelines transporting gas pursuant to this policy must file the information set forth in subdivisions (i) through (vii) of this subparagraph. Intrastate pipelines transporting gas pursuant to this policy may file either a joint application with the interstate pipeline or an abbreviated application as provided in § 157.7, including the information set forth in subdivision (viii) of this subparagraph.

* * * * *

(viii) Provide a general description of the facilities and specify their location or include a map thereof; provide a statement concerning their proposed rates and Schedules L, M and N of § 154.63. For purposes of this subdivision (viii), there is no requirement that omission of other filing requirements be justified. For purposes of this subdivision (viii), the following provisions are waived:

(A) 18 CFR Part 154—Rate Schedules and Tariffs;

(B) 18 CFR 157.13—Form of exhibits to be attached to applications;

(C) 18 CFR 157.14—Exhibits;

(D) 18 CFR Part 159—Fees and annual charges under the Natural Gas Act;

(E) 18 CFR Part 201—Uniform system of accounts for natural gas companies; and

(F) 18 CFR Part 260—Statements and reports (schedules).

* * * * *

(2) * * *

(v) Provide a copy of the gas purchase contract with the producer underlying the proposed transportation, including the Btu content of the gas supply;

(vi) Provide a detailed description of the nature of the emergency necessitating the authorization of the proposed transportation including but not limited to the curtailment anticipated with respect to each priority of end use at the plant;

(vii) Provide a sworn statement by the consumer, supported by substantial evidence, that it has made a good faith effort to inquire into alternate fuel capability and conversion potential and further that it cannot develop such capability during the proposed use of 533 supplies;

(viii) Provide a complete description of the end use application and the facility in which the gas will be utilized, e.g., size and type of burner(s);

(ix) Provide a map showing the location of the wells and description of the acreage involved, along with the location of the nearest interstate and intrastate transportation facility;

(x) Indicate whether or not gas has previously been sold from the acreage and, if so, to whom, through what facilities and at what prices;

(xi) Provide available information as to:

(A) The ownership of adjoining acreage, and if productive, information as to whom the gas is being sold, and at what price;

(B) The current price, terms, and conditions of intrastate purchases for comparable gas produced within the immediate vicinity;

(C) Negotiations for the sale of the supply to any other purchaser (intrastate or interstate) and the suggested price;

(xii) If an intermediary participates in the transaction between the industrial customer and the producer and charges a fee, indicate the amount of the fee and terms of payment and the intermediary's affiliation, if any, with the producer and/or pipeline;

(xiii) If either the producer or the industrial customer assumes the cost of the construction of any gathering facilities in order to consummate the purchase, provide the cost, terms of payment, ownership and date of construction of the facilities.

(3) The information required by paragraph (g) (2) (i)-(xiii) of this section may be supplied by the applicant for a transportation certificate through submission of an appropriate affidavit from the non-resale industrial and commercial consumer whose gas is transported pursuant to this policy.

* * * * *

3. Section 2.79 is amended in paragraph (h) by revising subparagraph (1), and is amended by redesignating paragraph (j) as paragraph (k) and by inserting a new paragraph (j) to read as follows:

* * * * *

(h) * * *

(1) For each certificated transportation arrangement the delivering natural gas companies shall submit a monthly report to the Commission indicating the name of the producer, the volumes transported, the point of delivery to the distributor and/or non-resale industrial or commercial consumer, the name of the distributor and/or ultimate non-resale industrial or commercial consumer. An original and four copies of each such report shall be filed within 20 days after the end of each month included in the term of the transportation certificate. The delivering natural gas company shall submit a monthly report for any month during which gas was not transported.

* * * * *

(j) If an industrial consumer is unable to receive gas supplies for which it has paid under the take-or-pay provision in the underlying sales contract, the transporting pipelines

may file a request for a six-month extension of the certificate authorization. The request shall include a statement of the undelivered volumes and the time necessary to complete delivery thereof. Upon receipt of a letter from the Secretary of the Commission acknowledging the filing, the requested extension shall be deemed approved.

(B) The Secretary shall cause prompt publication hereof in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Certificated applications*

	Prior to Nov. 1, 1975	Nov. 1, 1975 to Mar. 31, 1976	Apr. 1, 1976 to Oct. 31, 1976	Nov. 1, 1976 to Mar. 31, 1977	Apr. 1, 1977 to Dec. 1, 1977	Total volumes through Nov. 30, 1977
Applications	6	14	28	44	21	[1]113
Volumes/Mcf delivered	0	177,556	1,641,023	6,065,969	7,992,814	15,877,362

[1] 22 applications are currently under staff analysis.

APPENDIX B.—*Range of initial producer prices*

	Prior to Nov. 1, 1975	Nov. 1, 1975 to Mar. 31, 1976	Apr. 1, 1976 to Oct. 31, 1976	Nov. 1, 1976 to Mar. 31, 1977	Apr. 1, 1977 to Dec. 1, 1977 [1]
Less than $1		1			
$1 to $1.24		3	1	1	
$1.25 to $1.49	1	8	12	4	2
$1.50 to $1.74	3	2	12	15	6
$1.75 to $1.99	2		1	10	15
$2 and above				12	15

[1] (Not included in above are 9 applications involving industry owned gas). Includes applications under staff analysis.

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[1505-01]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DOD Directive 4120.18]

PART 209—USE OF THE METRIC SYSTEM OF MEASUREMENT

Correction

In FR Doc. 78-2571, appearing on page 4009 in the issue for Tuesday, January 31, 1978, in the first line of the address under "FOR FURTHER INFORMATION CONTACT:", the word "Mate" should read "Material".

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 831-2]

PART 142—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATION IMPLEMENTATION

Assessment of Penalties for Violation; Interim, Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule.

SUMMARY: The section giving the State authority to assess penalties for violations is amended to clarify the intent of EPA that the State is to have authority to assess penalties for violation to both the State primary drinking water regulations and the State public notification regulations.

Second, the section requiring States to report to the EPA Administrator by January 1, of each year, a summary of inventory corrections, violations, enforcement actions, and status of variances and exemptions for the preceding fiscal year is amended to allow supplies serving fewer than 25,000 population to delay reporting of violations only for FY 1977 until June 1, 1978. All other reporting requirements under this section will be submitted on January 1, 1978, for FY 1977, and for subsequent fiscal years, all reporting requirements under this section will be submitted on January 1. This change is necessitated by the delay in implementation of the automated data processing system which is designed to handle the reporting data requirements.

EFFECTIVE DATE: February 8, 1978, comments on or before March 10, 1978.

ADDRESS: Drinking Water Regulations Implementation Branch, Office of Water Supply, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

James F. Manwaring, P.E., Chief, Drinking Water Regulations Implementation Branch, 401 M Street SW., Washington, D.C. 20460, 202-426-3983.

SUPPLEMENTARY INFORMATION: 40 CFR 142.15 requires each State with primacy to report by January 1 of each year the inventory corrections and the violations and enforcement actions taken during the preceding fiscal year. The States must also report on the current status of variances and exemptions.

The National Interim Primary Drinking Water Regulations (NIPDWR) went into effect June 24, 1977. Therefore, the report due on January 1, 1978, will contain information only for a 3-month period. It is unlikely that there will be many variances or exemptions granted in this period and there will be a very limited number of enforcement actions. Thus, for the most part, the January 1978 report will only have to deal with inventory and violation data. The delay in implementing an automated data handling system, the Model State Information System (MSIS), has made the reporting of this data much more difficult than previously expected. The purpose of this amendment is to minimize, as much as possible, problems involved with State reports due January 1, 1978.

Without MSIS it will not be easy to determine and report on all the violations which occurred between June 24, 1977 and September 30, 1977. The best approach to alleviate the problems caused by the delay in MSIS is to allow a delay in the reporting date for some of the community public water systems. However, it is necessary to get violation data from some public water systems in all States on January 1, 1978, in order to fulfill EPA reporting needs to Congress. The data on each violation to the NIPDWR is important because it provides our first complete assessment of water quality in community public water systems.

Since the larger public water supplies protect most of the population and are likely to have fewer violations, we would modify the regulations to require the annual summary of violations for FY 1977 to be submitted in

two parts. Violations in supplies serving more than 25,000 population would have to be submitted by January 1, 1978. Violations in supplies serving 25,000 or fewer people would be due June 1, 1978. This would allow the States an additional six months to get MSIS installed and get the FY 1977 data onto MSIS before most of the violations would be reported. There would be no deviation in the requirements for FY 1978 data which would be due on January 1, 1979. Since there will be very few variances and exemptions or enforcement actions, no change in the requirements of § 142.15 pertaining to these reports is warranted.

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

40 CFR Part 142 is amended as follows:

1. Section 142.10(b)(6)(vi) is amended to read:

§ 142.10 **Requirements for a determination of primary enforcement responsibility.**

* * * * *

(b) * * *

(6) * * *

(vi) Authority to assess civil or criminal penalties for violation of the State's primary drinking water regulations and public notification requirements, including the authority to assess daily penalties or multiple penalties when a violation continues.

* * * * *

2. Section 142.15(b)(1) is amended to read:

§ 142.15 **Reports by States.**

* * * * *

(b) * * *

(1) Summary of violations by public water systems in the State of primary drinking water regulations, except public water systems serving fewer than 25,000 population which will have until June 1, 1978, to report the FY 1977 violations only, and of enforcement actions taken by the State;

* * * * *

[FR Doc. 78-3362 Filed 2-7-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management Regulations

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Temp. Regs. A-12, G-34, G-35]

CENTRALIZED HOUSEHOLD GOODS TRAFFIC MANAGEMENT, CHANGES IN REQUIREMENTS FOR REPORTING MOTOR VEHICLE DATA, AND INVESTIGATION REPORT OF MOTOR VEHICLE ACCIDENT

Temporary Regulations

CROSS REFERENCE: For the text of three General Services Administration temporary regulations on the subjects of: centralized household goods traffic management, changes in requirements for reporting motor vehicle data, and completing Standard Form 91-A, Investigation Report of Motor Vehicle Accident, see FR Docs. 78-3411, 78-3412, and 78-3413 appearing in the Notices section of this issue under the heading "General Services Administration".

[4110-35]

Title 42—Public Health

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

PART 481—CERTIFICATION OF CERTAIN HEALTH FACILITIES

Rural Health Clinics: Conditions for Certification

AGENCY: Health Care Financing Administration (HCFA), HEW

ACTION: Final rule.

SUMMARY: These regulations establish the conditions that rural health clinics must meet in order to be certified as suppliers of services under Medicare and Medicaid. They implement some of the provisions of the Rural Health Clinic Services Act of 1977 (Pub. L. 95-210) which is effective on March 1, 1978, for Medicare, and on July 1, 1978, for Medicaid. The intent is to increase the availability of medical care and services to residents of rural areas that have a shortage of health manpower.

EFFECTIVE DATE: February 8, 1978. Although notice of proposed rulemaking has been waived, we will welcome written comments, suggestions, or objections received by (45 days) with a view to revising these regulations. Please refer to HSQ-47-RC. Agencies and organizations are requested to submit comments in duplicate.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, P.O. Box 2382, Washington, D.C. 20013. Comments will be available for public inspection, beginning approximately 2 weeks after publication, in room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. 202-245-0950.

FOR FURTHER INFORMATION CONTACT:

Lorraine Kyttle, Health Standards and Quality Bureau, HCFA, Rm. 349, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-9748.

SUPPLEMENTARY INFORMATION: Many isolated rural communities have not been able to attract or retain physicians and residents of these areas needing medical care must rely on clinics that cannot follow the traditional model of physician delivery of medical services. These clinics are, in many instances, staffed by nurse practitioners and physician assistants who are specially trained to provide medical care traditionally furnished by physicians. Although there is physician supervision, it is often indirect rather than "over-the shoulder."

The Rural Health Clinic Services Act of 1977 (Pub. L. 95-210, December 13, 1977) extends Medicare and Medicaid coverage for medical services, furnished by a rural health clinic that meets the terms and conditions of the Act, which would otherwise be covered if furnished by a physician or incident to a physician's services.

The regulation sets forth the requirements which a clinic must meet in order to be certified for participation in Medicare or Medicaid. The Department will soon be issuing two more regulations to implement Pub. L. 95-210. One will govern coverage and reimbursement under Medicare, and will become effective for services furnished by a certified rural health clinic beginning March 1, 1978. The other will govern coverage and reimbursement under Medicaid, for which certified rural health clinics become eligible beginning July 1, 1978.

A rural health clinic interested in becoming certified under this regulation can obtain further information and application forms from the State agency responsible generally for certifying providers and suppliers of medical services for participation in Medicare and Medicaid. Typically, this is the State Health Department.

In drafting these regulations, the Department has tried to heed the clear legislative intent that the requirements for these clinics take into account their unique circumstances and be more flexible and less complex than requirements applicable to hospitals and other large institutions. (See House Report 95-548, Part II, p. 10.) The Department intends to implement these regulations in the same spirit.

MAJOR PROVISIONS

1. Location of the clinic. In order to be certified, a clinic must be located in

an area that has been designated by the U.S. Bureau of the Census as rural and has been designated by the Secretary of HEW as having a shortage of personal health services or primary medical care manpower. For convenience, the criteria for such designations are summarized in section 481.5 of the regulation, but the governing requirements are not reproduced in their entirety. A rural area is any area not designated as an urbanized area. Anyone who wishes to determine whether an area in question falls within the Bureau of Census criteria could inquire at the nearest public library.

Determinations of shortage areas are made by the Secretary under two alternative provisions. One is section 1302(7) of the Public Health Services Act, for which the responsibility within HEW has been given to the Bureau of Community Health Services, Health Services Administration. The most recent listing of shortage areas under this section was published on October 15, 1976 in volume 41 of the FEDERAL REGISTER, page 45718.

The other provision for designating shortage areas is section 332(a)(1)(A) of the Public Health Services Act, for which responsibility lies with the Bureau of Health Manpower, Health Resources Administration. Designations under this section are set forth at volume 42, page 1586 of the FEDERAL REGISTER (January 10, 1978).

The statute sets forth two "grandfather" provisions, under which a clinic may obtain or retain certification, even if the conditions for being in a rural, shortage area are not met. First, if a facility qualifies as a rural health clinic but the area in which it is located subsequently loses its designation as rural or as a shortage area, the clinic will remain qualified. Second, a private, nonprofit clinic that was operating on July 1, 1977 in a rural area which is not designated as a shortage area, but which the Secretary determines to have an insufficient supply of physicians, can qualify for certification. These two provisions are spelled out in section 481.5 of the regulation.

2. Staffing requirements. The major innovation accomplished by P.L. 95-210 is to provide Medicare and Medicaid coverage for medical services furnished by a qualified physician assistant or nurse practitioner. Although a clinic must still have one or more physicians available to provide medical direction and carry out other specified responsibilities, the clinic's services may be furnished by a nurse practitioner or physician assistant, as those terms are defined in the regulation. Moreover, every clinic must have at least one nurse practitioner or physician assistant on the staff, irrespective of how many hours a physician, in fact, is present at the clinic. (This is a statutory requirement and means that rural health clinics can be certified only if the State permits—that is, does not explicitly prohibit—the delivery of primary health care by a nurse practitioner or a physician assistant.) The clinic staff may also include other health professionals, such as nurse mid-wives and other nurse practitioners who specialize in a particular range of services.

The respective responsibilities of physicians and the physician assistants or nurse practitioners are specified in section 481.8. In brief, a physician must provide medical supervision and guidance for the physician assistants and nurse practitioners, prepare medical orders, and review periodically the services furnished by the clinic. A physician must be present at the clinic for sufficient periods of time to fulfill these responsibilities and must be available at all other times, by direct means of communication, for advice and assistance on patient referrals and medical emergencies. In order to assure the presence of a physician on a regular, but only minimally necessary basis, the regulation requires that a physician be present at the clinic at least once in every two week period, subject to extraordinary circumstances. A clinic operated by a nurse practitioner or physician assistant may satisfy these requirements through agreements with one or more physicians.

In addition to furnishing clinic services, the nurse practitioners and physician assistants participate in developing and administering the clinic's patient care policies, assure proper maintenance of patient records, and arrange for patients to receive necessary services not furnished by the clinic.

In accordance with the statutory authorization to establish training, education and experience requirements for nurse practitioners and physician assistants, this regulation sets forth alternative, minimum credentials in the definition of those terms. We are aware that there are graduates of special education programs, that are not accredited or certified by the major accrediting body, who have been providing medical services in settings comparable to rural health clinics. The regulation, therefore, includes in the definition of these terms people who have graduated from such programs and have been providing primary medical care services for at least 12 months (not necessarily consecutive) during the 18 months immediately preceding the effective date of this regulation.

3. Services provided. The purpose of the Rural Health Clinic Services Act is primarily to make available outpatient or ambulatory care of the nature typically provided in a physician's office, or outpatient clinic, or emergency room and the like. The regulation, at section 481.9, specifies the services which must be made available by the clinic, including specified types of diagnostic examinations, laboratory tests, and emergency treatments. In addition, the clinic must have made arrangements with other providers or suppliers of services, who are participating in Medicare or Medicaid, to make sure that its patients will receive other services not provided by the clinic, including other diagnostic examinations, physician services and inpatient hopsital care.

It should be noted that a rural health clinic may also provide part-time or intermittent nursing care to home-bound patients, if it is located in an area in which there is a shortage of home health agencies. The terms and conditions for providing such services are not set forth in this regulation, but will be treated in the other regulations implementing P.L. 95-210, referred to above.

4. Physical facilities. Although clinic services may be furnished in the patient's home, in a nearby hospital or nursing home, or at any other location needed by the patient, the clinic must also have a facility at which the patient can receive services. This may be one or more buildings or structures or it may be a mobile unit. If services are provided at more than one permanent unit and the locations are widely dispersed, each such unit must be separately surveyed and certified under the regulation, even if all are treated as a single unit for purposes of reimbursement under Medicare or Medicaid.

The clinic facilities must meet minimum standards for the safety of patients, including measures to assure the safety of patients in case of a nonmedical emergency.

5. Certification procedures. A rural health clinic will be certified for participation in Medicare in accordance with the normal certification process set forth in Subpart S of the Medicare regulations, 42 CFR Part 405. This means that, in most states, certification will be done by the State health department, pursuant to an agreement with HEW. The normal Medicaid certification will also be used and a clinic certified under Medicare will be deemed to meet the standards for certification under Medicaid.

In this regard, it should be noted that if a State permits the provision of primary medical care by a nurse practitioner or physician assistant, the State Medicaid plan must include rural health clinic services in accordance with section 1902(a)(13) and 1905(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(13), 1396d(a)(2)).

6. Other requirements. The regulation contains several other provisions relating to the organizational structure of the clinic, the development of

written patient care policies, the maintenance and confidentiality of patient records, and an annual evaluation of the clinic. Of particular note is the requirement that a clinic be assisted in the development of its patient care policies by a group of health professionals composed of one or more physicians and one or more nurse practitioners or physician assistants. At least one member of the group must be a health professional who is not a member of the clinic staff.

WAIVER OF PROPOSED RULEMAKING

As noted above, under the terms of Pub. L. 95-210 (which was enacted on December 13, 1977) rural health clinics become eligible for reimbursement under Medicare on March 1, 1978 and under Medicaid on July 1, 1978. In view of these severe time constraints, and the desire to have rural health clinic services available to Medicare and Medicaid patients as soon as possible, the Secretary has determined that there is good cause to waive Notice of Proposed Rulemaking and opportunity for public comment prior to issuing this regulation.

Although rulemaking has been waived, public comments and recommendations on the regulation are invited and will be evaluated with a view towards possible revision.

42 CFR Chapter IV is amended by adding a new Part 481 to read as follows:

Subpart A—Rural Health Clinics: Conditions for Certification

Sec.
481.1 Purpose and scope.
481.2 Definitions.
481.3 Certification procedures.
481.4 Compliance with Federal, State and local laws.
481.5 Location of clinic.
481.6 Physical plant and environment.
481.7 Organizational structure.
481.8 Staffing and staff responsibilities.
481.9 Provision of services.
481.10 Patient health records.
481.11 Program evaluation.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 481.1 Purpose and scope.

This subpart sets forth the conditions that rural health clinics must meet in order to qualify for reimbursement under Medicare (Title XVIII of the Social Security Act) and Medicaid (Title XIX of the Act).

§ 481.2 Definitions.

As used in this subpart, unless the context indicates otherwise:

(a) "*Direct services*" means services provided by the clinic's staff.

(b) "*Nurse practitioner*" means a registered professional nurse who is currently licensed to practice in the State, who meets the State's requirements governing the qualifications of nurse practitioners, and who meets one of the following conditions:

(1) Is currently certified as a primary care Nurse Practitioner by the American Nurses' Association or by the National Board of Pediatric Nurse Practitioners and Associates; or

(2) Has satisfactorily completed a formal 1 academic year educational program that:

(i) prepares registered nurses to perform an expanded role in the delivery of primary care;

(ii) includes at least 4 months (in the aggregate) of classroom instruction and a component of supervised clinical practice; and

(iii) awards a degree, diploma, or certificate to persons who successfully complete the program; or

(3) Has successfully completed a formal educational program that does not meet the requirements of paragraph (b)(2) of this section, and has been performing an expanded role in the delivery of primary care for a total of 12 months during the 18-month period immediately preceding the effective date of this subpart.

(c) "*Physician*" means a doctor of medicine or osteopathy legally authorized to practice medicine or surgery in the State.

(d) "*Physician assistant*" means a person who meets the applicable State requirements governing the qualifications for assistants to primary care physicians, and who meets at least one of the following conditions: (1) Is currently certified by the National Commission on Certification of Physician Assistants to assist primary care physicians; or

(2) Has satisfactorily completed a program for preparing physician's assistants that:

(i) Was at least 1 academic year in length;

(ii) Consisted of supervised clinical practice and at least 4 months (in the aggregate) of classroom instruction directed toward preparing students to deliver health care; and

(iii) Was accredited by the American Medical Association's Committee on Allied Health Education and Accreditation; or

(3) Has satisfactorily completed a formal educational program that does not meet the requirements of paragraph (d)(2) of this section and has been assisting primary care physicians for a total of 12 months during the 18-month period immediately preceding the effective date of this subpart.

(e) "Rural area" means an area that is not delineated as an urbanized area by the Bureau of the Census.

(f) "Rural health clinic" or "clinic" means a clinic that is located in a rural area designated as a shortage area, is not a rehabilitation agency or a facility primarily for the care and treatment of mental diseases, and meets all other requirements of this subpart.

(g) "Shortage area" means a defined geographic area designated by the Department as having either a shortage of personal health services (under section 1302(7) of the Public Health Service Act) or a shortage of primary medical care manpower (under Section 332 of that Act).

(h) "Secretary" means the Secretary of Health, Education, and Welfare, or any official to whom he has delegated the pertinent authority.

§ 481.3 Certification procedures.

A rural health clinic will be certified for participation in Medicare in accordance with Subpart S of 42 CFR Part 405. The Secretary will notify the State Medicaid agency whenever he has certified or denied certification under Medicare for a prospective rural health clinic in that State. A clinic certified under Medicare will be deemed to meet the standards for certification under Medicaid.

§ 481.4 Compliance with Federal, State and local laws.

The rural health clinic and its staff are in compliance with applicable Federal, State and local laws and regulations.

(a) *Licensure of clinic.* The clinic is licensed pursuant to applicable State and local law.

(b) *Licensure, certification or registration of personnel.* Staff of the clinic are licensed, certified or registered in accordance with applicable State and local laws.

§ 481.5 Location of clinic.

(a) *Basic requirement.* The clinic is located in a rural area that is designated as a shortage area, and may be a permanent or a mobile unit.

(1) *Permanent unit.* The objects, equipment and supplies necessary for the provision of the services furnished directly by the clinic are housed in a permanent structure.

(2) *Mobile unit.* The objects, equipment, and supplies necessary for the provision of the services furnished directly by the clinic are housed in a mobile structure which has fixed, scheduled location(s).

Under this requirement, if clinic services are furnished at permanent units in more than one location, each unit will be independently considered for certification as a rural health clinic.

(b) *Exceptions.* (1) A facility certified under this subpart will not be disqualified if the area in which it is located subsequently fails to meet the definition of rural, shortage area.

(2) A private, nonprofit facility that meets all other conditions of this subpart except for location in a shortage area will be certified if, on July 1, 1977, it was operating in a rural area that is determined by the Secretary (on the basis of the ratio of primary

care physicians to the general population) to have an insufficient supply of physicians to meet the needs of the area served.

(3) Determinations on these exceptions will be made by the Secretary upon application by the facility.

(c) *Criteria for designation of rural areas.* (1) Rural areas are areas not delineated as urbanized areas in the last census conducted by the Census Bureau.

(2) Excluded from the rural area classification are:

(i) central cities of 50,000 inhabitants or more;

(ii) cities with at least 25,000 inhabitants which, together with contiguous areas having stipulated population density, have combined populations of 50,000 and constitute, for general economic and social purposes, single communities;

(iii) closely settled territories surrounding cities and specifically designated by the Census Bureau as urban.

(3) Included in the rural area classification are those portions of extended cities that the Census Bureau has determined to be rural.

(d) *Criteria for designation of shortage areas.* (1) The criteria for determination of shortage of personal health services (under section 1302(7) of the Public Health Services Act), are:

(i) The ratio of primary care physicians practicing within the area to the resident population;

(ii) The infant mortality rate;

(iii) The percent of the population 65 years of age or older; and

(iv) The percent of the population with a family income below the poverty level.

(See 42 CFR 110.203(g) and 41 FR 45718, October 15, 1976.)

(2) The criteria for determination of shortage of primary medical care manpower (under section 332(a)(1)(A) of the Public Health Services Act) are:

(i) The area served is a rational area for the delivery of primary medical care services;

(ii) The ratio of primary care physicians practicing within the area to the resident population; and

(iii) The primary medical care manpower in contiguous areas is overutilized, excessively distant, or inaccessible to the population in this area.

(See 42 CFR Part 5; 42 FR 1586, January 10, 1978.)

§ 481.6 Physical plant and environment.

(a) *Construction.* The clinic is constructed, arranged, and maintained to insure access to and safety of patients, and provides adequate space for the provision of direct services.

(b) *Maintenance.* The clinic has a preventive maintenance program to ensure that:

(1) All essential mechanical, electrical and patient-care equipment is maintained in safe operating condition;

(2) Drugs and biologicals are appropriately stored; and

(3) The premises are clean and orderly.

(c) *Emergency procedures.* The clinic assures the safety of patients in case of non-medical emergencies by:

(1) Training staff in handling emergencies;

(2) Placing exit signs in appropriate locations; and

(3) Taking other appropriate measures that are consistent with the particular conditions of the area in which the clinic is located.

§ 481.7 Organizational structure.

(a) *Basic requirements.* (1) The clinic is under the medical direction of a physician, and has a health care staff that meets the requirements of § 481.8.

(2) The organization's policies and its lines of authority and responsibilities are clearly set forth in writing.

(b) *Disclosure.* The clinic discloses the names and addresses of:

(1) Its owners, in accordance with Section 1124 of the Social Security Act (42 USC 132 A-3);

(2) The person principally responsible for directing the operation of the clinic; and

(3) The person responsible for medical direction.

§ 481.8 Staffing and staff responsibilities.

(a) *Staffing.* (1) The clinic has a health care staff that includes one or more physicians and one or more physician's assistants or nurse practitioners.

(2) The physician member of the staff may be the owner of the clinic, an employee of the clinic, or under agreement with the clinic to carry out the responsibilities required under this section.

(3) The physician's assistant or nurse practitioner member of the staff may be the owner of the clinic or an employee of the clinic.

(4) The staff may also include ancillary personnel who are supervised by the professional staff.

(5) The staff is sufficient to provide the services essential to the operation of the clinic.

(b) *Physician responsibilities.* (1) The physician:

(i) Provides medical direction for the clinic's health care activities and consultation for, and medical supervision of, the health care staff.

(ii) In conjunction with the physician's assistant and/or nurse practitioner member(s), participates in developing, executing, and periodically reviewing the clinic's written policies and the services provided to Federal program patients; and

(iii) Periodically reviews the clinic's patient records, provides medical orders, and provides medical care services to the patients of the clinic.

(2) A physician is present for sufficient periods of time, at least once in every 2 week period (except in extraordinary circumstances), to provide the medical direction, medical care services, consultation and supervision described in paragraph (b)(1) of this section, and is available through direct telecommunication for consultation, assistance with medical emergencies, or patient referral. The extraordinary circumstances are documented in the records of the clinic.

(c) *Physician assistant and nurse practitioner responsibilities.* (1) The physician assistant and the nurse practitioner members of the clinic's staff:

(i) Participate in the development, execution and periodic review of the written policies governing the services the clinic furnishes;

(ii) Participate with a physician in a periodic review of the patients' health records.

(2) The physician assistant or nurse practitioner performs the following functions, to the extent they are not being performed by a physician:

(i) Provides services in accordance with the clinic's policies;

(ii) Arranges for, or refers patients to, needed services that cannot be provided at the clinic; and

(iii) Assures that adequate patient health records are maintained and transferred as required when patients are referred.

§ 481.9 Provision of services.

(a) *Basic requirements.* The clinic is primarily engaged in providing outpatient health services to persons of all ages and meets all other conditions of this subpart.

(b) *Patient care policies.* (1) The clinic's health care services are furnished in accordance with appropriate written policies which are consistent with applicable State law.

(2) The policies are developed with the advice of a group of professional personnel that includes one or more physicians and one or more physician assistants or nurse practitioners. At least one member is not a member of the clinic staff.

(3) The policies include:

(i) A description of the services the clinic furnishes directly and those furnished through agreement or arrangement,

(ii) Guidelines for the medical management of health problems which include the conditions requiring medical consultation and/or patient referral, the maintenance of health care records, and procedures for the periodic review and evaluation of the services furnished by the clinic.

(iii) Rules for the storage, handling, and administration of drugs and biologicals.

(4) These policies are reviewed at least annually by the group of professional personnel required under paragraph (b)(2) of this section, and reviewed as necessary by the clinic.

(c) *Direct services.*—(1) *General.* The clinic staff furnishes those diagnostic and therapeutic services and supplies that are commonly furnished in a physician's office or at the entry point into the health care delivery system. These include medical history, physical examination, assessment of health status, and treatment for a variety of medical conditions.

(2) *Laboratory.* The clinic provides basic laboratory services essential to the immediate diagnosis and treatment of the patient, including:

(i) Chemical examinations of urine by stick or tablet methods or both (including urine ketones);

(ii) Microscopic examinations of urine sediment;

(iii) Hemoglobin or hematacrit;

(iv) Blood sugar (stick or tablet method acceptable);

(v) Gram stain;

(vi) Examination of stool specimens for occult blood or pinworm;

(vii) Pregnancy tests; and

(viii) Primary culturing for transmittal to a certified laboratory.

(3). *Emergency.* The clinic provides medical emergency procedures as a first response to common life-threatening injuries and acute illness, and has available the drugs and biologicals commonly used in life saving procedures, such as analgesics, anesthetics (local), antibiotics, anticonvulsants, antidotes and emetics, serums and toxoids.

(d) *Services provided through agreements or arrangements.* (1) The clinic has agreements or arrangements with one or more providers or suppliers participating under Medicare or Medicaid to furnish other services to its patients, including:

(i) Inpatient hospital care;

(ii) Physician(s) services (whether furnished in the hospital, the office, the patient's home, a skilled nursing facility, or elsewhere); and

(iii) Additional and specialized diagnostic and laboratory services that are not available at the clinic.

(2) If the agreements are not in writing, there is evidence that patients referred by the clinic are being accepted and treated.

§ 481.10 Patient health records.

(a) *Records system.* (1) The clinic maintains a clinical record system in accordance with written policies and procedures.

(2) A designated member of the professional staff is responsible for maintaining the records and for ensuring that they are completely and accurately documented, readily accessible, and systematically organized.

(3) For each patient receiving health care services, the clinic maintains a record that includes, as applicable:

(i) Identification and social data, evidence of consent forms, pertinent medical history, assessment of the health status and health care needs of the patient, and a discharge summary;

(ii) Reports of physical examinations, diagnostic and laboratory test results, and consultative findings;

(iii) All physician's orders, reports of treatments and medications and other pertinent information necessary to monitor the patient's progress;

(iv) Signatures of the physician or other health care professional.

(b) *Protection of record information.* (1) The clinic maintains the confidentiality of record information and provides safeguards against loss, destruction or unauthorized use.

(2) Written policies and procedures govern the use and removal of records from the clinic and the conditions for release of information.

(3) The patient's written consent is required for release of information not authorized by law.

(c) *Retention of records.* The records are retained for at least 5 years from date of last entry, and longer if required by State statute.

§ 481.11 Program evaluation.

(a) The clinic carries out, or arranges for, an annual evaluation of its total program.

(b) The evaluation includes review of:

(1) The utilization of clinic services, including at least the number of patients served and the volume of services;

(2) A representative sample of both active and closed clinical records; and

(3) The clinic's health care policies.

(c) The purpose of the evaluation is to determine whether:

(1) The utilization of services was appropriate;

(2) The established policies were followed; and

(3) Any changes are needed.

(d) The clinic staff considers the findings of the evaluation and takes corrective action if necessary.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; 13.800, Medicare-Hospital Insurance, 13.801 Medicare-Supplementary Medical Insurance.)

Dated: January 23, 1978.

ROBERT A. DERZON,
Administrator, Health, Care Financing Administration.

Approved: February 2, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-3398 Filed 2-7-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20617; RM-2359; FCC 78-51]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Canada/United States Channeling Arrangements

AGENCY: Federal Communications Commission.

ACTION: Report and order amending the rules.

SUMMARY: Part 81 of the rules is amended to implement channeling arrangements between Canada and the United States for allocating VHF public coast station frequencies on the West Coast, Great Lakes and East Coast. These amendments are made in order to incorporate the arrangements, already final, in the rules.

EFFECTIVE DATE: March 11, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert P. DeYoung, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: January 25, 1978.

Released: February 1, 1978.

By the Commission. Commissioner Washburn absent.

In the matter of proposed Canada/United States channeling arrangements for the West Coast, Great Lakes and St. Lawrence Seaway, and the East Coast for Appendix 18 maritime mobile correspondence frequencies, Docket No. 20617, RM 2359.

REPORT AND ORDER—PROCEEDING TERMINATED

1. On October 28, 1975, we released a Notice of Inquiry in the above captioned matter. All comments received favored adoption of the proposed arrangements. We subsequently finalized the arrangements with Canada by a letter to Canada signed by the Chairman of the Commission on December 15, 1976. On August 3, 1977, we released a Notice of Proposed Rule Making the purpose of which is to incorporate these arrangements into the Commission's rules (FCC 77-525). The Notice was published in the FEDERAL REGISTER on August 10, 1977 (42 FR 40455). No comments were received in reply to the Notice. The time for filing comments has now passed.

2. Accordingly, the rules will be amended as proposed in the Notice. In

doing so, however, it is necessary to clarify the statement in paragraph 4 of the Notice that the duplication of service criteria in § 81.303 will not be applied to applications in accordance with the West Coast arrangements. It was not intended to permit electrical interference between stations. It was intended to relieve them of the duplication of service criteria when necessary to implement the West Coast arrangements.

3. The Commission has on file an application by the Whidbey Telephone Co. which is not in accordance with the United States/Canada channeling arrangement for the West Coast, as set forth below. Accordingly, this application will be dismissed without prejudice to Whidbey's right to refile in accordance with the arrangements within thirty days of the effective date of this Report and Order. Should Whidbey refile in accordance with the plan and within the provided period its application will become mutually exclusive with another pending application.

4. *Accordingly, it is ordered,* That the rules are amended, by adding a Subpart S, and by adding a new footnote (6) to § 81.304(a), in accordance with the attached below, effective March 11, 1978.

5. *It is further ordered,* That the application of Whidbey Telephone Co. (File No. 43-M-L-65) is dismissed without prejudice to its right to refile in accordance with the arrangements within thirty days of the effective date of these rule amendments.

6. Authority for this action is contained in sections 4(i), 303(b), (c), (d), (f) and (r) of the Communications Act of 1934, as amended.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 81.303, a new paragraph (e) is added to read as follows:

§ 81.303 Duplication of service.

* * * * *

(e) The 20 percent duplication criterion of paragraph (b) of this section is not applicable to applications filed in accordance with the West Coast United States/Canada channeling arrangements in Subpart S of this Part when application of the criterion would prevent implementation of the arrangements.

2. In § 81.304 a limitation symbol "6" is added in the Limitations column for the frequencies 161.800 MHz through 162.000 MHz and a new paragraph (b)(6) (which is now shown as "Reserved") is added to read as follows:

§ 81.304 Frequencies available.

(a) * * *

Carrier frequency	Conditions of use	
	Section	Limitations
* * * * *		
MHz Megahertz		
* * * * *		
Kilohertz:		
156.800	81.304	25
161.800	81.304	6, 22, 24
161.825	81.304	6, 22, 24, 63
161.850	81.304	6, 22, 24
161.875	81.304	6, 22, 24, 63
161.900	81.304	6, 22
161.925	81.304	6, 22, 63
161.950	81.304	6, 22
161.975	81.304	6, 22, 63
162.000	81.304	6, 22
162.025	81.304	22, 62

(b) * * *

* * * * *

(6) This frequency is available for use by public coast stations serving the coastal areas of the State of Washington, including Puget Sound and the Province of British Columbia in accordance with the provisions of Subpart S of Part 81.

* * * * *

3. A new Subpart S is added to read as follows:

Subpart S—Canada/U.S.A. Channeling Arrangement for VHF Maritime, Public Correspondence

Sec.
81.901 Canada-U.S.A. arrangement.
81.902 Definitions.
81.903 Technical characteristics.
81.904 Canada/U.S.A. Channeling arrangement for West Coast VHF maritime mobile public correspondence.
81.905 Canada/U.S.A. VHF channeling arrangement on the Great Lakes and the St. Lawrence Seaway.
81.906 Canada/U.S.A. channeling arrangement for East Coast VHF maritime mobile public correspondence.

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Subpart S—Canada/U.S.A. Channeling Arrangement for VHF Maritime, Public Correspondence

§ 81.901 Canada/U.S.A. arrangement.

Pursuant to arrangements between the United States and Canada, assignment of VHF frequencies to public coast stations in certain areas of Washington State, the Great Lakes, and the East Coast of the United States shall be made in accordance with the provisions of this subpart.

§ 81.902 Definitions.

On the West Coast, the following terms are defined as follows:

(a) *Public Correspondence Sector.* A distinct geographical area to which is allotted primary, supplementary and local channels.

(b) *Primary Channel.* A channel intended to cover the greater portion of a public correspondence sector. It may provide some coverage of an adjacent sector but must not cause harmful interference beyond the adjacent sector.

(c) *Supplementary Channel.* A channel intended to improve coverage of a portion of a sector poorly covered by a primary channel or to relieve traffic congestion on a primary channel. It must not cause harmful interference beyond the adjacent sector.

(d) *Local Channel.* A low-power channel designed to provide local coverage of certain bays, inlets and ports where coverage of primary or supplementary channels is poor or where heavy traffic loading warrants it. It must not cause harmful interference to primary or supplementary channels or to local channels in other sectors.

§ 81.903 Technical characteristics.

On the West Coast, technical characteristics of coast stations shall be as follows:

(a) For primary and supplementary channels the maximum transmitter power shall be 50 watts and the maximum ERP shall be 125 watts. Antennas shall be sited no higher than necessary to provide the desired coverage within the sector.

(b) For local channels the ERP shall not exceed 10 watts. Low siting, directive antennas and natural topography shall be employed to confine coverage to the local area and, in any event, to prevent harmful interference to channels in other sectors.

(c) For station design purposes the tolerable interference level shall be considered as a received signal of −107 dBm (−137 dBW) from a vertical dipole located 30 feet above the water.

§ 81.904 Canada/U.S.A. channeling arrangement for West Coast VHF maritime mobile public correspondence.

For purposes of this subpart, and on the West Coasts of Canada and the United States, channels shall be assigned, as follows:

(a) The provisions of the Canada/U.S.A. channeling arrangement apply to waters of the State of Washington and of the Province of British Columbia within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

(b) The channeling arrangement applies to the following public correspondence channels: channels 24, 84, 25, 85, 26, 86, 27, 87 and 28.

(c) Coast stations may be established by either country in accordance with

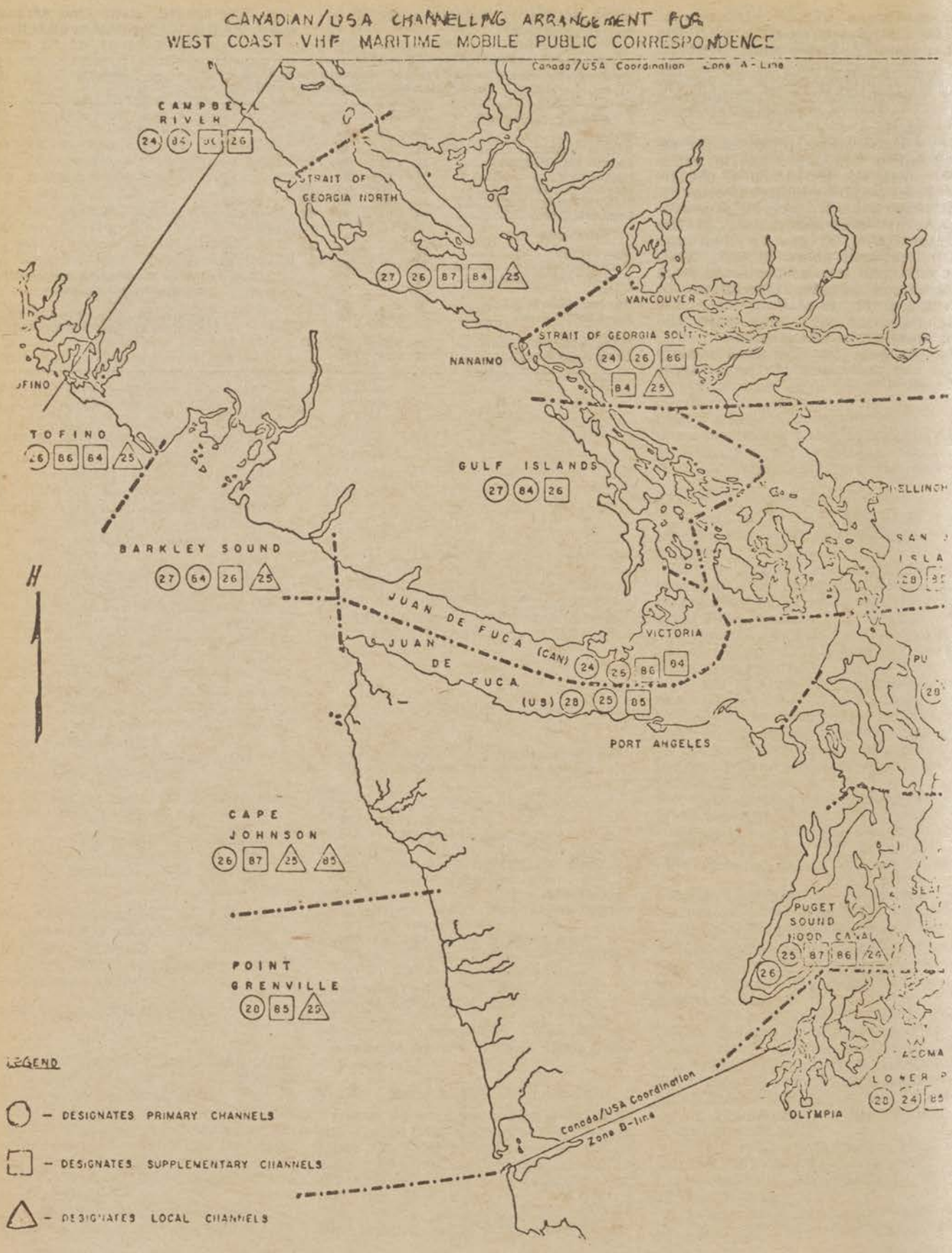
the provisions of the arrangement without prior coordination with the other country. There shall, however, prior to implementation, be an exchange of information in respect of the establishment of new stations or a change in technical parameters of existing stations.

(d) Coast stations proposed for establishment which are not in accordance with the provisions of the arrangement shall be subject to prior coordination in accordance with the provisions of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz. Such stations shall not be protected from interference or cause interference to existing or future stations which are established in accordance with the provisions of the arrangement.

(e) Existing stations shall comply with the provisions of the arrangement within 12 months after it becomes effective.

(f) The agreed channeling arrangement for the West Coast is as follows:

Public correspondence sector	Primary channel		Supplementary channel		Local channel	Remarks
British Columbia						
Tofino	24	26	86	84	25	
Barkley Sound	27	84	26		25	
Juan de Fuca (Canada)	24	26	86	84		
Gulf Islands	27	84	26			
Strait of Georgia South	24	26	86	84	25	
Strait of Georgia North	27	26	87	84	25	
Campbell River	24	84	86	26		
Washington						
Cape Johnson	26		87	85	25	
Point Grenville	28		85		25	
Juan de Fuca (U.S.A.)	28	25	85			Channel 28—Western portion; Channel 25—Eastern portion.
San Juan Islands	28		85	87		
Puget Sound North	28	24	85			Channel 28—West Whidbey Island; Channel 24—East Whidbey Island.
Puget Sound Hood Canal	26	25	87	86	24	
Lower Puget Sound	28	24	85		25	


CANADIAN/USA CHANNELLING ARRANGEMENT FOR
WEST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE
Canada/USA Coordination Zone A-Line
CAMPBELL RIVER
STRAIT OF GEORGIA NORTH
VANCOUVER
STRAIT OF GEORGIA SOUTH
NANAIMO
TOFINO
GULF ISLANDS
BARKLEY SOUND
JUAN DE FUCA (CAN)
JUAN DE FUCA (US)
VICTORIA
PORT ANGELES
CAPE JOHNSON
POINT GRENVILLE
PUGET SOUND
HOOD CANAL
OLYMPIA
LEGEND
- DESIGNATES PRIMARY CHANNELS
- DESIGNATES SUPPLEMENTARY CHANNELS
- DESIGNATES LOCAL CHANNELS
Canada/USA Coordination Zone B-line

§ 81.905 Canada/U.S.A. VHF channeling arrangement on the Great Lakes and the St. Lawrence Seaway.

For purposes of this subpart, channels on the Great Lakes and the St. Lawrence Seaway shall be assigned, as follows:

(a) The provisions of the arrangement apply to the waters of the Great Lakes and the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

(b) The arrangement applies to the following public correspondence channels: channels 24, 84, 25, 85, 26, 86, 27, 87, 28, and 88.

(c) Canada and the U.S.A. will use one shared channel, the following channeling arrangement is agreed:

(1) Canadian channels: 24, 85, 27, 88 (Note 1).

(2) U.S. channels: 84, 25, 86, 87, 28 (Note 2).

(3) Shared channel: 26 (Note 3).

NOTE 1.—Also assignable to U.S. stations within the frequency coordination zone, following successful coordination with Canada.

NOTE 2.—Also assignable to Canadian stations within the frequency coordination zone, following successful coordination with the United States.

NOTE 3.—Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

§ 81.906 Canada/U.S.A. channeling arrangement for East Coast VHF maritime mobile public correspondence.

For purposes of this subpart, channels on the East Coast shall be assigned, as follows:

(a) The provisions of the arrangement apply to the Canadian and U.S.A. east coast waters including the St. Lawrence River east of the St. Lawrence Seaway within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

(b) The arrangement applies to the following public correspondence channels: Channels 24, 84, 25, 85, 26, 86, 27, 87, 28, and 88.

(c) Canada and the U.S.A. will use one shared channel; the following channeling arrangement is agreed:

(1) Canadian channels: 24, 85, 27, 88 (Note 1).

(2) U.S.A. channels: 84, 25, 86, 87, 28 (Note 2).

(3) Shared channel: 26 (Note 3).

NOTE 1.—Also assignable to U.S. stations within the frequency coordination zone, following successful coordination with Canada.

NOTE 2.—Also assignable to Canadian stations within the frequency coordination zone, following successful coordination with the United States.

NOTE 3.—Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

[FR Doc. 78-3212 Filed 2-7-78; 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.

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y; Docket No. R-0001]

BANKHOLDING COMPANIES

Nonbanking Activities; Withdrawal of Proposed Rule Making

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: In April 1974 the Board of Governors proposed to add to its list of permissible activities for bank holding companies underwriting and dealing in certain, Government-issued securities. The Board has considered the proposed amendment and has determined to proceed on a case-by-case basis rather than to adopt the proposed regulation. By considering each individual application to engage in the activity, the Board will be able to scrutinize closely the public benefits of the activity with respect to each individual applicant.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Julius L. Loeser, Senior Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3236.

By notice of proposed rulemaking published in the FEDERAL REGISTER on April 10, 1974 (39 FR 13,007 (1974)), the Board of Governors proposed, in connection with an application filed by United Bancorp, Roseburg, Oreg., pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to add to the list of activities that it has determined to be closely related to banking or managing or controlling banks (§ 225.4(a) of Regulation Y) the following:

> Underwriting and dealing in such obligations of the United States, general obligations of any State and of any political subdivision thereof, and other obligations that State member banks of the Federal Reserve System may from time to time be authorized to underwrite and deal in.

By Order of October 19, 1976, the Board deferred action on the proposed activity "for 12 months unless before that time actions by the Municipal Securities Rulemaking Board—created by Congress in 1975 to regulate the municipal securities field—make reconsideration appropriate in the Board's judgment." (41 FR 47,083 (1976).) At the same time, consideration of the United Bancorp application was similarly suspended, and an application by A. F. Stepp, Inc., Kansas City, Mo., to become a bank holding company was granted with the understanding that Board approval would be necessary for Stepp to retain ownership of a subsidiary engaged in the described nonbanking activity for more than the two-year period provided in section 4(a)(2) of the Act.

In order for the Board to approve an activity as permissible for a bank holding company under section 4(c)(8) of the Bank Holding Company Act, the Board must find that the activity satisfies two distinct tests. The activity must be determined (1) to be "closely related to banking or managing or controlling banks;" and (2) to be a proper incident thereto. The second test involves a weighing of public benefits that may be expected to flow from a bank holding company engaging in the activity against the possible adverse effects.

In its October 19, 1976 Order, the Board stated that it had concluded that the activity was "closely related" to banking. That decision was based upon the record before it and upon relevant Court decisions to the effect that an activity generally engaged in by banks directly is considered "closely related" to banking.[1]

With respect to whether the proposed activity would "be a proper incident thereto," the Board stated that it would not at that time attempt to weigh the public benefits that might be expected to flow from a bank holding company engaging in the activity against any possible adverse effects. The Board noted that the Municipal Securities Rulemaking Board ("MSRB") had been formed in 1975, while the Board was considering the proposed activity, to promulgate, inter alia, rules concerning sales of securities by municipal securities dealers to their affiliates, and in October 1976, the Board was uncertain whether actions of the MSRB might substantially alter then-current practices and operations in the industry. Without knowing what actions the MSRB might take, the Board was unable to balance properly the public benefits and any adverse effects of bank holding company performance of municipal and government securities underwriting and dealing. Accordingly, the Board suspended consideration of the activity and of the two pending applications.

It now appears that the MSRB will limit its near-term actions to disclosure standards, and to a large extent the uncertainty with regard to MSRB actions has been removed. The Board finds that the reasons the Board expressly relied upon in 1976 to suspend consideration of the proposed regulation and of the pending applications are no longer valid. Consequently, the Board hereby terminates its suspension of its consideration of the proposed regulation to engage in the proposed activity and of the pending applications.

The Board has considered whether to permit bank holding companies to engage in the proposed activity by regulation by adding the activity to the list of permissible activities found in the Board's Regulation Y, or whether to proceed by order, that is, on a case-by-case basis. On the basis of the information before it, the Board has determined to proceed on a case-by-case basis. By considering each individual application to engage in the activity, the Board will be able to closely scrutinize the public benefits of the activity with respect to each individual applicant bank holding company. Moreover, future actons of the MSRB may impact upon the activity, and the Board believes that the lingering uncertainty weighs against adding the activity to the permissible list in Regulation Y.

For these reasons, the Board believes that it would not be prudent to add this activity to those listed in the Board's Regulation Y at this time, but rather will proceed in this area by order considering individual applications on a case-by-case basis. The Board therefore concludes that consideration of such an amendment to Regulation Y should be, and hereby is, terminated.

[1] National Courier Association v. Board of Governors of the Federal Reserve System, 516 F. 2d 1229 (D.C. Cir. 1975); and Alabama Association of Insurance Agents v. Board of Governors of the Federal Reserve System, 533 F. 2d 224 (5th Cir. 1976).

By order of the Board of Governors, effective.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-3416 Filed 2-7-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214]

[EDR-343-A; Docket No. 31229; Dated: February 6, 1978]

CHARTER FLIGHT DELAYS AND SUBSTITUTE AIR TRANSPORTATION

Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 60 days the filing date for comments in a rulemaking proceeding about charter flight delays. This action was requested by several carriers.

DATE: Comments by April 14, 1978.

ADDRESSES: Comments should be sent to Docket 31229, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Dyson, Office of General Counsel, Rules Division, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-343, dated December 22, 1977 (42 FR 64905, December 29, 1977), the Board proposed to change its regulations, so as to allow a maximum of six hours' delay on all charter flights by all types of carriers. Comments in response to the notice are due February 13, 1978.

In a letter dated January 30, 1978, counsel for the National Air Carrier Association (NACA) requested an extension of 60 days for filing comments in response to EDR-343. It also requested that a procedure be established for the filing of reply comments 31 days later. The request was supported in three letters dated January 31, 1978, from counsel for several charter-only foreign air carriers.[1]

The NACA request stated that the NACA carriers have undertaken a detailed analysis of their historic operating data, the Board's consumer complaint files, and FAA records concerning flight delays. It stated that this analysis and the preparation of alternative proposals based on it requires additional time. It also suggested that, in light of the variety of alternatives likely to be recommended by the commenters, a period for reply comments would be appropriate.

Upon consideration of the above, the undersigned finds good cause to grant this request for a reasonable extension of time for the preparation of views on the proposed rule.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments is extended to April 14, 1978. However, insofar as there is a request for a period for reply comments, which also entails establishing a Service List, the undersigned does not have delegated authority to grant this relief, but he is recommending to the Board that it should issue promptly a supplemental notice announcing that this relief is granted.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc. 78-3713 Filed 2-7-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 9060]

DRIVER TRAINING INSTITUTE, INC., ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Brooklyn, N.Y., truck and tractor-trailer training school to cease misrepresenting job opportunities, potential earnings, employment demands for their graduates, and the effectiveness of their job placement activities. Further, firm is required to make timely, prescribed disclosures regarding cooling-off periods, cancellation rights, and job success of former trainees. Additionally, the order requires that firm establish a $50,000 restitution fund to provide refunds to eligible, former students, and maintain a surveillance program designed to ensure proper compliance with the terms of the order.

DATE: Comments must be received on or before April 7, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, Sixth Street, and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

John F. Dugan, Acting Director, New Regional Office, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1200.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Driver Training Institute, Inc., a corporation; Drivers Unlimited, Inc., a corporation; Ran-Lynn Rental and Service Corp., a corporation, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually and as an officer of said corporations.

The Federal Trade Commission having issued its complaint on October 3, 1975 charging the respondents named in the caption hereof with violation of section 5 of the Federal Trade Commission Act, as amended, and it now appearing that Driver Training Institute, Inc., a corporation, Drivers Unlimited, Inc., a corporation, Ran-Lynn Rental and Service Corp., a corporation, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually and as an officer of said corporations are willing to enter into an agreement containing a consent order to cease and desist, it is hereby agreed that the agreement herein, by and among Driver Training Institute, Inc., a corporation, Drivers Unlimited, Inc., a corporation, Ran-Lynn Rental and Service Corp., a corporation, by their duly authorized officer, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually and as an officer of said corporations, and their attorneys, and counsel for the Federal Trade Com-

[1] British Caledonian Airways, Ltd., Dan-Air Services Ltd., and Condor Flugdienst G.m.b.H.

mission, is entered into in accordance with the Commission's Rules governing consent order procedure.

1. Respondents Drivers Unlimited, Inc., and Ran-Lynn Rental and Service Corp. are corporations organized, existing and doing business under and by virtue of the laws of the State of New York, with their principal office and place of business located at 50 Greenpoint Avenue, Brooklyn, N.Y. Driver Training Institute, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 50 Greenpoint Avenue, Brooklyn, N.Y.

Respondent Herbert Gruen, a.k.a. Herbert Gruenstein, is an individual and an officer of the corporate respondents and also does business under the firm name of Driver Training Institute. Said individual respondent formulates, directs and controls the policies, acts and practices of the corporate respondents, including the acts and practices hereinafter set forth. His business address is the same as that of the corporate respondents.

2. Respondents have been served with a copy of the complaint issued by the Commission on October 3, 1975, charging them with violation of section 5 of the Federal Trade Commission Act, as amended, together with a form of order the Commission believes warranted in the circumstances.

3. Respondents admit all the jurisdictional facts set forth in the said copy of the complaint issued by the Commission.

4. Respondent waive: (a) Any further procedural steps; (b) The requirement that the Commission's decision contains a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclosed facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(d) of the Commission's Rules, the Commission may, without further notice to the respondents: (1) Issue its decision containing the following order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the decision containing the agreed-to order to respondents' business address as stated in this agreement shall constitute service. Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and order contemplated hereby. Respondents understand that the Commission may, at its discretion, require that a proposed agreement containing an order to cease and desist be accompanied by an initial report signed by respondents setting forth in precise detail the manner in which the respondents will comply with the order when and if entered pursuant to the provisions of § 3.25 of the Commission's Rules. Respondents further understand that once the order has been issued, respondents will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

9. Compliance with Part III of this Order satisfies fully any claim for consumer redress which the Commission has under sections 5(b) and 19 of the Federal Trade Commission Act, as amended, arising out of the acts and practices alleged in the complaint. By its final acceptance of this agreement, the Commission waives its right to commence a civil action under section 19 of the Federal Trade Commission Act, as amended, with respect to the acts and practices alleged in the Commission's complaint.

ORDER

I

It is ordered, That respondents Driver Training Institute, Inc., a corporation, Drivers Unlimited, Inc., a corporation, Ran-Lynn Rental and Service Corp., a corporation, their successors and assigns and their officers, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually, and as an officer of said corporate respondents, and doing business under the firm name of Driver Training Institute, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, franchise, or other device in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driving or any other subject, trade or vocation in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally, visually, in writing, or in any other manner, directly or by implication, that:

(a) There is a significant or substantial need or demand of any size or proportion for persons completing any of respondents' courses offered in the field of truck driving or any other field, or otherwise representing that opportunities for employment, or opportunities of any type or number are available to such persons, or that persons completing said courses will or may earn a specified amount of money, or otherwise representing by any means the prospective earnings of such persons, except as hereafter provided in Paragraph 5.

(b) The placement service offered by respondents has been successful in placing respondents' graduates in positions as truck and tractor-trailer drivers; or misrepresenting in any manner the effectiveness or success of respondents' placement service in obtaining employment for graduates of any course of training.

(c) Experience is not required or advantageous for employment as truck and tractor-trailer drivers; or misrepresenting in any manner the qualifications or requirements necessary to obtain employment as a truck or tractor-trailer driver.

2. Misrepresenting orally, visually, in writing or in any other manner, directly or by implication:

(a) The employment prospects of respondents' graduates or the ease with which respondents' graduates will attain employment.

(b) The types of jobs available to respondents' graduates, or that there will be job security or steady employment for respondents' graduates in positions for which respondents train such persons.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any truck or tractor-trailer driver training course offered by respondents, the following information:

(a) The title "IMPORTANT INFORMATION" printed in ten (10) point

bold face type across the top of the form.

(b) Paragraphs providing the following information: (1) Many employers of truck or tractor-trailer drivers prescribe a minimum age of twenty-one (21) years of age for interstate drivers; (2) many employers of truck or tractor-trailer drivers give preferential consideration in hiring to driver-applicants with actual truck or tractor-trailer driving experience.

4. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by paragraph 5 of this Order and prescribed in Appendix A.

5. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction in the field of truck driving or any other subject, trade or vocation offered by respondents, the following information in the format prescribed in Appendix A and for a base period designated as described in Appendix B:

(a) The number and percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(b) The placement rate, ratio or percentage for enrollees and graduates, and also the numbers upon which such rates, ratios or percentages are based, such rate or percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(c) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (b) above;

(d) A list of firms or employers which are currently hiring graduates of said courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (b) above.

Provided, however, This paragraph shall be inapplicable to any school newly established by respondents in a metropolitan area or county, whichever is larger, where they previously did not operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period established pursuant to Appendix B as prescribed in this paragraph. However, during such period the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this paragraph:

DISCLOSURE NOTICE

This school (or course, as the case may be) has not been in operation long enough to indicate, what, if any, actual employment or salary may result upon graduation from this school (course).

6. (a) Contracting for the sale of any course of instruction in the field of truckdriving or any other subject, trade or vocation in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee in boldface type of a minimum size of ten (10) points, a statement in the following form:

You, the prospective enrollee, may cancel this transaction at any time prior to midnight of the seventh business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right.

(b) Failing to furnish each prospective enrollee, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction in the field of truckdriving or any other subject, trade or vocation offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in ten (10) point boldface type the following information and statements:

NOTICE OF CANCELLATION

(enter date of transaction)

_____

(Date)

You may cancel this transaction, without any penalty or obligation, within seven (7) business days from the above date.

If you cancel, any payments made by you under the contract or sales, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and any security interest arising out of this transaction will be cancelled.

If you cancel this transaction you must return, in substantially as good condition as when received, any books or other materials provided to you under this contract or sale. These materials must be mailed or delivered by you to (address of seller's place of business) within twenty (20) days of the date you cancel this transaction. If you fail to return these materials, then you will remain liable for payment of their reasonable costs. To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to (name or seller), at (address of seller's place of business) not later than midnight of

_____

(Date)

I hereby cancel this transaction.

_____

(Buyer's signature)

_____

(Date)

(c) Failing to orally inform each prospective enrollee of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

(d) Misrepresenting in any manner the prospective enrollee's right to cancel.

(e) Failing or refusing to honor any valid notice of cancellation by a prospective enrollee and within ten (10) business days after the receipt of such notice, to: (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by respondents; (iii) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

(f) During the cancellation period described herein, respondents shall not initiate contacts with such contracting persons other than contact permitted by this paragraph, and other than contact no earlier than five (5) days following the signing of the contract by the prospective student, which contact shall be limited solely to determining whether the prospective student has obtained a learners permit.

(g) This paragraph 6 shall not apply to any course of instruction whose purpose is a vocational and which does not exceed seven (7) days in duration of less than full-time training and does not cost more than $150.

7. Making any representations of any kind whatsoever, which are not already prescribed by other provisions of this Order, in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driver training or any other course offered to the public in any field in or affecting commerce, for which repondents have no reasonable basis prior to the making or dissemination thereof.

8. In the event the Commission promulgates a final Trade Regulation Rule on Advertising, Disclosure, Cooling-Off and Refund Requirements Concerning Proprietary Vocational and Home Study Schools, then, upon the effective date of such Rule, such Trade Regulation Rule shall completely supersede and replace the provisions of this Order set forth in Part I, Paragraphs 1(a), 4, 5 and 6, provided that if no provision of the Trade Regulation Rule relates in whole or in part to any matter covered by provisions of one of the aforesaid paragraphs of this Order, then said provi-

sions of said paragraph shall remain in full force and effect.

II

It is further ordered, That respondents: (1) Deliver, or cause to be delivered, a copy of this Order to all persons who now or in the future become franchisees of respondents for the operation of a vocational school program.

(2) Inform all franchisees that respondents are obligated to terminate those franchisees who continue the acts or practices prohibited by this Order.

(3) Institute a program of continuing surveillance to reveal whether the business operations of each of said franchisees conform to the requirements of this Order.

(4) Upon receiving actual knowledge from any source (including but not limited to respondents' program of surveillance, and representatives of the Federal Trade Commission) of facts indicating a violation of any provision of this Order by any of respondents' present or future franchisees, respondents shall within 24 hours notify such franchisee by certified mail, return receipt requested, that such violation of this Order has occurred ("Notice"), and that respondents will discontinue dealing with said franchisee upon receipt by respondents of actual knowledge of any further violations of this Order by such franchisee. Respondents shall obtain from such franchisee written acknowledgement of receipt of such Notice which acknowledgement shall indicate the date of receipt of such "Notice".

Upon receiving actual knowledge from any source (including but not limited to respondents' program of surveillance and representatives of the Federal Trade Commission) of facts indicating any violations of any provision of this Order, following a franchisee's receipt of the aforesaid "Notice", respondents shall permanently terminate such franchisee.

III

It is further ordered, That:

1. For the purposes of Part III of this Order, the following definitions shall apply:

(a) The term "Purchasers" shall mean those students who paid all or some portion of their own tuition to respondents and who did not have their tuition paid in full by any Federal, State or local government agency or department, or any private business or other organization;

(b) The term "Relevant Time Period" shall mean the period commencing October 1, 1972 and continuing through December 31, 1976.

2. Respondents shall submit to the New York Office of the Federal Trade Commission, within five (5) days after the date this Order is served on respondents (hereinafter "date of service"), a notarized affidavit, executed by respondent Herbert Gruen, to the effect that respondents have made or have caused to be made a good faith search of documents that pertain to purchasers of respondents' truck and tractor-trailer training courses of instruction, and that respondents, to the best of their knowledge, have previously or simultaneously with said affidavit submitted to the Commission the names all such purchasers enrolled in said courses during the relevant time period.

3. Respondents or their designee shall make an inquiry in writing, on the ninetieth (90th) day after the date of service, in the language, manner and form shown in Appendices C and D, by first class mail with the envelope captioned "Address Correction Requested," accompanied by a self-addressed, postage prepaid envelope, to the home address of each former purchaser of respondents' truck or tractor-trailer courses whose name was submitted by respondents to the Commission. Counsel for respondents shall submit an affidavit of mailing, together with a postal certificate of mailing, to the New York Regional Office of the Federal Trade Commission within ninety-five (95) days after the date of service.

4. With respect to each purchaser whose mailed inquiry is returned undelivered, respondents or their designee shall have a duty to mail on the one hundred and thirtieth (130th) day after the date of service the same inquiry, by first class mail, to such purchaser's business address and to the address of such purchaser's nearest relatives as appear in personal information records, including but not limited to student or placement files, placement records and survey records maintained by respondents. Respondents shall submit to the New York Regional Office of the Federal Trade Commission, on or before the one hundred and thirty-fifth (135th) day after service, a notarized affidavit, executed by respondent Herbert Gruen, to the effect that respondents have made or have caused to be made, a good faith search of such personal information records as pertain to purchasers whose inquiries were returned undelivered, and that inquiries in writing, in the language, manner and form shown in Appendices C and D, were mailed to each such purchaser at his business address and the address of his nearest relative, as appear in his personal information records. Counsel for respondents shall submit an affidavit of mailing, together with a postal certificate of mailing, to the New York Regional Office of the Federal Trade Commission within one hundred and thirty-five (135) days after the date of service.

5. Respondents shall use the information that they receive from the completed questionnaires solely for purposes of determining the eligibility of Purchasers who attended DTI during the Relevant Time Period for refunds.

6. "Eligible Class Member" means those purchasers who:

(a) Enrolled in respondents' truck and tractor-trailer training courses during the relevant time period; and

(b)(1) Completed respondents' truck and tractor-trailer courses; or (2) Elected not to complete respondents' truck and tractor-trailer courses because of a lack of job demand or lack of employment qualifications such as minimum age or experience; and

(c)(1) Sought employment as a truck or tractor-trailer driver; or (2) Elected not to seek employment as a truck or tractor-trailer driver because of a lack of job demand or lack or employment qualifications such as minimum age or experience; and

(d)(1) Did not attain employment as a truck or tractor-trailer driver; or (2) Worked as a truck or tractor-trailer driver for twenty percent (20%) of the time or less since terminating respondents' truck and tractor-trailer training courses.

7. Respondents shall make pro rata refund payments to each eligible class member based upon the proportion that total tuitions paid by or for all such eligible class members bear to the total amount available for refunds as provided in Part III of this Order, except that eligible class members whose tuition was paid in part by a federal, state or local government agency or department, or by a private business or other organization, shall receive a pro rata refund based only on that amount of the eligible class members' tuition not paid by a federal, state or local government agency or department, a private business or other organization. In no event shall any eligible class member receive an amount greater than the tuition paid by such eligible class member.

8. Respondents shall ultimately provide a sum of no greater than fifty thousand dollars ($50,000) solely to provide refunds under Part III of this Order. No charges against this amount shall be made for administrative costs, which shall be absorbed by the respondents.

9. Respondents shall deposit, on or before the tenth business day after the date of service, the sum of fifty thousand dollars ($50,000) into an escrow account at a banking institution to be agreed on between respondents and a member of the New York Office of the Federal Trade Commission. The principal amount of said bank account shall be available only

for the payment of refunds under the provisions of Part III of this Order. Withdrawals and orders against this account shall, by agreement, be effective only when countersigned by the individual respondent, together with the Commission's representative at the New York Regional Office of the Federal Trade Commission.

10. Respondent shall submit to the New York Regional Office of the Federal Trade Commission a written request for advice as to whether their determination of who is an eligible class member complies with the terms of Part III of this Order within one hundred and eighty (180) days after the date of service. Respondents shall submit simultaneously with their request all Appendix D questionnaires they have received as of the date said request for advice is filed. Respondents shall also, at this time, present any challenges to the factual accuracy of any Appendix D questionnaire, together with substantiating material, if any. The New York Regional Office of the Federal Trade Commission shall make the final determination of who is an eligible class member. The New York Regional Office of the Federal Trade Commission shall render its advice to respondents and return all Appendix D questionnaires to respondents within two hundred and five (205) days after the date of service.

11. On the two hundred and thirtieth (230th) day after the date of service, respondents or their designee shall deliver, or cause to be delivered, a refund check to each eligible class member, determined in accordance with part III of this Order. The amount of the refund check shall be derived in accordance with Part III of this Order.

12. Each refund shall be accompanied by a letter in the language, manner and form shown in Appendix E; and a notice in the language, manner and form shown in Appendix F shall be sent by first class mail, with the sender's return address on the face of the envelope, to the last known home address of all persons whose returned questionnaires showed them to be ineligible for a refund pursuant to Part III of this Order.

13. Respondents shall, on the two hundred and fifty-fifth (25th) day after the date of service, file with the New York Regional Office of the Federal Trade Commission a report in writing setting forth the manner and form in which they have complied with Part III of this Order.

14. Respondents shall maintain records and documents which demonstrate that respondents have complied with Part III of this Order for two (2) years after the date of service. Respondents shall return all completed appendix D questionnaires to the New York Regional Office of the Federal Trade Commission at the end of the two year period.

15. It is agreed that should any duty required to be performed on a day certain under Part III of this Order fall on other than a business day, the parties hereto may perform such duties on the next following business day.

IV

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this Order, the individual respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this Part shall not affect any other obligation arising under this Order.

V

It is further ordered, That respondents maintain at all times in the future, complete business records relative to the manner and form of their continuing compliance with the above terms and provisions of this Order.

VI

It is further ordered, That the respondents shall forthwith distribute a copy of this Order to each operating division and to all of respondents' personnel now or hereafter engaged in the offering for sale, or sale of respondents' courses of study, training or instruction in the field of truck driving or any other subject, trade or vocation, and that respondents secure from each such person a signed statement acknowledging receipt of said Order.

VII

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

VIII

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order, except as otherwise provided in Part III.

APPENDIX A

(NAME OF SCHOOL)—IMPORTANT INFORMATION FOR PROSPECTIVE STUDENTS

Below is the dropout rate, job placement rate and starting salaries for students in the (name of course) between (date) and (date). Please read this page carefully before you decide whether or not to enroll in this school.

1. Total number of students: (number)———.

2. Students who failed to complete the course: (number)———(percent)———.

3. Students (whether graduating or not) who obtained employment as truck or tractor-trailer drivers: (number)———(percent)———.

4. Graduates who obtained employment as truck or tractor-trailer drivers: (number)———(percent)———.

5. Starting salaries of students who obtained employment as truck or tractor-trailer drivers:

Less than $120 per week: (number)——— (percent)———.

$120-$160 per week: (number)———(percent)———.

$161-$200 per week: (number)———(percent)———.

$201-$250 per week: (number)———(percent)———.

$251-$300 per week: (number)———(percent)———.

Over $300 per week: (number)———(percent)———.

6. Employers hiring graduates from the (name of course): Names of employers———; number of graduates hired———.

NOTE.—In compiling the foregoing data, information was sought from all students (indicated by item 1 above) and responses were received from———students.

APPENDIX B

The first Base Period shall be the six (6) month period ending three (3) months prior to the effective date of this Order. Subsequent base periods shall be of six (6) months duration commencing on the next day following the termination of the prior base period. Base Periods shall be numbered consecutively beginning with the first base period (i.e. Base Period No. 1) as defined above.

The three (3) month period immediately following the close of a base period shall be used by respondents to record and compile the information required by Paragraph 5 and Appendix A. In addition, respondents may not include in the computation of students for the base period any person whose enrollment terminated during the three (3) month recordation period. Such persons will be included in the statistics for the subsequent base period.

On the first business day falling more than three (3) months after the termination of the base period, respondents shall begin dissemination of that base period's statistics as required by this Order. Respondents shall continue to distribute said statistics until the first business day falling three (3) months after the termination of the next base period, at which time dissemination of

the next set of base period statistics must begin.

The following example describes how the six (6) month base period and three (3) month recordation period will be utilized by the respondents:

Base Period 1 will cover that period which begins six months and 90 days prior to the effective date of the Order. If the Order is effective October 1, 1977, the base period will encompass the period January 1 to June 30, 1977. Respondents will then have from July 1 to September 30, 1977 to compile the data required by the Order. Respondents will disseminate the gathered data on October 1.

Base Period 2 would begin on July 1 and end December 31. From January 1 to March 31 respondents would compile the data required by the Order. This data is to be disseminated on the first business day after April 1.

APPENDIX C

(Name)

(Address)

Re: Eligibility for partial reimbursement to certain former students of Driver Training Institute.

Dear (Name):

In settlement of a proceeding brought by the United States Federal Trade Commission, Driver Training Institute has agreed to a consent order. Under that order, some students may be eligible for a partial refund of tuition, if they meet certain requirements for eligibility.

The purpose of the enclosed questionnaire is to determine whether or not you are eligible for a partial reimbursement of tuition. Of course, you are under no obligation to send in this questionnaire, but you must return this questionnaire if you want to have your eligibility determined.

If you complete and return this questionnaire, the information in it will be used by Driver Training Institute and the Federal Trade Commission solely to determine your eligibility for a refund. (However, disclosure of the information may also be made to a congressman in the event a congressman inquires about the information at your request.)

You may already have received and sent in other questionnaires to the Federal Trade Commission or Driver Training Institute. These questionnaires were used in preparation for the adjudicative proceeding. Now that this proceeding has been settled, this questionnaire seeks different information, information which is necessary to determine your eligibility.

DIRECTIONS.—Please mark or fill in the appropriate spaces on the questionnaire enclosed, and return it in the enclosed stamped addressed envelope. It is suggested that you fill out and mail in this questionnaire as soon as possible, but in any event no later than (date which represents the one hundred and sixtieth day from the date of service). If you should misplace the envelope provided, please mail your questionnaire to the (Name and address of party on return envelope).

You must follow the directions and should answer all questions which apply to you completely and truthfully, to the best of your knowledge. Questionnaires which are incomplete or improperly filled out could result in the loss of eligibility.

APPENDIX D

ELIGIBILITY QUESTIONNAIRE

Re: Your attendance at Driver Training Institute, Brooklyn, N.Y.

1. Did you enroll in a truck or tractor-trailer training course at Driver Training Institute (DTI)? (Check one): Yes ( ); No ( ).

2. Did you complete the course? (Check one): Yes (skip to question 4) ( ); No ( ).

3. Please give the most important reason why you did not complete the course. (Mark only one box):

(a) I took the course for advancement in my job and not for the purpose of seeking a job as a truck or tractor-trailer driver ( ).

(b) I decided I did not want a job driving a truck or a tractor-trailer ( ).

(c) I preferred a job in another field (such as a salesman or mechanic) ( ).

(d) I decided I would not be able to find a job as a truck or tractor-trailer driver because I did not have any truck or tractor-trailer driving experience ( ).

(e) I decided that I would not be able to find a job as a truck or tractor-trailer driver because of a lack of demand for drivers ( ).

(f) I decided I would not be able to find a job as a truck or tractor-trailer driver because I was too young ( ).

(g) I married, started a family or discontinued my training for other personal reasons such as illness or relocation ( ).

(h) I was drafted or enlisted in the military service ( ).

(i) I went to college or other schooling ( ).

(j) Other (please describe) ( ).

_____

_____

_____

4. Did you make any effort to seek a job as a truck or tractor-trailer driver? (Check one): Yes (skip to question 6) ( ); No ( ).

5. Please give the most important reason why you did not seek a job as a truck or tractor-trailer driver. (Mark only one box):

(a) I took the course for advancement in my job and not for the purpose of seeking a job as a truck or tractor-trailer driver ( ).

(b) I decided I did not want a job driving a truck or a tractor-trailer ( ).

(c) I preferred a job in another field (such as a salesman or mechanic) ( ).

(d) I decided I would not be able to find a job as a truck or tractor-trailer driver because I did not have any truck or tractor-trailer driving experience ( ).

(e) I decided that I would not be able to find a job as a truck or tractor-trailer driver because of a lack of demand for drivers ( ).

(f) I decided I would not be able to find a job as a truck or tractor-trailer driver because I was too young ( ).

(g) I married, started a family or discontinued my training for other personal reasons such as illness or relocation ( ).

(h) I was drafted or enlisted in the military service ( ).

(i) I went to college or other schooling ( ).

(j) Other (please describe) ( ).

_____

_____

_____

6. Did you ever get a job as a truck or tractor-trailer driver? (Check one): Yes ( ); No (skip to question 8). ( )

7. Since leaving Driver Training Institute, about how much time have you been employed as a truck or tractor-trailer driver? (Check one): ( ) 20 percent of the time; ( ) 80 percent of the time; ( ) 50 percent of the time; or ( ) 100 percent of the time.

8.

8. How much was your tuition? Amount $———. How much of your tuition did you pay? Amount $———.

9. Did any Federal, state or local government agency or department or any private business or other organization pay any of the tuition for the course in which you enrolled? (Check one): Yes ( ); No ( ).

10. How much of your tuition was paid by such governmental agency or private business or organization? Amount $———.

11. Have you ever received a refund of any tuition money from DTI? (Check one): Yes ( ); No ( ).

12. How much was the refund? Amount $———.

13. How old were you when you enrolled in DTI? ———.

Please attach to this form copies of any document which show that you paid an amount of money for any course of instruction offered by Driver Training Institute. If you cannot provide such documents, your eligibility to receive reimbursement will not be affected.

WARNING.—It is a federal crime for anyone to knowingly and willfully make a false, fictitious or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of the United States. 18 U.S.C. § 1001.

_____ _____

Signature Date

_____

Print name here

APPENDIX E

(Name)

(Address)

Dear (Name):

Pursuant to a consent order issued by the Federal Trade Commission, Driver Training Institute has agreed to make (percentage) per cent refund of tuition payments to certain students who had enrolled in truck and tractor-trailer training courses offered by Driver Training Institute.

The order of the Commission contains the provisions identifying the class of persons eligible for refunds, and the procedures for making refunds. (You may obtain a copy of the order without charge by writing to the Federal Trade Commission, Public Reference Branch, Room 130, Washington, D.C. 20580. Refer to Driver Training Institute, Inc., Docket No. C- ————).

In accordance with the provisions of the order, it has been determined that you are entitled to a refund of $———. A check for this amount is enclosed.

Driver Training Institute

By————

Herbert Gruen

APPENDIX F

IMPORTANT NOTICE

Pursuant to an order of the Federal Trade Commission issued on ————, Driver Training Institute agreed to make partial reimbursements of tuition to certain students who had enrolled in Driver Training Institute's truck and tractor-trailer training courses. The order of the Commission contains provisions identifying the class of persons eligible for reimbursement and the procedures for making reimbursements.

In accordance with the provisions of the order, it has been determined, based upon

your responses to the "Eligibility Questionnaire," that you are not eligible for reimbursement.

The order specified that the class of students entitled to reimbursement was limited to those students who meet *all* of the following tests:

1. Enrolled in Driver Training Institute's courses during the period from October 1, 1972 to December 31, 1976; and

2. Did not have his course tuition paid in full by a federal, state or local government agency or department, or a private business or other organization; and

3. Completed the training course, or elected not to complete the course because of a lack of job demand or a lack of employment qualifications such as minimum age or experience; and

4. Sought employment as a truck or tractor-trailer driver, or elected not to seek employment because of a lack of job demand or lack of employment qualifications such as minimum age of experience; and

5. Did not get a job as a truck or tractor-trailer driver, or was employed as a truck or tractor-trailer driver for 20% or less of the time since leaving DTI.

You may obtain a copy of the order without charge by writing to the Federal Trade Commission, Public Reference Branch, Room 130, Washington, D.C. 20580. Refer to Driver Training Institute, Inc., Docket No. C- ————.

DRIVER TRAINING INSTITUTE, INC., ET AL

[Docket No. 9060]

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Driver Training Institute, Inc., Drivers Unlimited, Inc., Ran-Lynn Rental and Service Corporation and Herbert Gruen, a.k.a. Herbert Gruenstein.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The respondents in this matter offer courses of instruction in truck and tractor-trailer driver training. Herbert Gruen is an officer of the corporate respondents and also does business under the firm name of Driver Training Institute.

The complaint alleges that respondents misrepresented the employment opportunities and salary potential for truck and tractor-trailer drivers, the availability of high paying steady jobs to graduates of respondents' training courses, and the effectiveness of the school's placement activities in securing these jobs for their graduates. In addition, the complaint alleges that respondents failed to disclose to prospective students important facts, such as the minimum age requirements for drivers and employer preferences for experienced drivers.

The consent order in this matter prohibits respondents from making any representations concerning opportunities for employment in the field of truck driving or the employment demand for graduates of respondents' courses of training as well as respondents' success in placing graduates in positions as truck and tractor-trailer drivers. The order also prohibits respondents from representing that experience is not advantageous for those seeking employment in the trucking field.

The consent order further requires the disclosure of certain material facts, including the placement rate and salary range of graduates of each of respondents' courses, prior to the signing of any contract. The order also allows enrollees in respondents' training courses a 7-day cooling-off period within which to cancel their contracts except under certain limited circumstances. In addition, the order requires respondents to establish a restitution fund of $50,000 from which to make pro rata refunds to each of their former students who meet certain eligibility requirements.

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way its terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-3399 Filed 2-7-78; 8:45 am]

[1505-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3819]

ARCHULETA COUNTY, COLO.

Proposed Flood Elevation Determinations

Correction

In FR Doc. 78-1730, appearing on page 3387 in the issue for Wednesday, January 25, 1978, the heading should appear as set forth above.

[3810-01]

DEFENSE CIVIL PREPAREDNESS AGENCY

[32 CFR Part 1810]

CIVIL DEFENSE IDENTIFICATION FOR FEDERAL EMPLOYEES, RESERVISTS, AND NONFEDERAL SUPPORT PERSONNEL

Proposed Deletion of Regulation

AGENCY: Defense Civil Preparedness Agency.

ACTION: Proposed deletion of regulation.

SUMMARY: This action proposes to delete 32 CFR Part 1810 entitled "Civil Defense Identification for Federal Employees, Reservists, and Non-Federal Support Personnel". This part sets forth the regulations regarding the issuance of identifiation cards to these classes of individuals. The consequence of this would be that Federal agencies will no longer be authorized to issue the SF 138 identity card to Federal Employees, civilian Reservists, and non-Federal support personnel.

DATE: Comments should be submitted by March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Walter Girstanatas, Assistant Director, Administrative Services, Defense Civil Preparedness Agency, Room 1D487, Pentagon, Washington, D.C. 20301, 202-695-3402.

SUPPLEMENTARY INFORMATION: 32 CFR Part 1810 establishes a uniform identification system for Federal and non-Federal support personnel designated to perform essential duties during a civil defense emergency period or upon an attack upon the United States. It prescribes an identity card which contains thereon the civil defense insigne provided for in 32 CFR Part 1806.

It requests that the bearer of the card be assisted in travel by the fastest possible means to his emergency assignment.

The regulation authorizes a number of Federal agencies to issue this card, which is obtained from the General Services Administration, which maintains records on issuance. Issuing agencies are responsible for adhering to issuance criteria, maintaining card accountability, reviewing assignments of persons to whom cards are issued to determine if these continue to qualify and to recall cards from those whose assignments have ceased. The Director, DCPA, has responsibilities in the public information area to keep State and local civil defense and law enforcement officials and others advised about the card.

Since the regulation was issued originally in 1964, there have been significant changes in traffic control concepts under emergency circumstances. Furthermore, the system of control and accountability has been somewhat loosely administered so there is no real assurance at the present time that only those entitled to use the card are in possession of the cards. Also, information on the circumstances under which the card can be used has not been adequately disseminated. (There have been reported cases of misuse.) There is a lack of awareness on proper use by those asked to cooperate. The card itself is not specific enough as to the very limited use to which it can be put. Under the regulations, the card properly is to be used only in case of an attack or a civil defense emergency—which occurs only upon a finding that an attack has occurred or is expected momentarily. But the card does not say this, and thus is susceptible to abuse by the holder. Agency programs have not filled the public information gap either.

Therefore it is considered advisable to withdraw this card and, where and if appropriate, develop some other technique or card in lieu thereof. In

this regard, it must be noted that this regulation basically relies on the authority of the Director, DCPA, to regulate, pursuant to Section 204 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2284), use of the civil defense insigne.

Nothing in Part 1810 authorizes or limits issuance of other emergency identity cards in other circumstances on a national basis. An agency, if it has authority to issue such a card, is in no way limited by Part 1810 other than it cannot use the civil defense insigne except as prescribed in the regulation.

Furthermore, under the regulations in 32 CFR Part 1806, a local civil defense director can authorize issuance of an identity card using the insigne but, of course, it would be valid only within his jurisdiction.

In view of the foregoing, it is proposed to delete 32 CFR Part 1810 effective immediately upon adoption of the proposal. It is also proposed at that time to issue the following Notice informing all concerned of the action.

SF 138 IDENTITY CARD

Pursuant to authority contained in sections 201, 204, and 401 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281, 2284, and 2253), Executive Order 10952, July 20, 1961, 26 FR 6577, and a delegation of authority published at 29 FR 5017, the Director of Civil Defense issued a regulation now appearing as Part 1810 of Title 32, Code of Federal Regulations. The purpose of the regulation was to establish a uniform identification system for Federal, and non Federal support, civilian personnel designated to perform essential duties during a civil defense emergency period or upon attack on the United States.

The Regulation prescribed a card, SF 138, which used the civil defense insigne prescribed in Part 1806 of this chapter, and a procedure for issuing the card.

In ——— FR ———, for reasons stated in the Supplementary Information part it was proposed that the regulation be withdrawn, and the SF 138 Identity Card no longer be used. The time for comment has now passed, and the regulations have been withdrawn.

This notice informs all concerned that the SF 138 Identity Card is no longer valid and requests anyone holding such a card to return it to the agency which issued it to him/her for destruction.

BARDYL R. TIRANA,
Director.

[FR Doc. 78-3388 Filed 2-7-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 831-5]

STATE AND LOCAL ASSISTANCE

State Public Water System Supervision Program Grants

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This amendment to the State Public Water System Supervision Program Grant Regulations is necessary due to the addition of monitoring requirements for non-community public water systems for fiscal year 1979 and subsequent years. This amendment will: (1) Specify the data and source of inventory data for fiscal year 1979; and (2) change the grant allocation formula for fiscal year 1980 and subsequent years to include non-community public water systems.

The regulations promulgated on January 20, 1976, only included a fiscal year 1976 allotment formula due to limited inventory data. Although the Regulations were not revised, a similar formula was used for fiscal year 1977 and fiscal year 1978. Non-community public water systems will be added to the allocation formula to reflect the cost of providing monitoring for these systems starting in the last quarter fiscal year 1979.

DATES: Comments on or before April 10, 1978.

ADDRESS: Send comments to: Office of Water Supply, Drinking Water Regulations Implementation Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

James F. Manwaring, P.E., Chief, Drinking Water Regulations Implementation Branch, 401 M Street SW., Washington, D.C. 20460, 202-426-3983.

SUPPLEMENTARY INFORMATION: When these grants regulations were first promulgated, they included an allotment formula for fiscal year 1976 only. Although the regulations were not revised, a similar formula was used for fiscal year 1977 and fiscal year 1978. During that time, EPA has developed and improved our information on community public water systems. EPA procedures for obtaining data for the grant allocation formula has evolved from one of manual reporting of the number of community public water supplies to one in which the inventory information on each supply is stored on a computer file. This change will provide formulae to be used for fiscal year 1979 and subsequent years.

Initial inventory data in January 1976 was not complete for community water systems and practically non-existent for non-community water systems. The monitoring requirements for community water systems started in June 1977, but the monitoring of non-community water systems is delayed until June 1979. EPA thus decided to utilize only community water systems in the original allocation formula.

The States have now submitted enough information so that EPA has a good inventory of community water systems. An inventory of non-community water systems is now underway. This makes it possible to include non-community water systems in the allocation formula for fiscal year 1980. States will have to provide surveillance for these systems starting in June 1979 so it is appropriate for the grant allocation formula to reflect the amount of work required by these systems.

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to amend 40 CFR Part 35 as follows:

1. By amending § 35.605(a)(3) to read as follows:

§ 35.605 Determination of allotments.

* * * * *

(a) * * *

(3)(i) For fiscal year 1979, the number of public water systems in each State in proportion to the number of such systems in all States (weight factor: 60 percent). Water systems statistics will be drawn from the Inventory of Public Water Systems maintained by the Agency based on input from the States, and for which the predominant service area characteristic has been reported to be at least one of the following:

(A) Community, (B) Company town, (C) Mobile home park, or (D) Institution.

For fiscal year 1979 the number of public water systems for each State will be determined from inventory data submitted to EPA prior to January 1, 1978, in accordance with 40 CFR 142.15(a).

(ii) For fiscal year 1980 and subsequent fiscal years, the number of community water systems in each State in proportion to the number of such systems in all States (weight factor 48 percent). Community water systems are those public water systems which serve at least 15 service connections used by year round residents or regularly serve at least 25 year-round resi-

dents. Number of non-community water systems in each State in proportion to the number of such systems in all States (weight factor 12 percent). Non-community water system are those public water systems that are not community water systems. Water system statistics will be determined from inventory data submitted to EPA prior to January 1 of the previous fiscal year in accordance with 40 CFR 142.15(a).

[FR Doc. 78-3363 Filed 2-7-78; 8:45 am]

[6560-01]

[40 CFR Part 228]

[FRL 831-4]

OCEAN DUMPING

Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

SUMMARY: EPA today proposes to establish a temporary ocean dumping site off Kwajalein Atoll, Marshall Islands, for the ocean dumping of motor vehicles, construction equipment, material handling equipment, household appliances, air conditioners, refrigeration units, miscellaneous technical and electronic equipment, and weapons system test equipment resulting from the operation of the Kwajalein Missile Range, and World War II ammunition washed ashore and discovered as unexpended rounds.

DATES: Comments must be received March 10, 1978.

ADDRESSES: Send comments to Mr. T. A. Wastler, Chief, Marine Protection Banch (WH-548), EPA, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. T. A. Wastler, 202-245-3051.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act") gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461).

Section 228.4(b) of the Ocean Dumping Regulations and Criteria states that the Administrator may designate specific locations for temporary use for disposal of small amounts of materials under a special permit without disposal site designation studies when such materials satisfy the Criteria and the Administrator determines that the quantities to be disposed of will not result in significant impact on the environment.

The purpose of this notice is to provide the public an opportunity to comment on the designation as an EPA Approved Ocean Dumping Site of a new site 2.1 miles west of Kwajalein Atoll south pass, Marshall Islands Trust Territories of the Pacific Islands. The proposed site has a 1,000-yard radius with a center point of 08°46' north latitude and 167°36' east longitude. The depth at the proposed site is 1,655 fathoms (9,930 feet).

EPA Region IX has received an application from the United States Army, Ballistic Missile Defense Systems Command, Box 1500, Huntsville, Ala. 35807, for a special permit to transport and dump material into ocean waters pursuant to the Act. The Army proposes to dump waste materials resulting from the operation of the Kwajalein Missile Range. The waste material consists of (a) motor vehicles (vans, cars, trucks, etc.), heavy construction equipment (bulldozers, compactors, welding machines, etc.), material handling equipment (fork lifts, cranes, etc.), household appliances (washers, dryers, stoves, etc.), air conditioners, refrigeration units, miscellaneous technical and electronic equipment (oscilloscopes, voltmeters, ammeters, etc.), weapons system test equipment (antennas, equipment racks, electronic equipment); and (b) ammunition (World War II) washed ashore and discovered as unexpended rounds. None of the material contains free oil, gasoline, refrigerants, floatable matter, or toxic materials. There is currently no other available EPA ocean dumping site in the area.

The U.S. Army Engineer Division, Pacific Ocean, Corps of Engineers, prepared an Environmental Assessment in April 1976, on the ocean dumping of solid wastes at the Kwajalein Missile Range. This Assessment stated the following in conjunction with the proposed ocean dumping of waste materials:

1. The proposed method of disposal consists of towing a barge to the proposed site and pushing the material off the barge by mechanical means. The proposed site was selected over others because it had been utilized in the early 1960's or earlier for disposal of metal debris and equipment.

2. The proposed site would be initially used 90 days after receipt of an EPA ocean dumping permit, and every four months thereafter. The initial dump would total approximately 1,075 tons of metal items, and an estimated 1,000 tons per year would be dumped thereafter.

3. Kwajalein Island is located on the southern tip of Kwajalein Atoll and is 1.2 square miles in area. The material proposed to be dumped is located on this Island. Because of the small size of the island, land area is a valuable commodity. Stockpiling metal items on land prevents the use of land for other purposes.

4. Surface water drift at the vicinity of the proposed site is predominantly offshore to the west away from the island.

EPA Region IX has made a tentative determination, based upon scientific and other data, that the material proposed for dumping is in compliance with the Criteria and the dumping will not result in significant impact on the marine environment.

This new site for the disposal of waste materials as stated above is being published as proposed rulemaking. Management authority will be delegated to the Regional Administrator of Region IX, EPA.

Interested persons may participate in this rulemaking by submitting written comments on or before March 10, 1978, to Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-548), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(33 U.S.C. 1412, 1418)

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, paragraph (b) of § 228.12 is proposed to be amended by adding subparagraph (3), an ocean dumping site, as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * * *

(b) * * *

(3) Kwajalein Ocean Dumping Site—Region IX. Location—Latitude and Longitude—08°47' north latitude, 167°36' east longitude.

Size—1,000 yard radius.

Depth—1,655 fathoms (9,930 feet).

Primary Use—Waste materials resulting from the operation of the Kwajalein Missile Range.

Period of use—Three years after issuance of an ocean dumping permit for use of this site.

[FR Doc. 78-3364 Filed 2-7-78; 8:45 am]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[41 CFR Part 114-50]

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites comments on a proposal to amend certain Departmental regulations pertaining to implementation and administration of Pub. L. 91-646 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) activities. The proposed amendments are intended to reflect Federal Property Management Regulations Amendment A-26 (issued March 7, 1977), to add specific guidelines pertaining to displacement of persons from mobile homes, and to clarify several definitions involving program coverage and eligibility requirements.

DATE: Comments must be received by March 20, 1978.

ADDRESS: Send comments to the Chief, Division of Property Management, Office of Administrative and Management Policy (PM/AMP), Room 5310, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

James O. Wyatt, Chief, Division of Property Management, telephone number 202-343-3185.

SUPPLEMENTAL INFORMATION: Section 213(c) of Pub. L. 91-646 (84 Stat. 1894) provides that, "The head of each Federal Agency may prescribe such other regulations and procedures consistent with the provisions of this act, as he deems necessary or appropriate to carry out this act." Regulations have therefore been developed from time to time implementing and clarifying provisions of the Act. A complete republication of 41 CFR 114-50 was published in the FEDERAL REGISTER on May 19, 1975 (40 FR 21854). Since then, several changes have been proposed. These include modification of the annual reporting requirements (§ 114-50.12), use of revised claim forms in filing for benefits (§ 114-50.107-2), clarification of regulation coverage (§ 114-50.103), revision and addition of definitions (§ 114-50.201(h) and (r)), determination of benefit eligibility (§ 114-50.701) and (§ 114-50.702), deletion of a directory of The Department of Housing and Urban Development Regional and Area offices (114-50.403(b)) and (§ 114-50.4, Appendix 1), and specific guidelines for determining eligibility of mobile home owners and tenants to benefits under the Act (§ 114-50.13).

All written submissions made pursuant to this notice will be available for public inspection at the Division of Property Management, Room 5310, Department of the Interior, during regular business hours, 7:45 a.m. to 4:15 p.m., except holidays.

The primary author of this proposal is George W. Sandberg, Room 5310, Department of the Interior, Washington, D.C. 20240, Phone 343-3185.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular No. A-107.

Dated: January 27, 1978.

RICHARD R. HITE,
Deputy Assistant Secretary of the Department of the Interior.

41 CFR Part 114-50 is amended as follows:

Subpart 114-50.1—General

Amend § 114-50.103 to read as follows:

§ 114-50.103 Applicability.

The provisions of the Act and the regulations in this part 114-50 apply to the acquisition (whether by purchase, donation, exchange or device) of all real property for, and the relocation of all persons displaced by, programs and projects undertaken by Federal agencies or by State agencies which receive Federal financial assistance for all or a part of the cost thereof. The Act and these regulations apply regardless of whether the real property is acquired by a Federal or State agency or whether Federal funds actually contributed to the cost of the real property acquired for a Federal assisted project.

Amend § 114-50.107-2 to read as follows:

§ 114-50.107-2 Forms used in filing application for benefits.

Bureaus and offices may utilize either Department of the Interior forms D.I. 380, a-f and accompanying schedules, or GSA Standard Form 262, a-f and accompanying schedules, to document claims for reimbursement of expenses incurred by property owners or tenants as the result of Pub. L. 91-646 activities.

Subpart 114-50.2—Definitions

Amend § 114-50.2 by revising § 114-50.201(h) and adding § 114-50.201(x) reading as follows:

§ 114-50.201 Definition of terms.

* * * * *

(h) *Dwelling.* The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit in a condominium, or cooperative housing project; any other residential unit, including a mobile home.

* * * * *

(x) *Mobile homes.* A dwelling unit customarily constructed wholly or substantially offsite and assembled or moved onsite for residential use. Mobile homes may include travel trailers, housetrailers, houseboats, modular housing, recreation vehicles or buses which otherwise meet the definition of a dwelling contained in § 114-50.201(h).

Subpart 114-50.4—Relocation Assistance Advisory Services

Revise § 114-50.403(b) to read as follows:

§ 114-50.403 Coordination of planned relocation activities.

* * * * *

(b) A directory of the Department of Housing and Urban Development Field Offices is available upon request.

Delete in its entirety Appendix I to Subpart 114-50.4, a Directory of Regional and Area Offices of the Department of Housing and Urban Development.

Subpart 114-50.7—Payments in Lieu of Moving and Related Expenses

The table of contents of Subpart 114-50.7 is revised as follows:

Sec.
114-50.700 Eligibility.
114-50.701 Displaced occupant.
114-50.700-1 Moving allowance schedules.
114-50.702 Displaced farm operation.
114-50.703 Displaced business.
114-50.703-1 Determination of loss of existing patronage to a business.
114-50.703-2 Businesses not eligible to receive "In-lieu" payments.
114-50.704 Displaced nonprofit organizations.
114-50.705 Average annual net earnings.

Amend § 114-50.701 by deleting subsections (a) and (b) in their entirety, and revising § 114-50.701 to read as follows:

§ 114-50.701 Displace occupant.

A person displaced from a swelling or a temporary or seasonally occupied housing unit such as a cabin, cottage, or mobile home, who elects to receive the payments authorized by this paragraph, in lieu of payment for actual moving expenses, may receive a moving expense allowance, determined in accordance with a schedule established by the bureau or office, not to exceed $300, plus a dislocation allowance of $200. Where two or more individuals, not families, living together in single family housing are displaced from such housing they shall be treated as one displaced person for purposes of entitlements under this section.

§ 114-50.702-1 [Deleted]

Delete § 114-50.702-1 in its entirety and amend § 114-50.702 to read as follows:

§ 114-50.702 Displaced farm operation.

A person displaced from his farm operation as defined in § 114-50.201(k), may elect to receive a fixed payent of not less than $2,500 nor more than $10,000 in accordance with the same criteria established for a person displaced from a business (see § 114-50.703). For a person to be entitled to this payment, a bureau or office must determine that:

(a) The farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation, or

(b) In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(1) The part taken met the definition of a farm operation prior to the taking; or

(2) The taking caused the operator to be displaced from the farm operation on the remaining land, or

(3) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

NOTE.—If application of the above criteria obviously creates an inequity in any given case, the head of the bureau or office may approve the use of other criteria as determined appropriate.

Revise the subpart in its entirety to read as follows:

Subpart 114-50.12 Annual Report

Sec.
114-50.1200 General.
114-50.1201 Report contents.
114-50.1202 Submission.

Subpart 114-50.12 Annual Report

§ 114-50.1200 General.

Each bureau and office having responsibilities for Federal or Federally assisted programs that come within the purview of Pub. L. 91-646 shall prepare and submit an annual report to the Assistant Secretary—Policy, Budget and Administration, on its activities related to programs established and authorized by the Act.

§ 114-50.1201 Report contents.

The report shall consist of two parts.

(a) *Statistical portion.* This part of the report shall utilize GSA form 2997, Annual Report on Relocation and Real Property Acquisition Activities. A copy of the form appears as Appendix I to this subpart.

(b) *Racial and ethnic information.* This information, required by Title VI of the Civil Rights Act of 1964, Executive Order 11512 and other applicable Federal law, shall be reported using the format appearing as Appendix II to this subpart (formerly Part III of Appendix 1 to this subpart).

§ 114-50.1202 Submission.

The annual report shall be prepared on a fiscal year basis and submitted (original only) to reach the Assistant Secretary—Policy, Budget and Administration by not later than December 1 of each year.

Add subpart 114-50.13 as follows:

Subpart 114-50.13 Mobile Homes

Sec.
114-50.1300 Scope of coverage.
114-50.1301 Moving and related expenses.
114-50.1302 Payments in-lieu of moving and related expenses.
114-50.1303 Replacement housing payments for mobile home owners.
114-50.1304 Eligibility of owner—occupant for rental differential payment.
114-50.1305 Replacement housing payments to tenants and certain others.
114-50.1306 Mobile home acquisition criteria.

Subpart 114-50.13 Mobile Homes

§ 114-50.1300 Scope of coverage.

The regulations in this subpart apply to all forms of housing customarily built or erected offsite and moved in whole or part, on site for final assembly and use (see § 114-50/201(x) for mobile home definition). Regulations specifically addressing displacements from mobile homes are necessitated by the wide variety of possible ownership-rental situations. These guidelines provide a basis for unifrom treatment of displaced persons. The National Park Service has developed a complimenting set of guidelines (Revised 2-2-77) for computation of relocation benefits for mobile home displacements which is recommended for use in actual benefit determinations.

§ 114-50.1301 Moving and related expenses.

Owners of mobile homes, or tenant-occupants of mobile homes who qualify as displaced persons, are eligible for actual reasonable expenses in moving their mobile home or its contents to a new location. The cost of moving a mobile home may include, inter alia, the cost of detaching and reattaching fixtures, apliances, and utilities.

§ 114-50.1302 Payments in-lieu of moving and related expenses.

(a) Any person displaced from a mobile home site, or who moves his personal property from a mobile home site, may elect to accept the actual reasonable costs of moving the mobile home and/or other personal property, or an in-lieu payment not to exceed $300.00, plus a dislocation allowance of $200.00.

(b) Where two or more unrelated individuals live together in a mobile home, they will be treated as if they were a family for the purposes of determining eligibility for replacement housing payments.

§ 114-50.1303 Replacement housing payment for mobile home owners.

A displaced owner of a mobile home who has occupied the mobile home on the site from which he is displaced for not less than 180 days immediately prior to initiation of negotiations, and who is otherwise eligible, may qualify for a total replacement housing payment not in excess of $15,000.00 consisting of:

(a) The amount, if any, which when added to the acquisition cost of the mobile home, is necessary to purchase a comparable replacement dwelling. This differential payment shall be computed in accordance with the following criteria:

(1) Where both the mobile home and the site are acquired, the payment shall be the amount, if any, which, when added to the acquisition cost of the acquired property is necessary to purchase a comparable conventional dwelling or a comparable mobile home and site (either replacement unit being decent, safe and sanitary), whichever is less.

(2) Where only the mobile home site is acquired, the payment shall be the amount, if any, which, when added to the acquisition cost of the acquired property equals the amount the owner is required to pay for a comparable site. If the comparable site is unimproved, the amount shall include the estimated costs necessary to develop the site into a decent, safe and sanitary location. This may include, inter alia, access roads, pad preparation, utility and sanitation hookups and foundation construction.

(3) Where an acquired mobile home is located on a leased or rented site, the payment will be the amount, if any, which when added to the acquisition cost of the acquired mobile home, equals the lesser of:

(i) The amount the owner is required to pay for a comparable replacement dwelling; or

(ii) The amount necessary to purchase a comparable mobile home, plus the difference in the amount necessary to rent a comparable mobile homesite for a period of four years, and 48 times the monthly rent paid on the site acquired.

(4) The differential housing payment in paragraphs 1, 2, and 3 above shall be based upon the amount actually paid by an owner for purchase of a replacement property if this amount is less than the estimated cost of a comparable conventional dwelling, mobile home, or mobile home site.

(b) The amount, if any, which is necessary to compensate the owner for increased interest costs to be computed in accordance with § 114-50.802-2 of this regulation.

(c) The amount, if any, which is necessary to reimburse the owner for reasonable costs incurred incidental to

purchase of a replacement dwelling to be computed in accordance with § 114-50.802-3 of this regulation.

§ 114-50.1304 Eligibility of owner-occupant for rental differential payment.

An owner-occupant who has occupied the mobile home on the site from which he is displaced for more than 90 days immediately prior to negotiations, and who is otherwise eligible, is eligible for a replacement housing payment as a tenant, provided that he rents or purchases a decent, safe and sanitary replacement conventional dwelling or mobile home. Computation of the amount, if any, to which the owner-occupant is entitled to shall be in accordance with the following criteria:

(a) Where the owner-occupant elects to rent:

(1) and both the mobile home and the mobile home site are acquired from the owner-occupant, the differential payment shall be the difference, if any, between the amount necessary to rent a comparable mobile home and mobile home site for a period of four years, and 48 times the monthly economic rent of the mobile home and the mobile home site acquired;

(2) and only the mobile home site is acquired from the owner-occupant, the differential payment shall be the difference, if any, between the amount necessary to rent a comparable mobile home site for a period of four years, and 48 times the monthly economic rent of the site acquired;

(3) and a mobile home is acquired on a site rented by the owner-occupant of the mobile home, the differential payment shall be the difference, if any, between the amount necessary to rent a comparable mobile home and mobile home site for a period of four years, and 48 times the monthly economic rent of the mobile home and the actual rent of the homesite acquired. This amount may be applied to the rental of a conventional dwelling.

(b) Where the owner-occupant elects to purchase and occupy either a comparable replacement mobile home site or a comparable conventional dwelling within one year from the replacement housing payment shall consist of the amount necessary to make a downpayment, including interest and incidental expenses, not to exceed $4000.00, except that if such amount exceeds $2000.00, such displaced person must match any amount in excess of $2000.00 in making the downpayment.

§ 114-50.1305 Replacement housing payments to tenants and certain others.

(a) A displaced tenant of a mobile home who has occupied a mobile home for at least 90 days immediately prior to initiation of negotiations, and who is otherwise eligible, is eligible to receive either:

(1) A differential housing payment, not to exceed $4000.00, to enable him to rent, for a period not to exceed four years, a decent, safe, and sanitary replacement dwelling, with the differential payment being the amount, if any, between the sum necessary to rent a comparable mobile home and mobile home site for a period of four years, and 48 times the actual monthly rent paid for the mobile home and the mobile home site acquired; or

(2) If, he purchases and occupies replacement housing within one year from displacement, the amount necessary to enable him to make a downpayment, including interest and incidental expenses, on the purchase of a decent, safe, and sanitary dwelling, but not to exceed $4000.00, except that if such amount exceeds $2000.00, such displaced person must equally match any such amount in excess of $2000.00 in making the downpayment.

§ 114-50.1306 Mobile home acquisition criteria.

(a) Authority to acquire mobile homes as part of the real estate pursuant to Section 302 of the Act will be exercised under the following conditions:

(1) Whenever the mobile home has been annexed to the realty in a fashion to itself be considered real property; or

(2) Whenever the mobile home cannot be moved without substantial injury to it or the realty upon which it is situated; or

(3) Whenever the mobile home fails to meet decent, safe, and sanitary dwelling standards either due to dwelling condition or family size.

(b) Determination of whether a mobile home constitutes realty or personality frequently must be objectively determined by reviewing the intention of the party through external evidence. The following factors have been held to evidence that the mobile home has retained its characteristic as personal property: (1) Wheels and tires remain affixed to the carriage, (2) lack of permanent connection of utilities, (3) mobile home has been registered as a vehicle, (4) lack of landscaping or other permanent improvements (e.g. patios, foundations, etc.).

NOTE.—Frequently mobile homes are placed on blocks or piers in-lieu of a more substantial foundation. This may permit the retention of the under carriage. If hooked up to permanent utilities, the mobile home may still be considered realty.

(c) Where the evidence does not clearly indicate whether a mobile home is real or personalty, the expressed intention of the owner should be given consideration in determining the status and disposition of the mobile home.

(d) Where a mobile home does not meet the conditions under above and removal of the mobile home is required, a minimum notice of 90 days to remove said mobile home is required.

Appendix 1
Subpart 114-50.12

ANNUAL REPORT ON RELOCATION AND REAL PROPERTY ACQUISITION ACTIVITIES

(UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970)

REPORT FOR FISCAL YEAR	PROGRAM	PROGRAM TITLE	IRCN
19			1227-GSA-AN

AGENCY *(Department, Bureau, Office, Division)*

SECTION I - RELOCATION ASSISTANCE PAYMENTS AND EXPENSES

	ITEM		NUMBER OF CLAIMS PAID (a)	AMOUNT PAID (b)
1	Payments for expenses of moving individuals and families	Actual expenses *(Sec. 202(a))*		$
2		Fixed payment including dislocation allowance *(Sec. 202(b))*		
3	Payments for searching and moving expenses for displaced businesses, farms and non-profit organizations	Actual expenses *(Sec. 202(a))*		
4		Payment in lieu of actual expenses *(Sec. 202(c))*		
5	Replacement housing payments for homeowners *(Sec. 203)*			
6	Rental assistance payments *(Tenants and certain others) (Sec. 204(1))*			
7	Down payment assistance *(Tenants and certain others) (Sec. 204(2))*			
8	Last resort housing *(Sec. 206(a))*			
9	**Subtotal** *(Sum of lines 1 thru 8)*			
10	**Administrative costs in carrying out relocation program** *(Including cost of relocation advisory services provided under Section 205 of the Act)*			
11	**TOTAL** *(Sum of lines 9 and 10, column (b) only)*			
12	**TOTAL AMOUNT PAID FROM FEDERAL FUNDS THIS FISCAL YEAR**			
13	**TOTAL AMOUNT PROJECTED FOR NEXT FISCAL YEAR**			
14	**TOTAL AMOUNT PROJECTED FOR NEXT FISCAL YEAR TO BE PAID FROM FEDERAL FUNDS**			$

SECTION II - REAL PROPERTY ACQUISITION SETTLEMENTS COMPLETED

	ITEM	NUMBER OF PARCELS (a)	COMPENSATION PAID (b)
15	Acquired by negotiation 1/		$
16	Acquired by condemnation 2/		
17	**TOTAL** *(Sum of lines 15 and 16)*		
18	**TOTAL AMOUNT PAID FROM FEDERAL FUNDS**		$

1/ *Negotiated tracts include all tracts acquired by any method other than condemnation for reason of price disagreement.*

2/ *Include only tracts condemned because of price disagreement.*

REMARKS

GENERAL SERVICES ADMINISTRATION *(See Instructions on reverse)* GSA FORM 2997 (5-75)

INSTRUCTIONS

Section I - Relocation Assistance Payments and Expenses. For each of the types of assistance or payments shown in lines 1 through 8, report the total number of claims paid in column (a) and the amounts thereof in column (b). Descriptions for lines 1 through 5 and 7 through 9 are considered adequate for completion without further instructions. For line 6, report total rental assistance claims paid including rental assistance to former homeowners who elect to rent in lieu of receiving a replacement housing payment authorized by Section 203 of the Act. In the case of claimants who elect to have their rental assistance payment in installments, the total amount of the rental assistance entitlement should be reported as paid during the reporting year in which the first installment is paid. In line 10, report the total amount of Administrative costs incurred in carrying out the relocation program including the cost of relocation assistance advisory services provided under Section 205 of the Act. Descriptions in lines 11 through 14 are considered to be adequate without further instructions.

Section II - Real Property Acquisition Settlements Completed. Report the number of parcels column (a) and the compensation paid column (b) for real property acquired and paid for during the reportable year. On line 15, report the total number of parcels and compensation paid for real property acquired by any method other than condemnation for reason of price disagreement. On line 16, report in the appropriate columns only tracts condemned because of price disagreement. Line descriptions for lines 17 and 18 are adequate for completion without further instructions. It is understood that this section will only include settlements completed. It excludes the reporting of parcels acquired by condemnation where settlements have not been completed. Such parcels should be reported when settlement has been completed.

APPENDIX 2
Subpart 114-50.12

AGENCY:_____
PROGRAM:_____

UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT OF 1970, FY 19__
PAYMENTS & EXPENSES UNDER TITLE II

☐ FEDERAL PROGRAM
☐ FEDERALLY ASSISTED PROGRAM

PART II — RANGE OF PAYMENTS TO HOMEOWNERS, TENANTS AND CERTAIN OTHERS FY 19__

REPLACEMENT HOUSING FOR HOMEOWNERS		REPLACEMENT HOUSING FOR TENANTS & CERTAIN OTHERS			
ACTUAL PAYMENTS FOR COMPARABLE REPLACEMENT HOUSING		TOTAL RENTAL CLAIMS APPROVED		ACTUAL DOWN PAYMENTS	
RANGE:	NO. OF CLAIMS PAID	RANGE:	NO. OF CLAIMS	RANGE:	NO. OF CLAIMS PAID
$ 0 - 2,500		$ 0 - 500		$ 0 - 1,000	
2,501 - 5,000		501 - 1,000		1,001 - 2,000	
5,001 - 7,500		1,001 - 2,000		2,001 - 3,000	
7,501 - 10,000		2,001 - 3,000		3,001 - 4,000	
10,001 - 12,500		3,001 - 4,000			
12,501 - 15,000					
TOTAL		TOTAL		TOTAL	

PART III — RESIDENTIAL RELOCATION DISPLACEMENT STATISTICS

*CLAIMANTS DISPLACED DURING FY__

	Negro/ Black		Spanish Surnamed		American Indian		Asian American/ Oriental		All Others		Total All Groups	
	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant
UNDER AGE 62												
62 AND OVER												
TOTAL												

**PEOPLE DISPLACED DURING FY__

	Negro/ Black	Spanish Surnamed	American Indian	Asian American/ Oriental	All Others	Total All Groups
TOTAL						

*Total shown should equal the total number of claims paid reported on lines 1 and 5, Exhibit 1, Part I
**Report total number of people displaced.
Note: Under "Spanish Surnamed" include persons of Puerto Rican, Mexican American, Cuban, Central or South American, or other Spanish descent. Under "Asian American/Oriental" include Chinese, Japanese and Korean. Under "All Others" include white persons not of Spanish descent.

[FR Doc. 78-3190 Filed 2-7-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 399]

[Docket No. MC-81; Notice No. 78-2]

AMBIENT TEMPERATURE IN HEAVY DUTY TRUCK CABS

Requests for Comments

AGENCY: Federal Highway Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Transportaiton, Federal Highway Administration (FHWA), has received a number of complaints alleging excessive in-cab heat which is harmful to driver health and may be affecting driver performance. Thus, this Advance Notice is being issued to invite comments and request information relative to the extent of the problem and to inquire as to what regulations, if any, should be issued. All comments will be considered before any further rulemaking action is taken.

DATES: Comments are due by May 9, 1978.

ADDRESS: Submit comments (original and 2 copies) to: Robert A. Kaye, Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D C. 20590.

FOR FURTHER INFORMATION CONTACT:

Principal Program Contact—Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

Principal Lawyer—Attorney Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-0834.

SUPPLEMENTARY INFORMATION: On March 14, 1973, the FHWA commissioned experimental research to determine the effects of heat, noise, and vibration on the driving performance, subjective feelings of alertness and fatigue, and physiological signs of stress among drivers of passenger cars and trucks.[1] Heat stress was shown to significantly affect both driver performance and various indices of central nervous system arousal related to driving safety. Recently, complaints from truck drivers, the International Brotherhood of Teamsters, and the Professional Drivers Council have been received on excessive in-cab heat.

The measurement of heat, as a stressor which affects man, is a sophisticated task. This is because air temperature and movement, relative humidity, and radiation are all environmental factors which interact in producing heat stress.

The American and Canadian military services have long employed the wet-bulb-globe-temperature (WBGT) index for measuring the intensity of exposures to heat. The National Institute for Occupation Safety and Health (NIOSH) recommended the use of the WBGT for all assessments of industrial exposures to neat.[2] The WBGT is the weighted sum of dry-bulb, wet-bulb, and globe thermometer readings. To estimate the intensity of heat exposure over time, NIOSH has further stipulated the use of a time weighted average of WBGT. This may be done by integrating a continuous recording of WBGT over time and by dividing the integral by its time base. The WBGT index is the measurement index in this study.

The FHWA research study consisted of two experiments which were concerned with heat stress. In the first experiment involving nonprofessional drivers, it was shown that a combination of high heat and humidity totaling 32.2° C. (90° F.) WBGT has significant adverse effects on driver physiology, levels of alertness and fatigue, and actual performance in driving passenger cars. There was evidence that female drivers were more susceptible than males to these effects, but both were affected to a significant degree.

In the second experiment, which involved professional truck drivers, it was shown that heat and humidity totaling 26.7° C. (80° F.) WBGT had somewhat adverse, but less dramatic, effects on driver physiology and level of arousal than the first experiment. The subjects in this experiment did experience notable stress, however, as reflected in their sweat rate, decreased urine production, depressed diastolic blood pressure, increased heart rate, and various indications of decreased psychophysiological arousal. These subjects also rated themselves as generally less alert and more fatigued than when driving in "comfortable" conditions of 19.4° to 20.6° C. (67° to 69° F.) WBGT.

The contractor concluded that the region between 27.7° C. (80° F.) and 29.4° C. (85° F.) WBGT, commonly experienced in many parts of the United States during the summer months, is borderline with respect to adverse effects of heat on driver physiology and performance. This is in essential agreement with the current limits established by NIOSH, which recommends that countermeasures be taken to minimize physiological strain and performance impairment for personnel who, while performing sedentary tasks, are continuously exposed to temperatures above 26.1° C. (79° F.) WBGT. The contractor felt that the results of this study support the NIOSH recommendation for both professional and nonprofessional motor vehicle drivers, particularly when they are not acclimatized. Thus, they concluded that effective countermeasures should be available to drivers who will be exposed for extended periods of time to such environmental conditions.

The contractor further concluded that where exposures for periods of 8 to 10 hours are involved, an average temperature of 26.7° C. (80° F.) WBGT constitutes a conservative upper limit for professional drivers. This conclusion assumes that suitable rest breaks are taken every 2 to 3 hours as may be the custom of many professional drivers.

The principal reasons for issuing this advance notice are: first, whether there is a need to establish a new regulation dealing with ambient temperature; secondly, to provide the interested public an opportunity to comment; and thirdly, to make drivers and operators aware of a potential health and safety risk.

Interested persons are invited to comment especially in regard to the following areas:

1. Should the FHWA regulate the maximum ambient temperature in truck cabs?

2. Should the FHWA regulate both maximum and minimum ambient temperature in truck cabs?

3. Numerous complaints have been received concerning hot surfaces in the area of the engine cowl in cab-over-engines, because of these complaints should the FHWA regulate maximum temperature of exposed surfaces within the truck cab?

4. If the FHWA should measure ambient temperature, what should be the temperature limits for a given time of exposure and should these limits be different for female and male truck operators?

5. Where should the ambient temperature and exposed surface tempera-

[1] A Study of Heat, Noise and Vibration in Relation to Driver Performance and Physiological Status, available from the U.S. Department of Transportation, National Technical Information Service, Springfield, Va. 22151, Accession No. PB 238 829, Paper Copy, Price $9.00.

[2] Occupational Exposure to Hot Environments, available from U.S. Department of Health, Education and Welfare; available from National Technical Information Service, Springfield, Va. 22151, Accession No. PB 210 794, Paper Copy, Price $6.50.

ture measurements be made in the truck cab?

6. Describe the most effective means for the measurement of heat if different from WBGT.

7. Would it be desirable to have a new Federal motor vehicle safety standard related to heat in cabs?

Those desiring to comment on this Advance Notice of Proposed Rulemaking are asked to submit in writing three copies of their views, data, and arguments. All communications received will be considered before any proposals for rulemaking action are undertaken.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street SW., Washington, D.C. 20590. If it is determined to be in the public interest to proceed further after summarizing the comments and considering the available data and comments received in response to this Advance Notice, a Notice of Proposed Rulemaking will be issued.

(49 U.S.C. § 304, 49 U.S.C. § 1655, 49 CFR 1.48 and 49 CFR 301.60.)

Issued on January 27, 1978.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc. 78-3372 Filed 2-7-78; 8:45 am]

[3510-12]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

FOREIGN FISHING

Interim Policy

AGENCY: National Oceanic and Atmoshpheric Administration.

ACTION: National Marine Fisheries Service Proposed Interim Policy.

SUMMARY: An interim policy is proposed to govern consideration of applications for permits by foreign vessels seeking to purchase or receive fish from U.S. fishing vessels in the Fishery Conservation Zone. Comments received by February 23, 1978, will be considered before adopting and implementing an interim policy.

DATE: Comments due on or before February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Alfred J. Bilik, Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmoshperic Administration, U.S. Department of Commerce, Washington, D.C. 20235, Telephone 202-634-7265.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service is proposing this interim policy governing issuance of foreign fishing vessel permits to allow foreign vessels to puchase or receive fish from U.S. fishing vessels in the Fishery Conservation Zone. The proposed interim policy is designed to address only permit applications submitted under Preliminary Management Plans (PMP's) in effect on January 1, 1978, for the 1978 fishing season and will be replaced by a more comprehensive policy covering both PMP's and Fishery Management Plans that are implemented by the Secretary. The Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., (the Act), provides for a national program for the conservation and management of the Nation's fishery resources within the Fishery Conservation Zone (FCZ). Under the Act, procedures are established for foreign participation in fisheries under the exclusive management authority of the United States. Any foreign vessel harvesting fish or supporting fishing operations in the FCZ must have a foreign vessel permit. Activities in support of fishing include those in which a foreign vessel in the FCZ purchases, or receives transfer of, fish from a U.S. fishing vessel. The amount of fish that foreign vessels may harvest in the FCZ is limited by the allocation of part of the total allowable level of foreign fishing (TALFF) made by the Department of State to the flag nation of the vessel. However, purchases or transfers from U.S. vessels to foreign vessels do not count against the allocation to the foreign vessel's flag nation. The consequence of all this is that a potential conservation problem now exists. The new market for U.S. caught fish which would be created by such purchases or deliveries may induce greater U.S. fishing effort in a fishery which in turn may cause the optimum yield in a fishery to be exceeded. The proposed interim policy creates a machanism to closely review foreign permit applications involving the sale of U.S. harvested fish to foreign vessels in the FCZ, thereby alleviating the possibility that the optimum yield in a fishery would be exceeded. At the same time the proposed interim policy seeks to preserve foreign market opportunities for U.S. fishermen when such sales or deliveries would not unduly affect the development of other segments of the U.S. fishing industry. This proposed interim policy is being published to solicit public comments. Comments received on or before February 23, 1978, will be considered by the Administrator before adopting an interim policy.

PROPOSED POLICY

In order to address pending or expected applications submitted under Preliminary Management Plans effective January 1, 1978, the following interim policy is proposed to govern the Secretary's consideration of applications for permits to allow foreign vessels to purchase of receive fish from U.S. vessels within the FCZ during the 1978 fishing season.

The Secretary of Commerce shall encourage the development of all segments of the U.S. fishing industry consistent with the purposes of the Act and other applicable laws. As one means of carrying out this objective, the Secretary may approve applications for foreign fishing vessels permits to allow foreign vessels to purchase or receive fish from U.S. harvesting vessels within the Fishery Conservation Zone on a case-by-case basis. Any such permits granted shall contain appropriate conditions and restrictions.

Permits shall be approved only when the Secretary is satisfied that (1) the optimum yield for the fishery involved will not be exceeded; (2) the capability and intent of the U.S. fishing industry to harvest fish to be sold or delivered exceeds the capability and intent of the U.S. industry to process such fish; and (3) the relevant foreign vessel has capability and intent to process such fish. Actions with respect to applications for permits for 1978 shall have no precedential effect on any applications for permits for subsequent years.

In implementing this policy, the Secretary of Commerce may also take into consideration one or more of the following in evaluating a proposal to issue a permit to a foreign vessel to purchase or receive fish from a U.S. harvesting vessel within the Fishery Conservation Zone.

(1) Potential for displacement of any domestic fishing and associated industries for other stocks or species.

(2) Potential for gear conflicts between U.S. vessels involved in harvesting such fish and other stocks or species.

(3) Employment opportunities or losses for domestic labor.

(4) Impact on exvessel, wholesale, and retail prices.

(5) Impact on income of domestic fishermen, processors and industry workers.

(6) Impact on the U.S. consumer.

(7) Impact on the degree of market control by either U.S. or foreign processors.

(8) Impact on export or import restrictions imposed by foreign nations on United States products.

(9) Effect of overall U.S./foreign trade policy guidelines.

(10) Potential for expansion of U.S. fleets.

(11) Possible detrimental effects to any segment of the fishing industry.

Dated: February 3, 1978.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 78-3482 Filed 2-7-78; 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.

[3410-02]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Ohio Grain Inspection Area

Statement of considerations. Pursuant to sections 7(e)(1) and 7A(c)(1) of the U.S. Grain Standards Act, as amended, Pub. L. 94-582, effective November 20, 1976, and by Pub. L. 95-113, effective October 1, 1977, (7 U.S.C. 71 et seq.) (Act), the Federal Grain Inspection Service (FGIS) is required to provide official inspection and weighing services for all grains required to be inspected and weighed by the Act, at those export port locations where a State is not delegated to perform these official services (7 U.S.C. 79(e)(1) and 7 U.S.C. 79A(c)(1)).

Notice is hereby given that, on November 27, 1977, the FGIS assumed responsibility for providing official inspection services at the Pillsbury Co. elevator, Huron, Ohio, currently the only export elevator in the area previously serviced by the O. S. Smith Grain Inspection, Bellevue, Ohio, in accordance with section 7(e)(1) of the Act. The FGIS assumption of responsibility for providing official weighing services at this export elevator, originally scheduled for November 27, 1977, is postponed until the opening of the 1978 navigation season on the lower Great Lakes. With the exception of FGIS official weighing being provided at the area previously serviced by the Chicago Grain Inspection Bureau, Chicago, Ill, all other implementation of FGIS official weighing at lower Great Lakes ports is postponed until the opening of the 1978 navigation season.

The O. S. Smith Grain Inspection will remain operational as the official grain inspection agency providing services, on an interim basis, at the non-export elevators in its inspection area.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Effective date: This notice shall become effective February 8, 1978.

Done in Washington, D.C., on: February 2, 1978.

L. E. BARTELT,
Administrator.

[FR Doc. 78-3459 Filed 2-7-78; 8:45 am]

[3410-16]

Soil Conservation Service

BICENTENNIAL PARK PUBLIC WATER-BASED RECREATION R.C. & D. MEASURE, INDIANA

Intent Not 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 not being prepared for the Bicentennial Park Public Water-Based Recreation R.C. & D. Measure, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based recreation. The planned works of improvement include site preparation and landscaping, parking spaces for 25 vehicles, one canoe ramp, critical area planting, guard rail, screen planting, and refuse station.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency.

The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-3366 Filed 2-7-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 29123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Granting Petition and Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of February, 1978.

In the matter of agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fare matters. (Agreement C.A.B. 26932, R-1; Agreement C.A.B. 26945; Agreement C.A.B. 26946, R-4 through R-7; and Agreement C.A.B. 26947.)

By Order 77-12-74, December 13, 1977, the Chief of the Passenger and Cargo Rates Division, acting under delegated authority, summarized the contents of various agreements of the International Air Transport Association (IATA) dealing with longhaul fares within the Western Hemisphere, and established procedural dates for the submission of carrier justifications as well as comments and objections by interested persons. While the major part of the overall package is proposed for effect April 1, 1978, several individual agreements are proposed for expedited effect on dates from November 1, 1977 to January 15, 1978. The order noted, however, that because these expedited agreements were a part of an overall and substantial change in the fare structure, they should be evaluated in the context of the total fare package proposed for April 1, 1978 effect.

In a petition filed December 23, 1977, Braniff Airways, Inc. (Braniff) seeks Board review of that order and

early approval of certain specific resolutions.[1] In summary, Braniff's petition goes to three special fares, not the overall structure of fares in the Western Hemisphere: (1) A new advanced-booking group fare from Chile to replace at a slightly higher level affinity-group fares cancelled last April; (2) introduction of a new 29 to 60-day excursion fare between the United States and Chile/Argentina allegedly in an attempt to recoup a decline of approximately 50 percent in Braniff's traffic as a result of cancellation of affinity-group fares in these markets; and (3) a relaxation of the conditions applicable to travel on affinity-group fares from Brazil to the United States as well as setting this fare at a year-round level to avoid an increase during the last half of December, January, and February.

Braniff contends that the staff's deferral of action has effectively vetoed carefully restricted lower fares of short duration; and is unpersuasive in its claim that these particular fares involve a substantial fare-structure change. Braniff also cites the fact that the Board has been urging the carriers to experiment with new innovative low fares yet its staff has on unspecified grounds erected a roadblock to this end.

[1] C.A.B. Agreements 26932, R-1; C.A.B. 26945; and C.A.B. 26946, R-5. The respective IATA Resolutions are 071rr, 071g, and 075g.

Upon consideration of Braniff's petition, we have decided to take review and, upon review, in the particular circumstances here posed, to reverse the staff's action and approve the three resolutions in question.

It goes without saying that the pattern of promotional fares is an integral part of the overall fare structure in any rate-making entity. However, we are here dealing with three specific promotional fares, involving only three countries in a large geographical area, which can hardly be taken as a significant measure of the structure as a whole. Two of the three, applicable only to inbound originating traffic, may not directly benefit the American traveler; however, to the extent they bring added tourism to the United States, they will prove beneficial. The third fare may be helpful in restoring Braniff's Chile/Argentina traffic. In these circumstances, we believe the three fares should be approved.[2]

This case emphasizes the importance of prompt documentation of IATA agreements. The three resolutions in question were filed with the Board as early as October 7, 1977; however, the minutes of the meeting, which describe the fares and the rationale for introducing them were not filed until November 21, 1977, when the entire South/Central America fare package was filed.[3] Any attempt at early action on expedited resolutions puts the Board in the position of picking and choosing with less than complete justification and, in this case, with the knowledge that IATA proposes an increase from 5 to 8 percent in economy-class fares next spring. We will, of course, evaluate that proposal on its merits, in light of the justifications and comments we receive. Our action here is no indication of our views on the basic agreement.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

[2] We will also approve agreements for expedited effectiveness introducing new excursion, individual inclusive-tour, and group inclusive-tour fares between the United States and San Jose, C.R. The levels of the expedited fares to San Jose appear to reflect levels established in the overall package for application after April 1, 1978; however, introduction of the fares at this time results from new service in the market by Mexicana.

[3] By letter of November 11, 1977, Braniff did provide its comments in support of the expedited agreements, but the comments were primarily explanation rather than justification. Pan American has provided no information to date on the expedited resolutions.

Agreement CAB	IATA No.	Title	Application
26932:			
R-1	071rr	TC1 Advance Booking Group Fares from Chile to U.S.A. and Canada (New) (Expedited).	1
26945	071g	TC1 60 day Excursion Fares from U.S.A./Canada to Argentina/Chile (New) (Expedited).	1
26946:			
R-4	070cc	TC1 Excursion Fares—North & Central America/Carribbean-South America (Amending) (Expedited).	1
R-5	075g	TC1 Group Excursion Fares from Brazil to the U.S.A. (Amending) (Expedited).	1
R-6	080x	TC1 3/21 day Individual Inclusive Tour Fares Mexico/U.S.A.-Costa Rica (New) (Expedited).	1
R-7	084s	TC1 Group Inclusive Tour Fares U.S.A.-Central America/Panama (Amending) (Expedited).	1
26947	070cc	TC1 Excursion Fares—North and Central America/Carribbean-South America (Amending) (Expedited).	1

Accordingly, It is ordered that:

1. Agreements CAB 26932, R-1; CAB 26945; CAB 26946, R-4 through R-7; and CAB 26947 be approved subject, where applicable, to conditions previously imposed by the Board;

2. Carriers be authorized to file tariffs implementing the approved resolutions on not less than one day's notice for effectiveness not earlier than five days after the date of service of this order. The authority granted in this

paragraph expires 30 days after date of service of this order; and

3. Tariffs implementing Agreements CAB 26932, R-1, CAB 26946, R-4 through R-7; and CAB 26947 be marked to expire March 31, 1978; and tariffs implementing Agreement CAB 26945 shall be marked to expire May 31, 1978.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3287 Filed 2-7-78; 8:45 am]

[6320-01]

[Order No. 78-1-135; Docket Nos. 31071 and 31744]

DELTA AIR LINES

Order

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C., on the 31st Day of January 1978.

In the matter of application of Delta Air Lines for an amendment of its certificate of public convenience and necessity for route 114. Application of Delta Air Lines for an exemption under section 416(b) of the Federal Aviation Act of 1958, as amended.

Delta Air Lines has applied for permission to carry local traffic on flights between Houston and New Orleans which also serve Venezuela. Currently, it is prohibited from doing so by a condition in its certificate of public convenience and necessity.[1]

The carrier has requested that the Board amend its certificate by show-cause procedures and, in the meantime, grant it an exemption to perform the requested services until the show-cause order is made final.[2] The exemption request is limited to one weekly round trip flight.

This petition for local traffic rights has been made because on February 1, 1978, Delta will extend its Venezuela-New Orleans service to Houston on one flight per week. Without the requested authority the petitioner will be operating an aircraft between Houston and New Orleans, but will not have authority to carry local passengers, cargo, or mail between the two cities.

This is not the first time the Board has addressed the question of domestic fill-up rights on international flights. In Order 77-4-153, adopted April 29, 1977, we decided to grant local traffic rights to three carriers in six markets, including Houston-New Orleans. Since it was our first decision on this issue, we decided to limit our consideration at that time to markets where a need by the carrier had at least arguably been demonstrated by its having served the markets for a sustained period of time without fill-up authority.

Two carriers that have filed answers opposing Delta's application, National and Texas International, cite Order 77-4-153 as authority for denying the request.[3] They argue that Delta is not extending the flight primarily to serve the needs of international traffic and that the application is merely a guise to obtain improved domestic authority.

We reject these arguments and have, therefore, decided to grant the requested exemption and order any interested person to show cause why Delta's certificate should not be amended as requested. This application is similar to one which we granted for Trans World Airlines in Docket 30976.[4] Delta already has domestic authority between Houston and New Orleans. In fact, of the six nonstop carriers serving the market, Delta is the second largest participant. Delta's authority is long-haul restricted, but it still provides for and one-half daily round trips.[5] The contentions by National and Texas International that this is merely one of a series of attempts by Delta to gain improved authority in the market are not very credible. Delta's authority will still be significantly restricted if the application is granted. If it wants to increase its frequencies between Houston and New Orleans, we doubt that it will choose to extend its flights more than 2,000 miles to Caracas, rather than less than 700 miles to Atlanta.[6]

Thus we tentatively find and conclude that the certificate of Delta Air Lines for route 114 should be amended to permit it to carry persons, property, and mail between Houston and New Orleans on flights serving a point or points in Venezuela. In addition, we will grant Delta an exemption under section 416(b) of the Act to perform the proposed transportation on one flight per week prior to a final decision on the certificate amendment application. We find that because of unusual circumstances affecting the proposed operations, enforcement of condition (4) of Delta's certificate for route 114 would be an undue burden on the carrier and not in the public interest.[7]

Interested persons will be given 30 days following adoption of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to support their objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts it would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, *it is ordered*, that: 1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and authorizing Delta Air Lines to transport persons, property, and mail in interstate air transportation between Houston and New Orleans on flights serving a point or points in Venezuela under authority of its certificate for route 114;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth here shall, within 30 days after the date of adoption of this order, file with the Board a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers may be filed 15 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained;

5. In the event no objections are filed, all further procedural steps will

[1] This prohibition is contained in condition (4) of its certificate for route 114.

[2] Delta's exemption request, show-cause petition, and amended application were filed on November 23, 1977.

[3] Texas International's answer was accompanied by a motion to file an unauthorized document. the motion will be granted.

[4] See Order 77-10-16, October 6, 1977.

[5] Condition (6) on its certificate for route 24 states that all Houston-New Orleans flights must also serve either Atlanta, Washington, Baltimore, Philadelphia, New York, or Newark.

[6] No additional flights will be added as a result of this decision. Thus, this does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[7] The unusual circumstances are that Delta already has domestic traffic rights in the market and that the restrictions on its authority were never intended to preclude the type of long-haul operation proposed here. Enforcing this unnecessary restriction pending the outcome of a Section 401 proceeding would deprive the public of useful service and Delta of the ability to fill empty seats on a flight segment that it will operate in any event. It would also be an undue burden on Delta to deny it the right to carry this traffic on one flight per week which is even longer haul restricted than its other 28 weekly round trips in the market, pending the outcome of the section 401 proceeding.

be deemed to have been waived, and the case will be submitted to the Board for final action;

6. Delta Air Lines be exempted from section 401 of the Act and the terms, conditions and limitations of its certificate for route 114 to the extent necessary to permit it to transport persons, property, and mail in interstate air transportation between Houston and New Orleans on one round trip flight per week which also serves a point or points in Venezeula until 60 days after a final Board order on its application for a certificate amendment;

7. The motion of Texas International for leave to file an unauthorized document be granted; and

8. A copy of this order shall be served upon all persons listed on the certificate of service of Delta Air Line's application for exemption filed in Docket 31744.

This order shall be published in the FEDERAL REGISTER.

All Members concurred.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3448 Filed 2-7-78; 8:45 am]

[6320-01]

[Docket No. 31976]

MIAMI-LOS ANGELES LOW-FARE CASE

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., January 31, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-3447 Filed 2-7-78; 8:45 am]

[6320-01]

[Docket No. 31976]

MIAMI-LOS ANGELES LOW-FARE CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 9, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1857 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence, (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 20, 1978, and the other parties on or before March 1, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 2, 1978.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 78-3445 Filed 2-8-78; 8:45 am]

[6320-01]

[Order No. 78-2-16; Docket No. 31292]

REISEBURD SCHWABEN

Order to Show Cause

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 1st day of February 1978.

In the matter of application of Reiseburo Schwaben, International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., for an indirect foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

By application filed August 18, 1977, Reiseburo Schwaben International G.m.b.H., d.b.a. Schwaben Charters, Inc. (RSI) requests issuance of a foreign air carrier permit authorizing it to engage in the indirect air transportation of persons and their accompanying baggage from any point or points in the United States to any point or points outside the United States and return.[1]

No answers to the application and motion have been filed.

BACKGROUND

RSI is not a direct air carrier and is not affiliated directly or indirectly with a direct air carrier or direct foreign air carrier. It operates no aircraft of its own and does not propose to do so. RSI requests the Board to issue it a foreign indirect air carrier permit so as to authorize it to engage in indirect air transportation through the organization of advance booking charters, inclusive tour charters, one-stop inclusive tour charters, travel group charters, and study group charters in foreign air transportation.

OWNERSHIP AND CONTROL

RSI is a corporation organized and incorporated in 1973 under the laws of the Federal Republic of Germany. RSI has its principal place of business in Stuttgart and engages in business from Germany to points throughout the world as a travel agency and as an indirect air carrier. The capaital stock of RSI is entirely owned by Mrs. Renate Landhaeusser, a German national. Mrs. Landhaeusser is also the chief managing director of RSI. Five of the six key employees of RSI are citizens of Germany.[2] Based on the foregoing, we tentatively conclude that RSI is substantially owned and effectively controlled by citizens of the Federal Republic of Germany.

FINANCIAL AND OPERATIONAL FITNESS

RSI's balance sheet as of December 31, 1975 shows assets in excess of current and long-term liabilities.[3] In 1974 and 1975 RSI earned profits before taxes of $252,534 and $212,695 and after taxes of $176,908 and $128,458, respectively.[4] In addition to the company's sound financial position, Parts 371, 372a, 373, 378, and 378a of the Board's Special Regulations, which require surety bonding and escrow arrangements, provide further protection for the traveling public against fiscal irresponsibility. Finally, RSI carries a multi-million dollar comprehensive third-party liability insurance policy and maintains a $480,000 indemnity bond for all transactions relating to its IATA travel agency obligations.[5] Thus, it is tentatively concluded that all of the fitness requirements of section 402 of the Act are met by the applicant.

PUBLIC INTEREST

On the basis of comity and reciprocity, it is tentatively concluded that it is in the public interest to grant RSI a foreign indirect air carrier permit. Germany has not regulated indirect air carriers of either U.S. or German citizenship, and U.S. citizen tour operators do operate air charters from Germany to the United States and other countries.[6]

On the basis of the foregoing, it is tentatively found and concluded that:

1. Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., is fit, willing and able properly to perform the indirect foreign air transportation proposed in its application and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

2. RSI is substantially owned and effectively controlled by citizens of the Federal Republic of Germany;

---

[1] On November 15, 1977, RSI filed a motion for order to show cause why its application should not be granted without a hearing.

[2] Appendix to Motion for Order to Show Cause, as amended, Exhibit 13.

[3] Ibid., Exhibit 19.

[4] Ibid., Exhibits 17 and 21.

[5] Ibid., Exhibits 4 and 8.

[6] Op. Cit., Exhibits 24 and 27.

3. Since no issues in this application appear to be contested, a hearing on the application is not required in the public interest;

4. It is in the public interest to issue a foreign indirect air carrier permit in the form of the attached specimen to Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., authorizing the carrier to engage indirectly in foreign air transportation of persons from any point or points in the United States to any point or points outside the United States, and return for a period of five years; and

5. The public interest requires that the exercise of the privileges granted by this permit should be subject to the terms, conditions, and limitations prescribed there, the conditions set forth in paragraphs (a) and (b) below, and such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board:

(a) With respect to the operations conducted pursuant to the authority granted here, the holder shall be subject to the provisions of Parts 371, 372a, 373, 378, and 378a of the Board's Special Regulations, as now or later amended;

(b) In using the authority granted herein (1) the name Reiseburo Schwaben International G.m.b.H. (Germany) shall appear on all of the holder's advertising, tickets, stationery, and other public documents; (2) the above name will always be used in its entirety; and (3) words designating the holder's nationality shall be displayed at least as prominently as its most prominently displayed name on any material disseminated to the public. For purposes of this order, the holder's name shall include its legal name, trademarks, tradenames or any other name that may be used in conjunction with any of the above.

All interested persons will be given 21 days following the adoption of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analysis. If an evidentiary hearing is requested the objector should state the issue with respect to which a hearing is requested and should state in detail why such a hearing is necessary and what relevant and material facts it would establish through such a hearing. Vague, general or unsupported objections will not be entertained.

Accordingly, *It is ordered*, That:

1. All interested persons be directed to show cause why the Board should not make final the tentative findings and conclusions here, and why an order to show cause should not be issued, subject to approval of the President pursuant to section 801(a) of the Act, issuing an indirect foreign air carrier permit to Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc. in the attached form.

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions or to the issuance of the proposed indirect foreign air carrier permit, shall, within 21 days after adoption of this order, file with the Board and serve on the persons named in paragraph 5 below a statement of objections, together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections are filed, full consideration will be accorded matters or issues raised before further action is taken by the Board; *Provided, however*, that the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if its determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

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 the tentative findings and conclusions here; and

5. This order shall be served upon Reiseburo Schwaben International G.m.b.H. (Germany) d.b.a. Schwaben Charters, Inc., the Ambassador of the Federal Republic of Germany, and the Departments of State and Transportation.

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

All Members concurred.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN INDIRECT CARRIER

Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules and regulations issued thereunder, to engage indirectly in foreign air transportation of persons from any point or points outside the United States, and return.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting the right to engage in indirect air transportation of persons now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Federal Republic of Germany shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto, and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The exercise of the privileges granted hereby shall be subject to the terms, conditions, and limitations set forth in Order dated —— and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall be effective on ————, and shall terminate five years thereafter: *Provided, however*, That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention or agreement to which the United States and the Federal Republic of Germany are or shall become parties, then and in that event this permit is continued in effect during the period provided in said treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board and the seal of the Board to be affixed thereto, on the ————.

Secretary.

Issuance of this permit to the holder approved by the President of the United States on ———— in ————.

[FR Doc. 78-3449 Filed 2-7-78; 8:45 am]

[6320-01]

[Docket No. 30616]

"SUPER-SAVER" FARES INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on March 14, 1978 at 9:30 a.m. (local time), in Room 1003, Hearing Room D, North Universal Building, 1875 Connecticut Avenue, Washington, D.C. 20428, before the undersigned.

For information concerning the issues involved and other details in this proceeding interested persons are referred to the prehearing conference report served May 19, 1977 as amended by the supplemental prehearing conference report served June 24, 1977, and other documents that are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 1, 1978.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 78-3446 Filed 2-7-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

UTAH ADVISORY COMMITTEE

Meeting; Correction

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 9, 1978 (FR Doc. 78-1918) on page 3147 was inadvertently cancelled (FR Doc. 78-2484) on page 3924. Please note that this meeting will be held on February 9, 1978, at 7:00 p.m. in Salt Lake City, Utah.

Dated in Washington, D.C., February 3, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-3474 Filed 2-7-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 1, 1976, for which tabulations were completed between January 1, 1978, and January 31, 1978.

Dated: February 3, 1978.

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

State/place or special area	County	Date of census	Population
Arkansas:			
Conway City	Faulkner	Nov. 1, 1977	18,805
West Fork City	Washington	Nov. 7, 1977	1,424
Illinois:			
Bolingbrook Village	DuPage and Will	Nov. 10, 1977	34,686
Collinsville City	Madison and St. Clair	Apr. 19, 1977	18,909
Elkville Village	Jackson	Nov. 1, 1977	983
Mount Zion Village	Macon	Nov. 14, 1977	4,066
Vernon Hills Village	Lake	Nov. 8, 1977	5,567
Indiana: Portage City	Porter	Oct. 26, 1977	24,799
Kentucky: Bowling Green City	Warren	Oct. 3, 1977	38,529
Wisconsin:			
Oak Creek City	Milwaukee	Dec. 14, 1976	15,594
Onalaska City	LaCrosse	Nov. 7, 1977	7,306

[FR Doc. 78-3395 Filed 2-7-78; 8:45 am]

[3510-25]

Industry and Trade Administration

EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

Week Ending December 30, 1977

Total bituminous coal exports for the week were 128,822 short tons, representing a significant decline from the 580,609 short tons exported the preceding week. These exports consisted of metallurgical coal only; no steam coal exports were reported during the week under review. This low level of exports is a reflection of: (a) The normal winter fall-off in steam coal exports to Canada via the Great Lakes; (b) a short work week due to the Christmas holiday; and (c) a diminished availability of metallurgical coal for export because of the strike, since export contracts reported to the Department called for shipments aggregating more than 500,000 short tons during the week. Because of the constricted supply situation, exports will continue at a level well below normal for this time of year for the remainder of the strike, with coal going into export coming from non-UMW mines which are not participating in the strike and are not closed for other reasons.

With this low level of export activity, only a small number of firms reported coal shipments during the week. A breakdown of those exports by volatility and area of destination is, therefore, withheld from this report to prevent disclosure of information deemed to be confidential pursuant to section 7(c) of the Export Administration Act of 1969, as amended. For the same reason, only the weighted average price of bituminous coal exports is shown in the accompanying tables.

Exports of coke manufactured from coal for the week were 3,922 short tons compared with 2,843 short tons for the preceding week. The average price for these coke exports was $123.14 per short ton with a high and low of $137.79 and $94.60 per short ton, respectively. No trend either in the level of coke exports or export prices for coke is discernible from these data.

Domestic bituminous coal production for the week was 5,700,000 short tons, an increase from the 5,515,000 short tons reported for the preceding week. Total United States coal consumption for the week was about 11,400,000 short tons. According to data reported to the Department of Energy, weekly consumption during the strike has remained relatively stable varying between a high of 12,376,000 short tons and a low of 11,291,000 short tons.

Total bituminous coal stocks at the end of this week were estimated to be about 152,800,000 short tons, a decrease of 7,000 short tons from that reported for the preceding week. With coal consumption of about 11,300,000 short tons during the week and an inventory decrease of only 7,000,000 short tons, coal receipts by domestic consumers are calculated to have been slightly more than 4,200,000 short tons during the week. Domestic coal prices remained stable.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Trade Regulation.

TABLE 1.—*U.S. exports of bituminous coal and coke of coal—(in short tons)*

[For week ending Dec. 30, 1977]

Commodity	EXPORTS						
	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Low volatile metallurgical coal[1]	NA	n.a	***133,877	199,136	96,895	(*)	(*)
Medium volatile, metallurgical coal[2]	NA	NA	NA	283,420	118,632	(*)	(*)
High volatile metallurgical coal[3]	NA	NA	NA	47,055	176,827	(*)	(*)
Total metallurgical coal	NA	NA	889,125	*550,459	**436,605	521,109	128,822

TABLE 1.—*U.S. exports of bituminous coal and coke of coal—(in short tons)*—Continued

EXPORTS—Continued							
Other bituminous coal	NA	NA	158,326	129,424	351,669	59,500	
Total bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
*** Partial, in content tons.

Sources: Office of Export Administration, and Bureau of the Census.

TABLE 2.—*Contracts for export of bituminous coal and coke of coal—in short tons*

[For week ending Dec. 30, 1977]

Commodity	Week ending Jan. 6, 1978	Week ending Jan. 13, 1978	Week ending Jan. 20, 1978	Week ending Jan. 27, 1978	Week ending Feb. 3, 1978	Week ending Feb. 10, 1978	Next 6 weeks	Total for 12 weeks
CONTRACTS								
Low volatile metallurgical coal[1]	185,236	112,420	112,420	112,420	175,420	112,420	797,524	1,607,864
Medium volatile metallurgical coal[2]	194,170	256,408	221,949	283,709	318,859	342,417	1,924,877	3,542,389
High volatile metallurgical coal[3]	132,850	31,510	92,310	40,470	47,210	36,710	292,811	673,691
Total metallurgical coal	512,256	400,338	426,499	436,599	541,489	491,547	3,015,212	5,823,944
Other bituminous coal[4]								
Total bituminous coal[5]								
Coke of coal	31,498	37,434	2,234	2,234	29,904	23,059	36,848	163,211

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
NA—not available.
[4] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[5] Data withheld to avoid disclosure of data withheld above. See footnote 4.

Sources: Office of Export Administration, and Bureau of the Census.

TABLE 3.—*U.S. exports by commodity and area of destination—in short tons*

[For week ending Dec. 30, 1977]

Commodity and area of destination	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
EXPORTS							
Low volatile, metallurgical coal:[1]							
Asia			7,458	111,525	24,808	(4)	(4)
Europe			43,463	40,893	69,440	(4)	(4)
Western Hemisphere			82,956	46,718	2,647	(4)	(4)
Total	NA	NA	**133,877	199,136	96,895	(4)	(4)
Medium volatile, metallurgical coal:[2]							
Asia				102,906	93,291	(4)	(4)
Europe				173,711	15,958	(4)	(4)
Western Hemisphere				6,803	9,383	(4)	(4)
Total	NA	NA	NA	283,420	118,632	(4)	(4)
High volatile, metallurgical coal:[3]							
Asia				11,331		(4)	(4)
Europe					76,532	(4)	(4)
Western Hemisphere				35,724	100,295	(4)	(4)
Total	NA	NA	NA	47,055	176,827	(4)	(4)
Total metallurgical coal:							
Asia			377,151	225,762	118,099	134,389	(4)
Europe			269,606	214,604	161,930	206,831	(4)
Western Hemisphere			224,411	*110,093	*112,325	136,928	(4)
Total	NA	NA	***889,125	*550,459	*436,605	521,109	128,822

EXPORTS—Continued

Commodity and area of destination	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Other bituminous coal	NA	NA	158,326	129,424	351,669	59,500	
Total of bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,509	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct. volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of imformation deemed to be confidential pursuant to sec.7(c) of the Export Administration Act of 1969, as amended.
NA—Not available.
* Includes 44,251 short tons of metallurgical grade coal not indentified by volatility.
** Partial, incontent tons.
*** Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.

Source: Office of Export Administration, and the Bureau of the Census.

TABLE 4.—*Anticipated exports by commodity and area of destination—in short tons*

[For week ending Dec. 30, 1977]

CONTRACTS

Commodity and area of destination	Week ending Jan. 6, 1978	Week ending Jan. 13, 1978	Week ending Jan 20, 1978	Week ending Jan. 27, 1978	Week ending Feb. 3, 1978	Week ending Feb. 10, 1978	Next 6 weeks	Total for 12 weeks
Total metallurgical coal:[1]								
Asia	244,685	150,425	249,886	170,386	257,926	234,930	1,582,758	2,890,996
Europe	232,184	214,526	141,226	230,826	248,176	167,426	1,227,884	2,462,248
Western Hemisphere	35,387	35,387	35,387	35,387	35,387	89,195	204,570	470,700
Total	512,256	400,338	426,499	436,599	541,489	491,551	3,015,212	5,823,944
Other bituminous coal[2]								
Total bituminous coal[3]								
Coke of coal	31,498	37,434	2,234	2,234	29,904	23,059	36,848	163,211

[1] Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[2] Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
[3] Data withheld to avoid disclosure of data withheld above. See footnote 2.

Sources: Office of Export Administration and Bureau of the Census.

TABLE 5.—*Export prices of bituminous coal and coke of coal—in dollars per short ton*

[Free on board U.S. port]

Commodity	Dec. 1975 average	Dec. 1976 average	Nov. 1977 weekly average	Week ending Dec. 30, 1977 Weighted average	High	Low
Low volatile metallurgical coal[1]	NA	NA	NA	(4)	(4)	(4)
Medium volatile metallurgical coal[2]	NA	NA	NA	(4)	(4)	(4)
High volatile metallurgical coal[3]	NA	NA	NA	(4)	(4)	(4)
Total metallurgical coal	NA	NA	53.84	55.93	(4)	(4)
Other bituminous coal	NA	NA	35.01			
Total bituminous coal	49.24	49.76	50.99	55.93	(4)	(4)
Coke of coal	62.91	83.75	79.70	123.14	137.79	94.60

[1] 22 pct or less volatile matter.
[2] 31 pct or less and more than 22 pct volatile matter.
[3] More than 31 pct volatile matter.
[4] Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
* Excludes 44,251 short tons on which price data are not available.

TABLE 6.—*U.S. trade in bituminous coal and coke of coal—in short tons*

[For week ending Dec. 30, 1977]

	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Imports:							
Bituminous coal[1]	20,097	21,452	31,158	NA	NA	NA	NA
Coke of coal	20,774	28,903	41,267	NA	NA	NA	NA
Exports:							
Bituminous coal[1]	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

[1] Includes both metallurgical grade and steam coal.

Sources: Office of Export Administration, and Bureau of the Census.

TABLE 7.—*Bituminous coal and coke of coal* production, consumption, and stocks—in 000 short tons*

[For week ending Dec. 31, 1977]

	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 10, 1977	Week ending Dec. 17, 1977	Week ending Dec. 24, 1977	Week ending Dec. 31, 1977
Total bituminous coal production **	12,019	12,593	14,798	9,100	5,080	(R) 5,515	5,700
Consumption:							
Metallurgical ***	1,519	1,568	NA	1,290	1,368	1,364	1,324
Other bituminous:							
Electric utility	8,414	9,387	NA	9,228	9,550	9,398	8,928
General industry	1,358	1,421	NA	1,330	1,252	1,163	1,146
Total other	9,772	10,808	NA	10,558	10,802	10,561	10,074
Total bituminous	11,291	12,376	NA	11,848	12,170	11,925	11,398
Bituminous coal stocks (end of specified periods):							
Metallurgical ***	8,671	9,804	NA	(R) 15,084	14,776	13,982	13,088
Other bituminous:							
Electric utility	109,707	117,468	NA	(R) 146,171	141,691	136,993	131,308
General industry	8,504	6,900	NA	9,495	9,248	8,896	8,425
Total other	118,211	124,368	NA	155,666	150,939	145,889	139,713
Total bituminous	126,882	134,172	NA	170,750	165,715	159,871	152,801

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
** More detailed production data are not available.
*** More detailed data in terms of volatile content are not available.
(R) Revised.

Data source: Department of Energy.

TABLE 8.—*Representative domestic bituminous coal and coke of coal prices—in dollars per short ton free on board mine or coke plant*

[For week ending Dec. 31, 1977]

		Metallurgical coal			Other	Coke	
		Low volume	Medium volume	High volume	Bituminous	Furnace	Foundry
December 1975	Spot	46.38	46.38	29.28	17.37	NA	110/117
	Contract	NA	NA	NA	NA	NA	NA
December 1976	Spot	33/50	28/33	27/33	16.12	85/97	121/125
	Contract	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977	Spot	42/51	31/37	29/36	18.75	85/90	129/132.5
	Contract	43/50	40/43	31/38	18.81	NA	NA
Week Ending December 10, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 17, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 24, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 31, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA

NA: Not available.

Source: McGraw-Hill's "Coal Week". Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

[FR Doc. 78-3217 Filed 2-2-78; 12:21 pm]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 78-9]

BOUNCE FABRIC SOFTENER

Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: In this document the Commission denies a petition to ban Bounce Fabric Softener because cur-

rently available information is insufficient to determine that Bounce presents an unreasonable risk of injury to the public.

FOR FURTHER INFORMATION CONTACT:

Mark Gulak, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, phone 301-492-6754.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

In a letter dated September 24, 1976, Solon Automatic Services, Inc., a supplier of laundry equipment service in multifamily housing, petitioned (CP 78-9) the Commission to ban Bounce. Bounce, manufactured by Procter & Gamble, is a roll of 9 x 11 in. nonwoven rayon sheets containing a fabric softener and a small amount of perfume. The potential hazard the petitioner alleges is that when Bounce is misused by consumers (reuse of individual sheets and use of multiple sheets in a single dryer load), it can cause shredding of the sheet, clogging of lint screens and build-up of lint in the dryer and duct systems. Petitioner claims that this build-up can restrict air flow, cause the temperature in the dryer to increase and eventually cause dryer fires. Petitioner also states that reuse and multiple use may result in dryer malfunctioning, specifically the coating of dryness sensors and prolonged or erratic drying cycles. The petition was originally docketed under the Federal Hazardous Substances Act (FHSA) as HP 76-20 because it appeared that the petition was claiming Bounce itself to be flammable and therefore, a hazardous substance. Upon closer examination, it was observed that the hazard of clothes dryers catching fire as a result of the interaction of Bounce and the dryer forms the basis of the petition. Such hazard not being cognizable under the FHSA, the petition was treated under the Consumer Product Safety Act (CPSA) and given a new petition number.

The epidemiology staff reported three in-depth investigations involving solid fabric softeners and clothes dryer fires. (Bounce was in use in two of these.) None of the investigation reports concluded that the softeners were definitely the cause of the fire. There were no personal injuries in any of the incidents and no property damage other than to the dryers and the clothes inside.

Between February 1974 and February 1977, the Commission received 15 consumer complaints involving solid fabric softeners and dryer fires. Eight of the 15 complaints involved Bounce. Again, none of the complaints indicated that the fabric softener was the cause of the fire and no personal injury occurred in any of these incidents.

Epidemiology reported three other in-depth investigations that associated solid fabric softeners with dryer malfunctions (automatic shut-off dryers not shutting off when clothes are dry). None of these incidents resulted in a fire nor were any injuries reported.

The Commission received test data and reports from Procter & Gamble, the manufacturer of Bounce. Procter & Gamble made followup, onsite investigations for all consumer complaints received relating to the flammability of Bounce and could not find that Bounce was the cause of the fires. The great majority of cases were traced to excessive lint accumulation usually around the heating element. Procter & Gamble stated that Bounce actually decreases total lint generated because the lubricating action of Bounce reduces the formation of broken fibers (lint) which are separated from the fabric.

Procter & Gamble also asserted that the risk of fire due to a spark/flame within the dryer was an extremely unlikely possibility because the environment of a dryer is not conducive to igniting the items dried in the dryer by design. According to testing performed by Procter & Gamble, Bounce will not spontaneously ignite in dryers, and when exposed to oven temperatures of 400° for 2 hours (well above operating and safety shut-off temperatures) Bounce does not catch fire. Based on an analysis of this data and the results of tests conducted by Commission staff, the Commission believes that it is unlikely that Bounce presents any more of a risk of fires in clothes dryers than the clothes themselves.

After carefully considering the matters raised by the petitioner, and the information presently available to it, the Commission concludes that currently available information is insufficient for it to determine that Bounce fabric softener presents an unreasonable risk of injury to the public. Therefore, the petition is denied.

Copies of the petition and the staff's briefing package to the Commission on the petition may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, during working hours Monday through Friday.

Dated: February 21, 1978.

SADYE DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-3418 Filed 2-7-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014 on March 2, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems and microelectronics. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 3, 1978.

[FR Doc. 78-3393 Filed 2-7-78; 8:45 am]

[3810-70]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electron Devices (AGED), will meet in closed session at the National Bureau of Standards, 325 Broadway, Boulder, Colo. on February 22-23, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development

programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically, Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 3, 1978.

[FR Doc. 78-3394 Filed 2-7-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CS78-219, et al.]

ANTOINETTE C. ALEXANDER, ET AL.

Applications for "Small Producer" Certificates[1]

FEBRUARY 2, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS78-219	1 12 78	Antoinette C. Alexander, 615-C Hampton Circle, Jackson, Miss. 39211.
CS78-220	1 12 78	George P. Post d.b.a. Post Petroleum Co., 2500 Liberty Tower, 100 North Broadway, Oklahoma City, Okla. 73102.
CS78-221	1 12 78	Alvin Kent Bayless, 729 Meadows Parkway, DeSoto, Tex. 75115.
CS78-222	1 12 78	Santa Fe No. 1 Ltd., 5941 Lancefield Dr., Huntington Beach, Calif. 92649.
CS78-223	1 12 78	Mel-Ray Oil Co., Route 2, Box 259, Nowata, Okla. 74048.
CS78-224	1 16 78	Michael L. Gaus, 1115 Augusta No. 16, Houston, Tex. 77057.
CS78-225	1 16 78	Lloyd W. Roberts, Box 1077, Spearman, Tex. 79081.
CS78-226	1 16 78	McCormick 1977 Oil & Gas program, 1204 Tenneco Bldg., Houston, Tex. 77002.
CS78-227	1 16 78	Unit Operations, Inc., 1210 1st National Center West, Oklahoma City, Okla. 73102.
CS78-228	1 17 78	Heritage Resources, P.O. Box 777, Davis, Okla. 73030.
CS78-229	1 18 78	Wasp Oil Inc., P.O. Box 3464, Fort Smith, Ark. 72913.
CS78-230	1 19 78	Thomas Granfill Campbell, 2661 1st International Bldg., Dallas, Tex. 75270.
CS78-231	1 19 78	Angle Oil Co., 2653 1st International Bldg., Dallas, Tex. 75270.
CS78-232	1 23 78	Strawn Auto Parts, Inc., (operator), et al. 1009 East Florida St., Midland, Tex. 79702.
CS78-233	1 23 78	McMoRan Offshore Exploration Co., P.O. Box 6800, Metairie, La. 70009.
CS78-234	1 23 78	Robert W. Lansford, P.O. Box 1462, Eunice, N. Mex. 88231.
CS78-235	1 23 78	F. Howard Walsh, Jr., 1007 First National Bank Bldg., Fort Worth, Tex. 76102.
CS78-236	1 23 78	Madera Gas Ltd., 3333 South Bannock St., Suite 640, Englewood, Colo. 80110.
CS78-237	1 23 78	Archer-Cumming Oil and Gas Co., 529 East South Temple St., Salt Lake City, Utah 84102.
CS78-238	1 23 78	Charles Vance Campbell, Jr., 2661 First International Bldg., Dallas, Tex. 75270.
CS78-239	1 23 78	Richard P. Kincheloe V, 4020 University, Dallas, Tex. 75205.
CS78-240	1 23 78	Triad Drilling Corp., 700 Farm Credit Banks Bldg., Wichita, Kans. 67202.
CS78-241	1 24 78	Integral Energy Corp., 1816 Guaranty Bank Plaza, Corpus Christi, Tex. 78475.
CS78-242	1 25 78	Chapman & Schneider, P.O. Box 763, Hobbs, N. Mex. 88240.
CS78-243	1 25 78	Albert R. Crossland, P.O. Box 763, Hobbs, N. Mex. 88240.
CS74-6[1]	1 26 78	Summit Resources, Inc., 11211 Katy Freeway, Suite 260, Houston, Tex. 77079.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Being noticed to reflect termination of Small Producer Certificate CS74-6.

[FR Doc. 78-3439 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket Nos. G-3132, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES[1]

FEBRUARY 1, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirement of the Commis-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

sion's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the furisdiction 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3132, D, Jan. 18, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Sandy Hook Field, Marion County, Miss.	Nonproductive, plugged and abandoned.	
CI64-23, C, Jan. 20, 1978	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Arkansas Louisiana Gas Co., Cleary-Yuncker No. 2 Well, Sec. 19-19N-9W and the Cleary-Norris No. 2 Well, Sec. 20-19N-9W, Kingfisher County, Okla.	(1)	14.65
CI65-98, D, Jan. 23, 1978	Texaco Inc., P.O. Box 3109, Midland, Tex. 79702.	El Paso Natural Gas Co., NE/4 of Sec. 80, Block 17, Panhandle East Field, Wheeler County, Tex.	Depleted, certain leases released, plugged and abandoned.	
CI76-485, C, Jan. 23, 1978	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Hilliard "BF" Well No. 1-Y, Eddy County, N. Mex.	(2)	14.65
CI77-789, A, Sept. 6, 1977	Mobil Oil Corp., Three Greenway Plaza East—Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., certain acreage in the Ship Shoal Block 68 and South Pelto Block 9 Fields, Federal offshore, Louisiana.	(2)	15.025
CI77-841, C, Jan. 23, 1978	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Cities Service Gas Co., NE/4 of Section 35, T34S, R9E, Chautauqua County, Kans.	(2)	14.65
CI78-281, F, Jan. 25, 1978	Highland Resources, Inc., et al., 800 San Jacinto Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Union Church Area, limited to a depth down to the base of the Hosston Formation, Jefferson County, Miss.	(4)	15.025
CI78-316, CI65-829, B, Jan. 19, 1978.	Aztec Oil & Gas Co., 1600 First National Building, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Depleted.	
CI78-317, A, Jan. 19, 1978	General American Oil Co. of Texas, Meadows Building, Dallas, Tex. 75206.	Columbia Gas Transmission Corp., Block No. 34, East Cameron Area, Gulf of Mexico.	(2)	15.025
CI78-318, A, Jan. 19, 1978	Cotton Petroleum Corp., Suite 4200, One Williams Center, Tulsa, Okla. 74103.	Kansas-Nebraska Natural Gas Co., Inc., Guymon Hugoton Field, Texas County, Okla.	(2)	14.73
CI78-319, CI77-195, B, Jan. 16, 1978.	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., South Fargo Field, Ellis County, Okla.	Nonproduction and certain leases expired.	
CI78-320, A, Jan. 23, 1978	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., V. T. Amacker "E-82" No. 2 Well, SW Amacker, Tippett (Wolfcamp) Field, Upton County, Tex.	(2)	14.65
CI78-321, A, Jan. 23, 1978	do	PGP Gas Products, Inc., certain acreage in the Abell Field, Pecos County, Tex.	(2)	14.65
CI78-322, A, Jan. 16, 1978	do	El Paso Natural Gas Co., Grayburg San Andres Formation of the Britt A-1 Well, Monument Field, Lea County, N. Mex.	(7)	14.65
CI78-323, CI69-867, B, Dec. 9, 1977.	Highland Resources, Inc., 800 San Jacinto Building, Houston, Tex. 77002.	Trunkline Gas Co., Blocks 179 and 187, South Timbalier Area, offshore, Louisiana.	Ceased production and leases expired.	
CI78-324, G-9616, B, Jan. 9, 1978.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Coastal States Gas Producing Co., Brownlee Field, Jim Wells County, Tex.	Sales ceased.	
CI78-325, CI71-863, B, Jan. 9, 1978.	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Lake Tom Field, Iberia Parish, La.	Depleted, plugged and abandoned.	
CI78-326, B, Jan. 16, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Union Texas Petroleum Division, Mittie Rives Lease, Runnels County, Tex.	Lease terminated, plugged and abandoned.	
CI78-327, A, Jan. 17, 1978	Texaco Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Cities Service Gas Co., Ames, N.E. Field, Major County, Okla.	(2)	14.65
CI78-328, CI65-1256, B, Jan. 17, 1978.	Terra Resources, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La.	Ceased production and leases expired.	
CI78-329, A, Jan. 18, 1978	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., High Point Area, Carbon County, Wyo.	(5)	14.73
CI78-330, A, Jan. 19, 1978	Northwest Exploration Co., 315 East Second South, Salt Lake City, Utah 84110.	Northwest Pipeline Corp., Great Divide Prospect (undesignated field, Moffat County, Colo.).	(3)	15.025
CI78-331, B, Jan. 19, 1978	Fourth Enterprises, Inc., Suite 732—the Main Building, Houston, Tex. 77002.	Trunkline Gas Co., Lake Misere, Cameron Parish, La.	Depleted and leases expired.	
CI78-332, A, Jan. 20, 1978	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Barrel Springs Area, Carbon County, Wyo.	(5)	14.73
CI78-333, A, Jan. 20, 1978	Panhandle Western Gas Co., P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Co., certain acreage in Carbon County, Wyo.	(2, 10)	14.65
CI78-334, C, Jan. 20, 1978	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Sprayberry Field, Reagan and Upton Counties, Tex.	(11)	14.65
CI78-335, A, Jan. 20, 1978	Enserch Exploration, Inc., 1817 Wood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America. Sawyer "113" No. 3 Well, NW/4 sec. 113 (5,417'-6,688') and Sawyer "129" No. 3 Well, NE/4 sec. 129, (5,685'-6,907'), both B, H.E. & W.T. R.R. Co. survey, Sutton County, Tex.	(2)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI78-336, CI67-1789, B, Jan. 20, 1978.	Yucca Petroleum Co., P.O. Box 2585, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., SE NE sec. 10-34S-31W, Arkalon Field, Seward County, Kans.	Depleted, plugged and abandoned.	
CI78-337, A, Jan. 20, 1978.....	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Arkansas Louisiana Gas Co, South Bokoshe Field, Leflore County, Okla.	(10)	14.65
CI78-338, A, Jan. 23, 1978.....	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	Northern Natural Gas Co. Morrow Formation (13,150' to 13,400' per density log) underlying the State "XX" Com. No. 1 Well located in the E/2 of sec. 7, T17S, R34E, Lea County, N. Mex.	(10)	14.65
CI78-339, G-5047, B, Jan. 23, 1978.	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Lone Star Gas Co., Dillard Plant, Carter County, Okla.	Sales ceased to Lone Star and remaining gas being used for water flood operations fuel.	
CI78-340, CI75-670, B, Jan. 23, 1978.	Phillips Petroleum Co., 5 C4 Phillips Building, Bartlesville, Okla. 74004.	Kansas-Nebraska Natural Gas Co., Inc., Bowman "B" No. 2 Well located in SE/4 sec. 31-22S-15W, Pawnee County, Kans.	Depleted, lease terminated, plugged and abandoned.	
CI78-341, G-19496, B, Jan. 23, 1978.	Aztec Oil & Gas Co., 1600 First National Building, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Blue Hill Field, San Juan County, N. Mex.	Depleted.	
CI78-342, A, Jan. 24, 1978.....	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Cities Service Gas Co., Champlin 451 Amoco A-1 Well, sec. 17-T21N-R94W, Sweetwater County, Wyo.	(8)	15.025
CI78-343, A, Jan. 24, 1978.....	Texaco Inc., (partial succ. in interest of W. C. Pickens), P.O. Box 2420, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Putnam Field, Dewey County, Okla.	(13)	14.73
CI78-344, CI68-1314, B, Jan. 24, 1978.	J. A. Dykes, suite 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La.	Depleted, lease expired, plugged and abandoned.	
CI78-345, B, Jan. 24, 1978.....	J. A. Dykes.....	Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex.	Do.	
CI78-346, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-347, CI67-1565, B, Jan. 24, 1978.	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-348, CI68-1314, B, Jan. 24, 1978.	E. L. Hilliard, Suite 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La.	Do.	
CI78-349, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-350, B, Jan. 24, 1978.....	do.....	Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex.	Do.	
CI78-351, CI67-1565, B, Jan. 24, 1978.	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-352, CI68-1314, B, Jan. 24, 1978.	J. T. Palmer, Suite 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La.	Do.	
CI78-353, B, Jan. 24, 1978.....	do.....	Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex.	Do.	
CI78-354, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-355, CI67-1565, B, Jan. 24, 1978.	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-356, B, Jan. 24, 1978.....	C. H. Lyons, Jr., Suite 1500 Beck Bldg., Shreveport, La. 71101.	Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex.	Do.	
CI78-357, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-358, CI67-1565, B, Jan. 24, 1978.	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-359, B, Jan. 24, 1978.....	Susybelle Wilkinson Lyons, Suite 1500 Beck Bldg., Shreveport, La. 71101.	Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex.	Do.	
CI78-360, B, Jan. 24, 1978.....	R. L. Naumann, Suite 1500 Beck Bldg., Shreveport, La. 71101.	do.....	Do.	
CI78-361, A, Jan. 25, 1978.....	Odeco Drilling Inc., P.O. Box 61780, New Orleans, La. 70161.	Transcontinental Gas Pipe Line Corp., South Timbalier Area, blocks 148 (E/2) and 149 (SW/4), in the Gulf of Mexico, Offshore, Louisiana, (Federal domain).	(8)	15.025
CI78-362, CI65-629, B, Jan. 25, 1978.	Aztec Oil & Gas Co., 1600 First National Building, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Cha Cha Gallup Field, San Juan County, N. Mex.	Depleted.	
	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Transwestern Pipeline Co., North Burton Flats Field, Eddy County, N. Mex.	(2)	14.65

[1] Applicant is filing under Gas Sales Contract, dated May 13, 1963, amended by amendment, dated June 1, 1966.
[2] Applicant is filing under Gas Purchase Agreement dated Dec. 12, 1977.
[3] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[4] Applicant requests that its application be amended to reflect that it is subject to Amoco Production Co.'s call on 50% of the gas in accordance with the farmout agreement dated Apr. 12, 1976.
[5] Applicant is filing under Casinghead Gas Contract dated Dec. 1, 1977.
[6] Not used.
[7] Applicant is filing under Gas Purchase Contract dated Dec. 16, 1977.
[8] Applicant is filing under Gas Sales Contract dated Jan. 6, 1978.
[9] Applicant is filing under Gas Sales Contract dated Jan. 3, 1978.
[10] Seller and Purchaser are affiliated.
[11] Applicant is requesting a Reinstatement of Certificate of Public Convenience and Necessity and FERC Gas Rate Schedule which was issued under old Docket No. G-7500.
[12] Applicant is filing under Gas Sales Contract, dated Nov. 17, 1977.
[13] Applicant is filing under Contract dated Nov. 23, 1977.
[14] Not used.
[15] Applicant is filing under Gas Purchase Contract dated Apr. 10, 1963, as amended.

Filing code:
A—Initial service. C—Amendment to add acreage. E—Succession.
B—Abandonment. D—Amendment to delete acreage. F—Partial succession.

[FR Doc. 78-3262 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. RI77-58]

OUTLINE OIL CORP.

Order Granting Special Relief and Permitting Intervention

Issued: February 1, 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 "saving 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 effected 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 April 11, 1977, Outline Oil Corporation (Outline) filed a petition for special relief in Docket No. RI77-58 pursuant to section 2.56(B)(h) of the Commission's General Policy and Interpretations. Outline initially requested a total rate of $1.36 per Mcf at 14.65 psia for the sale of 100 percent of the natural gas produced from the Heinold No. 1 and No. 2, Lewis No. 1 and Lewis-Sager No. 1 wells in the Mission Valley Field, Victoria County, Texas, to Transcontinental Gas Pipeline Corporation (Transco). On September 29, 1977, Outline amended its original petition to exclude the Heinold No. 2 well and to request a price of $1.1012 per Mcf for gas produced from the Heinold No. 1, the Lewis No. 1 and the Lewis-Sager No. 1 wells.

On December 5, 1977, Outline further amended its filing to reflect a lower requested rate of 99.01 cents per Mcf at 14.65 psia. Outline is filing on behalf of all interest owners.

Notices of the filings were published in the FEDERAL REGISTER. Philadelphia Gas Works and Transco filed petitions to intervene, but neither raised objections concerning Outline's filings or requested a hearing.

Outline is making this sale under its small producer certificate issued in Docket No. CS71-275 on August 1, 1972, and under a November 12, 1971, contract with Transco. It is currently receiving 35.0 cents per Mcf plus applicable adjustments. By a letter dated April 5, 1977, Transco has agreed to amend the contract to provide for the payment of a rate of $1.36 cents per Mcf.

Outline avers that it will spend $77,470 reworking the Heinold No. 1 well and the Lewis No. 1 well and installing compression facilities on all wells. The reworking of these wells is to include reperforating, cementing, packer replacement or redressing, purchasing and installing tubing, and testing. Reworking the wells and adding compression will enable the production of an estimated 542,645 Mcf of remaining reserves over the next five years.

Based on data filed by the Applicant, the Commission Staff determined that Outline's remaining net book investment of $231,022, new investment of $77,470, and estimated production expense over the remaining life of the project of $169,805 were reasonable. Staff used these costs and the net working interest reserves of 542,645 Mcf., remaining after deducting an allowance for compressor fuel, in a traditional cost study wherein the modified Btu method was utilized to allocate costs between gas and liquids. The results of this study indicated that a total rate of 99.01 cents per Mcf is required to allow Outline to recoup all cost associated with this product including a 15 percent rate of return. (See Appendix A attached hereto.)

We note that although Outline filed its petition pursuant to section 2.56(B)(h) of the Commission's General Policy and Interpretations, it appears from the facts developed that it may more properly be considered pursuant to section 2.76. Therefore, we will treat the application as though it had been filed pursuant to section 2.76 of our General Policy and Interpretations.

After reviewing the costs to be incurred and the reserves to be recovered, we determine that Outline's petition for special relief is warranted and that it is in the public interest to grant the petition.

The Commission finds:

The petition for special relief filed by Outline should be granted. Philadelphia Gas Works and Transco should be permitted to intervene.

The Commission orders:

(A) The petition for special relief, as amended, filed by Outline Oil Corporation is hereby granted.

(B) Outline is authorized to charge and collect a total rate of 99.01 cents per Mcf at 14,65 psia for the sale of natural gas from its Heinold No. 1 well, Lewis No. 1 well, and Lewis-Sager No. 1 well to Transco effective on the date of this order or the date of completion of the reworking and recompletion of the wells and installation of compression, whichever is later, subject to the conditions set forth in paragraphs (C) and (D) below.

(C) Within 30 days of the effective date specified above, Outline shall file a statement signed by Transco that the proposed work has been completed to Transco's satisfaction.

(D) Outline shall file a Notice of Independent Producer Rate Change reflecting the above authorized rate and an executed amendment to its contract with Transco providing for payment of the rate granted above, within 30 days of the date of issuance of this order.

(E) Philadelphia Gas Works and Transco are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission: Provided, however, that their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene; and Provided, further, that the admission of such parties in the manner provided shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered in this proceeding.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX A.—*Outline Oil Corp. Docket No. RI77-58, Heinold Well No. 1, Lewis Well No. 1, Lewis-Sager Well No. 1, Mission Valley Field, Victoria County, Tex., unit cost of gas*

	Line No. and Item (a)	Amount (b)
1	Net Working Interest Volumes:	
2	Gas—Mcf at 14.65 p.s.i.a.[1]	542,645
3	Liquids—Bbls.[2]	6,860
4	Cost of Production:	
5	Return on rate base[3]	$73,199
6	D.D. & A.[4]	300,992
7	Production expense[5]	169,805
8	Subtotal	543,996
9	Allocated to gas[6]	496,396
10	Regulatory expense[7]	543
11	Total cost of production	496,939
12	Unit Cost of Gas (cents per Mcf):	
13	Cost of production[8]	91.58
14	Production tax[9]	7.43
15	Total unit cost of gas	99.01

[1] Lewis Sager—236,372 Mcf minus 20,650 Mcf times 0.79146728 Heinold No. 1—231,000 Mcf minus 8,400 Mcf times 0.80 Lewis No. 1—258,000 Mcf minus 8,400 Mcf times 0.77655273.
[2] Lewis Sager—3,777 Bbls. times 0.79146728 Heinold No. 1—2,205 Bbls. times 0.80 Lewis No. 1—2,711 Bbls. times 0.77655273
[3] Line 11 of sheet 3 times 15 percent times 5 years of productive life.
[4] Line 6 of sheet 2.
[5] Based on estimated base year of $6,492 per well escalated 5 percent per year plus $93,000 for compression expense.
[6] Line 12 of sheet 2 times line 8.
[7] Line 2 times 0.1¢ per Mcf.
[8] Line 11 divided by line 2.
[9] 7.5 percent times line 15.

Investment and Allocation of Costs

	Line No. and Item (a)	Amount (b)
1	Investment:	
2	Remaining net book value	$231,022
3	Rework and recomplete wells	77,470
4	Total investment	308,492
5	Less salvage value[1]	7,500
6	Depreciable investment	300,992
7	Depreciation per unit of production[2]	55.47
8	Allocation of costs:[3]	
9	Gas—MMBtu[4]	584,429
10	Liquids—MMBtu[5]	56,060
11	Total MMBtu	640,489
12	Percentage allocated to gas[6]	91.25

[1] From filing.
[2] Line 6 divided by 542,645 Mcf.
[3] Modified Btu method per opinion No. 749.
[4] 542,645 Mcf times 1.077 MMBtu.
[5] 6,860 Bbls. times 5.448 MMBtu per barrel times 1.5 modifier.
[6] Line 9 divided by line 11.

AVERAGE ANNUAL INVESTMENT AND RATE BASE

Line No. and year (a)	Annual N.W.I. production (Mcf) (b)	Beginning of year investment (c)	Depreciation[1] (d)	End of year investment (e)	Average investment[2] (f)
1. 1978	240,867	$308,492	$133,607	$174,885	$241,689
2. 1979	157,585	174,885	87,409	87,476	131,180
3. 1980	104,441	87,476	57,931	29,545	58,511
4. 1981	22,858	29,545	12,676	16,869	23,207
5. 1982	16,894	16,869	9,369	7,500	12,184
6. Total	542,645		300,992		466,771
7. Average annual investment[3]					93,354
8. Annual rate base:					
9. Average annual investment					93,354
10. Average annual working capital allowance[4]					4,245
11. Total annual rate base					97,599

[1] Col. (b) times line 7 of sheet 2.
[2] Col. (c) plus col. (e) divided by 2.
[3] Col. (f), line 6 divided by 5 yr of productive life.
[4] 0.125 times line 7 of sheet 1 divided by 5 yr of productive life.

[FR Doc. 78-3261 Filed 2-7-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Project No. 2823]

BOISE CASCADE

Application for Minor License

FEBRUARY 2, 1978.

Public notice is hereby given that an application was filed with the Federal Energy Regulatory Commission on October 27, 1977, under the Federal Power Act (16 U.S.C. 791a-825r), by Boise Cascade (Applicant) (correspondence to: R. P. Langdon, Chief Engineer, Latex Fiber Products, Beaver Falls, N.Y. 13305) for Commission approval of an application for minor license for a proposed 1000-kW hydroelectric project located at an existing dam on the Beaver River in the Town of New Bremen, Lewis County, N.Y.

The proposed project would consist of: (1) A 4-acre reservoir formed by an existing 400-foot-long concrete gravity dam with a maximum height of 17 feet consisting of a 240-foot-long nonoverflow section containing an 8-foot wide spillway and a 160-foot long overflow section; (2) an existing powerhouse to be modified to contain two 500-kW hydroelectric generating units; and (3) appurtenant facilities. A 2,400-volt transmission line would be installed across the Beaver River connecting the powerhouse to the Applicant's industrial facilities. The project would produce power for industrial use by the Applicant. Approximately 5 percent of the total power would be sold to the local electrical utility, Niagara Mohawk Power Corp., during times when the industrial facility is not operating.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3382 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER77-529]

COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

Order Modifying Prior Order

FEBRUARY 2, 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 Fedeal 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.

Procedural History

On July 29, 1977, Columbus and Southern Ohio Electric Co. (hereinafter Columbus) tendered for filing a proposed increase in rates and charges to four (4) municipal customers.[1]

By order issued August 26, 1977, the Federal Power Commission (FPC) suspended the proposed rates for the cities of Westerville and Jackson and the Village of Glouster for one day, to become effective August 30, 1977, subject to refund.[2] Further, the FPC suspended the proposed rates for the City of Columbus for one day to become effective January 2, 1978, subject to refund.[3]

On December 9, 1977, the city of Columbus filed a Motion for Expedited Reconsideration of the August 26, 1977 order of the FPC. The city requests rejection of the Company's filing or alternatively, suspension of the effective date until February 9, 1978. This request is bottomed on the Mobile-Sierra docrtine.[4] On December 27, 1977, the city of Columbus filed a motion for immediate action stating that to allow the proposed increased rates to become effective on January 2, 1978, would violate the terms of the fixed rate contract between the parties and work irreparable harm on Columbus.

The Company filed on December 29, 1977, its objections to the City's Motion for Expedited Reconsideration and in the alternative, for suspension for an additional period of time.[5] In sum, the Company argues that the City's motion was untimely; that the effective date of the contract was January 1, 1976, and that its notice of termination effectively terminated the contract on December 31, 1977.

Motion for Reconsideration

The Company contends that the City of Columbus' Motion for Reconsideration should be rejected as untimely. The motion was filed 77 days after the expiration of the 30-day period for appeal of the August 26th order of the FPC.

The Company characterized the City's motion as nothing more than a tardy motion for rehearing. The Company's argument is based on section 313(a) of the Federal Power Act and § 1.34(a) of the Commission's rules of practice and procedure.[6]

Although the Act and the Commission's regulations are silent as to Motions for Reconsideration, we have construed Motions for Rehearing filed out of time as Motions or Applications for Reconsideration in some instances. "Appalachian Power Company", 52 FPC 317 (1974).[7] This has been predicated on the theory that it is better regulatory practice to decide cases based on the merits rather than on procedural grounds.

However, the rule requiring a motion for rehearing to be filed within 30 days after the issuance of an order is also grounded in sound regulatory practice. Such a rule provides finality to Commission orders and preserves the orderly administrative process.

We believe that Motions for Reconsideration should be granted sparingly and only then in instances where significant substantive issues are raised.

The City's motion alleges that the Company misrepresented the expiration date of its fixed rate contract in its rate increase filing. The City further claims that to place the increased rates into effect prior to expiration date of the contract violates the Mobile-Sierra doctrine. The City of Columbus' allegation of a Mobile-Sierra violation is so fundamental to the determination of the validity of a rate filing that it may be properly raised out of time.[8] However, by operation of law the City of Columbus' December 9, 1977, motion for reconsideration has been denied, Commission Rules and Regulations, section 1.12(e). Nevertheless, we shall on our own motion consider the Mobile-Sierra allegations raised by the City and objected to by the Company (section 309 of the Act).

Mobile-Sierra Issue

The City of Columbus argues that the present contract between it and

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[1] The filing would increase the Company's revenues by $2,500,889 for the 12-month period ending June 30, 1978. Columbus requested an effective date of July 1, 1977 for the cities of Westerville, Jackson and the Village of Glouster, all in Ohio. The Company asked for an effective date of January 1, 1978 for the city of Columbus, Ohio.

[2] The FPC, inter alia, granted intervention to the city of Westerville and the city of Columbus and established price squeeze procedures in accord with Order No. 563.

[3] Based on the Company's representation in its transmittal letter, that the expiration date of the contract was December 31, 1977, the FPC suspended application of the proposed rates to the city of Columbus until January 2, 1978.

[4] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 US 332 (1956) and *FPC* v. *Sierra Pacific Power*, 350 US 348 (1956).

[5] The Company's objection was filed out of time pursuant to the Commission's Regulation 1.18.

[6] Section 313(a) of the Federal Power Act provides, in pertinent part, that—

> Any person * * * aggrieved in an order issued by the Commission in a proceeding under this Act to which such person * * * is a party may apply for a rehearing within thirty days after the issuance of such order. * * * No proceeding to review any orders of the Commission shall be brought by any person (in the United States Court of Appeals) unless such person shall have made application to the Commission for a rehearing thereon.

Our pertinent rule, set forth at § 1.34 (18 CFR 1.34), is parallel:

> An application for rehearing of a proceeding may be filed within 30 days after the issuance of any final decision or order by the Commission.

[7] The FPC cannot waive the 30-day filing requirement for applications or petitions for rehearing. For example, in Power Authority of the State of New York, 31 FPC 467 (1964), the FPC stated:

> The application for rehearing must also be rejected upon the ground that it was not timely filed. Section 313(a) of the Federal Power Act * * * (provides) that an application for rehearing is to be filed within 30 days after the issuance of the original order. The Authority did not file its application until the 31st day. Since the 30-day period is the maximum period prescribed by the statute, this Commission has no power to grant any extension of time. (p. 468)

To the same effect are Turnbull & Zoch Drilling Co., 36 FPC 762 (1966); City of Detroit, et al., 6 FPC 951 (1947); Northern Natural Gas Co., 7 FPC 638 (1948); American Louisiana Pipe Line Co., et al., 21 FPC 366 (1959); Pacific Northwest Power Co., 26 FPC 174 (1961).

[8] The Commission has no power under the Federal Power Act to accept for filing rates that contravene existing contracts. The Court of Appeals in *Richmond Power & Light of Richmond, Ind.* v. *FPC*, 481 F. 2d 490, 493 (D.C. 1973) clearly enunciated the Mobile-Sierra rule:

> The rule * * * is refreshingly simple: the contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid; rate filings inconsistent with contractual obligations are invalid. * * *

the Company is a fixed rate contract which extends for a one-year term from the date of execution—February 9, 1976—and for one-year periods thereafter unless 90 days notice is given prior the anniversary date. The contract provision in question reads:

> This contract shall be in force for, and during, a period of one (1) year from date of execution by the City, and thereafter for successive periods of one (1) year unless 90 days' written notice of termination is given by either party to the other. (Paragraph 2, Term of Contract, of Section V, Technical Provisions Electric Service, at p. 5-1).

In its objection, the Company agrees that the contract is a fixed rate contract but argues that the term extends for one-year periods from January 1, 1976. The cornerstone of the Company's argument is the assertion that the discernible intent of the parties indicates that the contract became effective on January 1, 1976 for consecutive one-year terms.

In supporting this position, the company cites an ordinance passed on January 26, 1976, by the Columbus City Council that specifically provided that the contract was subject to the approval of the FPC as to price and effective date. Further, the Company stated that the Commission entered an order on March 18, 1976, accepting the amended rate schedule and ordering that it become effective January 1, 1976. Additionally, the Company pointed to the failure of the city to object to the billing of its January purchases at the "new contract rate" as further evidence of the intent of the parties.

We view the Company's argument as an attempt to create a cloud of ambiguity to obscure an otherwise clear contract provision. The Courts have provided us guidance in dealing with arguments of this kind. In *"Appalachian Power Co. v. FPC,"* 529 F.2d 342, 348 (D.C. Cir. 1976), the Court noted that the Company had reached "outside the unambiguous contracts for an argument seeking to impart uncertainty, and then again utilize(d) the extrinsic material to resolve the so-called doubt (footnote omitted). Well settled principles preclude both the Commission and this court from endorsing that technique (footnote omitted)."

We find that the term of the contract is based on the date of execution—February 9, 1976. The City's "Mobile-Sierra" argument is well founded. We amend our August 26, 1977 order in this docket and set the effective date for the rates to become effective as February 10, 1978, subject to refund.

We now turn to the City of Columbus' claim that the Company's July 29, 1977 letter to Columbus fails to constitute effective notice of termination. First, the City argues that the letter was ambiguous when read in light of the Company's transmittal letter to the Commission.[9] The City states that the Director of the Department of Public Service for the City sent a letter to the Company requesting a clarification as to the termination date of the contract and that the Company did not respond.[10]

Second, the City contends that the letter fails to comply with the terms of the contract. Here the City states that the Company patently failed to comply with the express terms of the contract for notice of termination—90 days prior to the anniversary date—the notice was more than three months premature.[11]

In its objection, Columbus states that the Company's notice of termination was clear. Further, Columbus aptly notes that the August 10, 1977 letter from the Director shows that he understood that the Company intended to terminate the contract on December 31, 1977. We find that the Company's notice of termination comports with the requirements of the contract, albeit the company mistakenly thought that the contract anniversary date was December 31, 1977.

Finally, the City of Columbus avers that the Commission's failure to act before January 2, 1978 will work undue hardship and irreparable harm on the City.

The proposed rates were put into effect on January 2, 1978 subject to refund. Further, the billing date for the first month of service probably will not occur until sometime in February. We find that the City's claim of irreparable harm is without merit in either fact or law. *"Algonquin Gas Transmission Co. v. FPC"* 534 F.2d 952 (D.C. Cir. 1976).

The Commission finds. (1) Good cause exists to consider the "Mobile-Sierra" allegations raised in the City of Columbus' Motion for Reconsideration.

(2) Good cause exists to modify the FPC's August 26, 1977 order in this docket to prescribe an effective date for Columbus' rate filing for the City of Columbus of February 10, 1978.

(3) Good cause exists to require Columbus to refund all amounts, if any, collected in the interim period under the subject rate schedules.

The Commission orders. (A) Ordering paragraph (C) in the FPC's August 26, 1977 order in this docket is terminated.

(B) The proposed increased rates and charges filed by Columbus on July 29, 1977 and identified above as associated with the City of Columbus are hereby accepted for filing, suspended and the use thereof deferred until February 10, 1978, when they shall become effective, subject to refund.

(C) Columbus shall refund with appropriate interest within 30 days all amounts, if any, collected during the interim period under the subject rate schedules.

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

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3383 Filed 2-7-78; 8:45 am]

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[9] The pertinent paragraphs of the Company's July 29, 1977 letter to the City of Columbus read: A copy of the filing by Columbus and Southern Ohio Electric Co. is enclosed for your information. This is to inform you that in accordance with the terms, we are terminating the contract for wholesale service to the City of Columbus, Ohio, which became effective as of January 1, 1976 (FPC Docket No. ER76-459).

[10] The Letter dated August 10, 1977 read in part: I would also like to confirm the effective date of this termination as discussed in our telephone conversation on August 1. I believe you stated at that time that the intention was to terminate the contract December 31, 1977. If this is not true, please advise.

[11] The City cites a Montana case of 1896 vintage to support its argument. *Schultz v. O'Rourke,* 45 P 634 (1896). This antiquated case stands alone. See, Annot., 164 ALR 1014, 1015 (1946).

[6740-02]

[Project No. 2332]

DUKE POWER CO.

Application for Approval of Exhibit R (Recreational Use Plan)

FEBRUARY 1, 1978.

Public Notice is hereby given that application for approval of Exhibit R was filed by Duke Power Co. (correspondence to: William L. Porter, Esq., Duke Power Co., P.O. Box 2178, Charlotte, N.C. 28242 and Richard A. Brown, Esq. Wall, Harkrader and Ross, 1320 19th Street NW., Washington, D.C. 20036) on April 4, 1977, in compliance with regulations promulgated pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-8251.

Applicant (Duke Power Co.) seeks approval of Exhibit R as part of, and in accordance with Article No. 30 of, its existing FERC license for the constructed Gaston Shoals Project No. 2332.

Gaston Shoals dam is located on the Broad River, a navigable water of the United States within Cherokee County in north central South Carolina, approximately 5 miles northeast of Gaffney and 4 miles northwest of Blacksburg, S.C. Gaston Shoals reservoir is 19 miles upstream from Ninety-Nine Islands reservoir. The reservoir behind Gaston Shoals dam extends approximately 4½ miles upstream. The reservoir was put into operation to generate hydroelectric sources in 1908 with an original full pond surface area of 251 acres.

The Applicant's Exhibit R states that it has no plans for any recreational development at the Gaston Shoals Project for the following reasons:

1. Accumulation of silt has reduced the usable head to approximately 3 feet at the project and has reduced the water surface acreage.

2. The reservoir is very shallow except for the river channel and many of the shallow areas have become filled with brush and other vegetation, thereby rendering the reservoir unsuitable for boating or water skiing. A possibility does exist for low profile activities such as canoeing and bank fishing which occur occasionally at the reservoir.

3. The river water, rated class B, remains muddy most of the year.

4. There are no existing facilities associated with water oriented recreation, i.e., marinas, piers, etc. at the reservoir.

5. No local or State agency contacted has stated any present or future plans for recreational development at the reservoir.

6. The people living near the Gaston Shoals Project have a choice of several alternative reservoirs on which to pursue water oriented activities. Within a 50 mile radius are Lake Wylie, Fishing Creek Lake, Great Falls, Rocky Creek, Lake Wateree, Mt. Island Lake, Lake Norman, and Lake Adger with a combined surface area of 66,900 acres.

7. Kings Mountain National Military Park, Kings Mountain State Park, Rose Hill State Park, Chester State Park, Paris Mountain State Park, Croft State Park, Landsford Canal State Park, Andrew Jackson Historical State Park, and Duke Power State Park are all within a 50 mile radius of reservoir. These parks provide camping, hiking, swimming, picnicking, and other related activities.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before April 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426 protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.10 or § 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46467 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC

on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3376 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-188]

MONTANA POWER CO.

Filing

FEBRUARY 1, 1978.

Take notice that Montana Power Co. on January 24, 1977, tendered for filing Original Sheet No. 10 of FPC Electric Tariff M-1, which has been revised to show the addition of Southern California Edison Co. and the city of Glendale, Calif.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3377 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER76-40]

NEVADA POWER CO.

Supplemental Filing

FEBRUARY 2, 1978.

Take notice that Nevada Power Co. (Nevada) on December 23, 1977, tendered for filing a supplemental filing to the compliance filing filed by Nevada on September 1, 1977, as amended by amendment filed November 17, 1977. Said supplemental filing added new language concerning the fuel adjustment clause in Nevada FERC Rate Schedule No. 1.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3384 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-192]

NORTHERN STATES POWER CO.

Filing

FEBRUARY 2, 1978.

Take notice that Northern States Power Co. (Northern States) on January 25, 1978, tendered for filing Supplement No. 3, dated December 12, 1977, to the Manitoba-United States Winnipeg-Grand Forks 230 KV Interconnection Coordinating Agreement, dated January 16, 1969, between The Manitoba Hydro-Electric Board, Minnkota Power Cooperative, Inc., Northern States Power Co., and Otter Tail Power Co.

Northern States indicates that Supplement No. 3 provides for a revision in the Demand Charge for Participation Power, adds Service Schedule IX, Tertiary Energy, and increases the other-than-fuel component of the Average Production Cost from 1.00 mill per kWh to 1.70 mills per kWh.

Northern States proposes an effective date of March 1, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3385 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-193]

PENNSYLVANIA POWER & LIGHT CO.

Filing

FEBRUARY 2, 1978.

Take notice that on January 26, 1978, Pennsylvania Power & Light Co. (PP&L) filed, pursuant to section 35 of the Commission's rules and regulations, a new contract relating to a change in status in the resale service to the Borough of Hatfield, Montgomery County, Pa.

PP&L indicates that the purpose of this filing is to reflect a change in status in the service to Hatfield from a partial-use customer to an all-requirements customer. PP&L further indicates that Hatfield has discontinued use of its municipal generating equipment and desires to purchase all energy requirements from PP&L. PP&L had indicated its willingness to provide all of Hatfield's energy requirements and the new contract has been executed.

PP&L proposes that the new contract become effective upon acceptance by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3386 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-171]

SOUTHERN NATURAL GAS CO. ET AL.

Application

FEBRUARY 1, 1978.

Take notice that on January 24, 1978, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, Ky. 42301, and United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001 (Applicants), filed in Docket No. CP78-171 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas for Mississippi Valley Gas Co. (Mississippi), a Mississippi corporation operating facilities for the distribution of gas wholly within the state of Mississippi for the benefit of Consumers in the state of Mississippi, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Mississippi purchases gas for resale from Applicants in different areas of the state of Mississippi, and that because of potential curtailment by such suppliers, it began seeking sources of supplemental supply and has succeeded in purchasing certain amounts of gas in the intrastate market.

It is indicated that in order to utilize these volumes of intrastate supplies, Mississippi has entered into separate agreements dated December 5, 1977, with Applicants, which agreements provide for the transportation of volumes displaced by said volumes of intrastate gas. It is stated that the proposed transportation would be effected by Mississippi's designating that a portion of its daily allocation of gas from Southern, up to the equivalent of the volume purchased from intrastate sources, be transported and delivered to Texas Gas United, and that Texas Gas or would redeliver said volumes, less fuel and company use volumes, to Mississippi's service areas served by gas obtained by Mississippi from United and Texas Gas. All gas so transported would be displaced by Mississippi's intrastate supplies, it is said.

It is stated that for the services to be performed hereunder, Mississippi has agreed to pay to Southern on each day such services are rendered an administrative charge of $50 plus any other incidental costs resulting from the displacement service to be provided by Southern, and that Mississippi would reimburse Texas Gas for the transportation service to be rendered by it at the rate of 13.93 cents per Mcf of gas transported and delivered to Mississippi or such other rates as may be determined from time to time by the Commission to be just and reasonable. It is further stated that Mississippi would reimburse United for all gas redelivered hereunder an amount equal to United's average jurisdictional transmission cost of service in effect from time to time in United's Northern Rate Zone, less any amount included in such average jurisdictional transmission cost of service which is attributable to gas consumed in the operation of United's pipeline system, which rate is currently 24.46 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3378 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-166]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

FEBRUARY 1, 1978.

Take notice that on January 20, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Connecticut Natural Gas Corp. (Connecticut Natural), one of Applicant's existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Connecticut Natural for a primary term of fifteen years ending March 31, 1993, which gas would enable Connecticut Natural to store a portion of the natural gas it purchases from Applicant with National Gas Storage Corp. (Storage Corporation) under the storage service proposed by Storage Corporation in Docket No. CP76-492. It is indicated that Connecticut Natural has entered into a preliminary agreement with Storage Corporation under which Storage Corporation would, upon certification and development of the storage facilities proposed at Docket No. CP76-492, perform a storage service for Connecticut Natural extending through March 31, 1993.

Applicant proposes to receive from Connecticut Natural daily volumes of natural gas (injection transportation volumes) nominated by Connecticut Natural from its contracted demand purchases from Applicant under Applicant's CD-6 Schedule and to transport and deliver such volumes to Storage Corporation for storage for Connecticut Natural's account, in order to enable Connecticut Natural to utilize this aforementioned storage service.

It is stated that when requested by Connecticut Natural, Applicant proposes to receive daily volumes from Storage Corporation, for Connecticut Natural's account (withdrawal input volumes), and after deduction of a small portion of such volume for Applicant's system fuel and use requirements, to transport and deliver the remaining volumes (withdrawal transportation volumes) to Connecticut Natural.

The application states that the maximum daily injection transportation volume which Connecticut Natural may request Applicant to receive for transportation and delivery to Storage Corporation is 13,867 Mcf per day, and the total of the injection

transportation volumes during the April 1–October 31 period of each year would not exceed 2,080,000 Mcf. The application further states that the maximum daily withdrawal input volume which Connecticut Natural may request Applicant to receive from Storage Corporation for transportation and delivery to Connecticut Natural is 18,182 Mcf per day, and that on any day when a withdrawal input volume is made available to Applicant, the withdrawal transportation volume would equal 09824 times the withdrawal input volume. The remaining 0.0176 times the withdrawal input volume would be retained by Applicant as a supplement to Applicant's system gas supply for Applicant's system fuel and use requirements, it is said. It is stated that the total of the withdrawal transportation volumes which Connecticut Natural may request Applicant to transport during the November 1–March 31 period of each year would not exceed 2,000,000 Mcf.

Applicant states that the delivery point for all volumes to be received from and delivered to Connecticut Natural by Applicant would be at Applicant's various existing sales meter station delivery points to Connecticut Natural located in Connecticut, or when required by operating conditions, at any other mutually agreed to existing point of interconnection between the two companies. Applicant further states that the delivery point for all volumes to be delivered to and received from Storage Corporation by Applicant for Connecticut Natural's account would be at a point of interconnection between the facilities of Applicant and Storage Corporation to be established at or near Applicant's main line valve 313G-102 in Potter County, Pennsylvania.

It is indicated that the compensation to be paid each month by Connecticut Natural to Applicant for the transportation service by Applicant would consist of the following charges:

A. Charge for Transportation of Base Gas for Injection

For each Mcf of natural gas made available to Applicant by Connecticut Natural at the Point of Receipt, which gas Applicant delivers during the month to Storage Corporation for the account of Connecticut Natural to enable Connecticut Natural to make base gas available to Storage Corporation, Connecticut Natural would pay to Applicant 12.07 cents per Mcf.

B. Charge for Transportation of Withdrawal Transportation Volumes

For each Mcf of withdrawal transportation volume which Applicant delivers during the month to Connecticut Natural, Connecticut Natural shall pay to Applicant 17.82 cents per Mcf; provided, however, there would be no charge to Connecticut Natural for the transportation of any base gas for injection, which Connecticut Natural may have withdrawn hereunder.

C. Added Volume Charge

(a) For the purpose of calculating the Added Volume Charge, the following terms applicable to each period from November 1 through the following March 31 are defined:

(i) The CD-6 Underage Volume shall be the positive remainder, if any, of the total of Connecticut Natural's Curtailment Period Quantity Entitlements (CPQEs) during such period under Applicant's contracted demand gas sales contract with Connecticut Natural minus the volume for which Connecticut Natural pays Applicant at Applicant's CD-6 Commodity Rate under said gas sales contract during such period.

(ii) The Displaced Volume shall be the lesser of the CD-6 Underage Volume or, the volume, within the total of withdrawal transportation volumes during such Period, which Connecticut Natural obtained from sources other than Applicant.

(iii) The terms Curtailment Period, CD-6 Commodity Rate and Curtailment Period Quantity Entitlement are defined in Volume 1 of Applicant's FERC Gas Tariff.

(b) The Added Volume Charge for each period from November 1 through the following March 31 shall consist of a sum equal to the product of 24.76 cents per Mcf times the Displaced Volume.

(c) The Added Volume Charge applicable to each period from November 1 through the following March 31 shall appear on Applicant's invoice issued during the month of April at the end of each such period.

D. Minimum Annual Bill

Beginning with the month of April 1981, Connecticut Natural shall pay Applicant during April of each year 17.82 cents per Mcf multiplied by the difference in volume between (a) 0.9824 times (2,000,000 Mcf minus any Storage Corporation withdrawal fuel related to 2,000,000 Mcf for the period from November 1 through the following March 31) reduced by whatever portion of such volume which Applicant did not transport and deliver for the account of Connecticut Natural during such period because of Applicant's inability to transport and deliver volumes related to injection and withdrawal input volumes requested by Connecticut Natural, and (b) the total of the daily withdrawal transportation volumes during such period from November 1 through the following March 31.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 78-3379 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-169]

TENNESSEE GAS PIPELINE CO., DIVISION OF TENNECO INC.

Application

February 1, 1978.

Take notice that on January 23, 1978, Tennessee Gas Pipeline Co., Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Haverhill Gas Co. (Haverhill), one of Applicant's existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Haverhill for a

period of fifteen years ending March 31, 1993, in order to enable Haverhill to store a portion of the natural gas it purchases from Applicant with National Gas Storage Corp. (Storage Corp.) under the storage service proposed by Storage Corp. at Docket No. CP76-492. It is stated that Haverhill has entered into a preliminary agreement with Storage Corp. under which Storage Corp. would, upon certification and development of the storage facilities proposed at Docket No. CP76-492, perform a storage service for Haverhill extending through March 31, 1993.

Applicant states that in order to enable Haverhill to utilize this storage service, Applicant proposes to receive from Haverhill daily volumes of natural gas (injection transportation volumes) nominated by Haverhill from its contracted demand purchases from Applicant under Applicant's CD-4 Rate Schedule and to transport and deliver such volumes to Storage Corp. for storage for Haverhill's account.

When requested by Haverhill, Applicant proposes to receive daily volumes from Storage Corp., for Haverhill's account (withdrawal input volumes), and after deduction of a small portion of such volume for Applicant's system fuel and use requirements, to transport and deliver the remaining volumes (withdrawal transportation volumes) to Haverhill.

It is stated that the maximum daily injection transportation volume which Haverhill may request Applicant to receive for transportation and delivery to Storage Corp. is 2,427 Mcf of natural gas per day, and that the total of the injection transportation volumes during the April-October 31 period of each year would not exceed 364,000 Mcf. It is further stated that the maximum daily withdrawal input volume which Haverhill may request Applicant to receive from Storage Corp. for a transportation and delivery to Haverhill is 3,182 Mcf per day. It is indicated that on any day when a withdrawal input volume is made available to Applicant, the withdrawal transportation volume would equal 9,9734 times the withdrawal input volume, and the remaining 0.0266 times the withdrawal input volume would be retained by Applicant as a supplement to Applicant's system gas supply for Applicant's system fuel and use requirements. The total of the withdrawal transportation volumes which Haverhill may request Applicant to transport during the November 1-March 31 period of each year would not exceed 350,000 Mcf it is said.

The application states that the delivery point for all volumes to be received from and delivered to Haverhill by Applicant would be at Applicant's existing sales meter station delivery point to Haverhill located in Essex County, Mass., or when required by operating conditions, at any other mutually agreed to existing point of interconnection between the two companies. The application further states that the delivery point for all volumes to be delivered to and received from Storage Corp. by Applicant for Haverhill's account would be at a point of interconnection between the facilities of Applicant and Storage Corp. to be established at or near Applicant's main line valve 313G-102 in Potter County, Pa.

Applicant states that it would charge Haverhill a rate of 33.86 cents per Mcf transported and delivered from National Fuel Gas's Ellisburg Storage meter station MLV 313-121, meter No. 2-0527 to Haverhill's delivery meter station MLV 270B-223, meter No. 2-0122. Additionally, for each Mcf of base storage gas that Applicant delivers to storage Haverhill would pay to Applicant a base gas injection rate of 22.80 cents per Mcf. The rates are calculated based upon Applicant's system average haul cost per 100 mile, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3380 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-170]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

FEBRUARY 1, 1978.

Take notice that on January 23, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-170 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Pennsylvania and Southern Gas Co. (Penn and Southern), one of Applicant's existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to render a transportation service for Penn and Southern for 15 years ending March 31, 1993, which transportation service would enable Penn and Southern to store a portion of the natural gas it purchases from Applicant with National Gas Storage Corp. (Storage Corporation) under the storage service proposed by Storage Corporation at Docket No. CP76-492. It is stated that Penn and Southern has entered into a preliminary agreement with Storage Corporation under which Storage Corporation would, upon certification and development of the storage facilities proposed at Docket No. CP76-492, perform a storage service for Penn and Southern extending through March 31, 1993.

Applicant states that in order to enable Penn and Southern to utilize this storage service, Applicant proposes to receive from Penn and Southern daily volumes of natural gas (injection transportation volumes) nominated by Penn and Southern from its contracted demand purchases from Applicant under Applicant's CD-4 Rate Schedule (Penn and Southern's conversion to which is proposed herein) and to transport and deliver such volumes to Storage Corporation for storage for Penn and Southern's account.

When requested by Penn and Southern, Applicant proposes to receive daily volumes from Storage Corporation, for Penn and Southern's account (withdrawal input volumes), and after deduction of a small portion of such volume for Applicant's system fuel and use requirements, to transport and deliver the remaining volumes

(withdrawal transportation volumes) to Penn and Southern.

The application states that the maximum daily injection transportation volume which Penn and Southern may request Applicant to receive for transportation and delivery to Storage Corporation is 1,387 Mcf of natural gas per day, and the total of the injection transportation volumes during the April 1-October 31 period of each year would not exceed 208,000 Mcf. The maximum daily withdrawal input volume which Penn and Southern may request Applicant to receive from Storage Corporation for transportation and delivery to Penn and Southern is 1,818 Mcf of natural gas per day, it is said. It is stated that on any day when a withdrawal input volume is made available to Applicant, the withdrawal transportation volume would equal 0.9945 times the withdrawal input volume, and that the remaining 0.0055 times the withdrawal input volume would be retained by Applicant as a supplement to Applicant's system gas supply for Applicant's system fuel and use requirement. It is further stated that the total of the withdrawal transportation volumes which Penn and Southern may request Applicant to transport during the November 1-March 31 period of each year would not exceed 200,000 Mcf.

The application states that the delivery point of all volumes to be received from and delivered to Penn and Southern by Applicant would be at Applicant's existing Towanda Sales meter station delivery point to Penn and Southern located in Bradford County, Pa., and that the delivery point for all volumes to be delivered to and received from Storage Corporation by Applicant for Penn and Southern's account would be at a point of interconnection between the facilities of Applicant and Storage Corporation to be established at or near Applicant's main line valve 313G-102 in Potter County, Pa.

Applicant states that in order for Penn and Southern to utilize such storage service, it would be necessary that Penn and Southern's purchases from Applicant be made under Applicant's CD-4 Rate Schedule since Applicant's G-4 Rate Schedule is not available to a purchaser who has access to underground storage.

Accordingly, Applicant requests authorization herein to render natural gas service to Penn and Southern under Applicant's CD-4 Rate schedule on a permanent basis, in lieu of its G-4 Rate Schedule. No change in Penn and Southern's maximum contract quantity would result, it is said.

It is stated that the rate that Applicant would charge Penn and Southern for the transportation service a price of 4.94 cents per Mcf transported and delivered from National Fuel Gas' Ellisburg Storage Meter Station MLV 313-121, Meter No. 2-0527 to Penn and Southern's Towanda delivery Meter Station MLV 318-1, Meter No. 2-0216. Additionally, for each Mcf of base storage gas that Applicant delivers to storage, Penn and Southern would pay Applicant a base gas injection rate of 3.35 cents per Mcf, which rates are calculated based upon Applicant's system average haul cost per 100 mile applied to a haul distance of 86.26 miles, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3381 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Availability of the Data Verification Committee Report Pursuant to Order Dated November 17, 1977

FEBRUARY 2, 1978.

Take notice that on January 30, 1977, Transcontinental Gas Pipe Line Corp. (Transco) filed copies of a document entitled, "Data Verification Committee Report to The Federal Energy Regulatory Commission Pursuant To Order Dated November 17, 1977, Docket No. RP72-99" (DVC Report). The DVC Report responds to the Commission's requests for additional information and explanation of the following:

(1) *Load Splitting.* "* * * we direct the DVC to provide the Commission a complete explanation of the issue, including how it was handled in Transco's original data collection process in 1973." (p. 14).[1]

(2) *Process.* "Con Ed alleges that certain Transco resale customers, in responding to this data questionnaire, did not look into either alternate fuel capacity or possibility to modify facilities so as to burn alternate fuels * * * Therefore, as a preliminary matter, we shall direct the DVC prepare a supplemental report to the Commission addressing Con Ed's challenge." (pp. 15 and 16).

(3) *Ignition Fuel.* "Con Ed and PSE&G contest the DVC's action of downgrading their electric generation ignition fuel requirements * * * We find that the DVC has not justified its treatment of these electric generation ignition fuel and start up requirements. In the original Transco base period market profile, upon which Transco has implemented its permanent curtailment plan from November 1976 to November 1977, Con Ed and PSE&G each had relatively small volumes of ignition or start-up fuel classified in priority 2. No issue had been raised below in this regard and the Commission accordingly did not make an affirmative finding on the propriety of priority 2 placement of ignition fuel requirements. Nevertheless, these requirements were in priority 2, and for the DVC to recommend that they now be downgraded, there must be complete justification. We shall therefore order the DVC to reinstitute these ignition fuel and start-up requirements in priority 2. The DVC shall then prepare and file with the Commissin a detailed explanation for their priority a placement of these requirements." (p. 17).

[1] All page references are to the Commission's November 17, 1977, Order Accepting In Part Recommendations of Data Verification Committee.

(4) *Correction of Errors.* "There are inadequate facts presently before the Commission upon which to decide this issue. Although the concept of upgrading requirements to account for original misclassifications in end-use data is meritorious, the need for thorough review of DVC recommendation of the specific upgrading before we can make a final decision. Therefore, we shall reserve judgement at this point and direct the DVC to delineate and explain each of the instances of upgrading. This report should be expeditiously filed with the Commission. In the interim, however, we shall not disturb these upgraded requirements." (p. 18).

(5) *Affect of the Elimination of the Firm-Interruptible Distinction.* "The DVC has not related to the Commission the results of its inquiry into the affect of the elimination of the firm—interruptible distinction. * * * We feel that the DVC should * * * relate to the Commission the result of its firm interruptible inquiry". (pp. 18 and 19).

In addition to the DVC Report, copies of the minutes of the Committee meetings on December 8, 1977, January 10, 1978, and January 25, 1978 were submitted.

Transco also filed, in the instant docket, three attachments to the DVC Report. Attachment A contains data on the upgrading of interruptible requirements due to elimination of the firm-interruptible distinction and base period quantities used for industrial purposes.

Schedule B is a compilation of state curtailment plans or company rules and regulations for administering curtailments. Schedule C is a summary by customer of base period sales upgraded in revised base period market data due to misclassification in the original data.

Copies of (a) the Report of the Data Verification Committee, (b) the minutes of the DVC meetings, and (c) the attachments described above are on file and available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capital Street NE., Washington, D.C. 20426. Any person desiring to be heard or to comment on the filed report and its supporting material, should file written comments with the Federal Energy Regulatory Commission, Washington, D.C. 20426 on or before February 24, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc 78-3387 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. EL78-6]

ILLINOIS POWER CO.

Order Waiving Regulations, Treating Filing as Complaint, and Instituting Staff Investigation

FEBRUARY 1, 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) and (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On January 20, 1978, the cities of Breese, Carlyle, Freeburg, Highland, Mascoutah, Peru, and Princeton, Ill. (Cities) filed with this Commission an emergency petition[1] for an order requiring the Illinois Power Co. (IP) to continue to provide short-term firm power to the Cities. All of the Cities, while generating a portion of their power and energy, purchase additional power and energy from IP pursuant to the terms of interconnection agreements between the respective Cities and IP.[2] The Cities state that on December 9, 1977, IP notified each of them that after January 31, 1978, it would not provide short-term firm or maintenance power to the Cities during the pendency of the current coal strike.[3] The Cities maintain that without continuation of the short-term firm power service they would be unable to meet their respective anticipated loads with their largest units down.

The Cities contend that their interconnection agreements with IP accord special status to short-term firm power sales. They argue that IP may not curtail or discontinue short-term firm power sales to the Cities in a manner inconsistent with its treatment of its "native load." Cities argue that since IP does not plan to curtail firm power to its retail customers, it would violate the terms of the interconnection agreements to end short-term power service.

The Cities request that the Commission, pursuant to section 202(c) of the Federal Power Act, order IP to continue to deliver energy to the Cities at such levels necessary to maintain reliable service to their retail customers.

On January 30, 1978, IP filed a motion to reject and answer to the emergency petition of the Cities. It states that the Cities' petition should be rejected on the grounds that:

(1) The Cities' petition fails to meet the requirements of section 32.61 of the Federal Power Commission's Regulations which govern applications under section 202(c) of the Act;

(2) No emergency in fact exists;

(3) It has not violated the terms of its interconnection agreements with the Cities in that it made no commitment to provide short-term firm power service after January 31, 1978; additionally, the past conduct of the parties has not created an implied commitment;

(4) The discontinuance of short-term firm power service does not require notice under section 205(d) of the Act; and

(5) Article IX, section 1[4] of the interconnection agreements relieves the Company of accepting reservations for short-term firm power sales during the pendency of the coal strike.

The Commission does not have the authority to act pursuant to section

[1] The caption of the emergency petition refers only to section 202(c) of the Federal Power Act but the petition itself relies on section 202(c) and section 205 of the Federal Power Act.

[2] Those interconnection agreements were filed by IP with the Federal Power Commission and accepted for filing in the following dockets: Breese and Carlyle (ER76-372); Freeburg (ER76-143); Highland (ER76-455); Mascoutah (ER76-407); Peru (ER76-330); and Princeton, Ill. (ER76-298).

[3] The letter from IP, which is attached as Exhibit 2 to the complaint, indicated that IP would continue to make Emergency Start-Up Energy services available pursuant to the interconnection agreements.

[4] That section states in relevant part that neither party is in default of any contractual obligation if prevented from fulfilling such obligations by uncontrollable forces, which include strikes and labor disturbances.

202(c) of the Federal Power Act. Pursuant to the Department of Energy Organization Act (42 U.S.C. 7101) and Department of Energy Delegation Order No. 0204-4, effective October 1, 1977, the Administrator of the Economic Regulatory Administration is vested with the authority to act under section 202(c) of the Federal Power Act.

Since the Cities' petition raises issues which are subject to the jurisdiction of the Administrator of the Economic Regulatory Administration (ERA), we will direct the Secretary of the Commission to promptly transmit a copy of this filing to the Administrator of ERA. In addition, we will direct Commission Staff to offer its assistance to ERA in the performance of its duties pursuant to section 202(c) of the Act.

However, we will treat the Cities' filing as a complaint pursuant to section 306 of the Act. The issue the complaint raises subject to this Commission's jurisdiction is whether the interconnection agreements between the respective Cities and IP obligate IP to supply short-term firm power to the Cities after January 31, 1978.

In light of the allegation of emergency, the Commission deems it appropriate to waive § 1.6 of its Regulations and to order an expedited Staff investigatin and report concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether the interconnection agreements and the related course of conduct of the Cities and IP, require IP to continue to provide short-term firm power to the Cities after January 31, 1978. To aid the Staff investigation, we hereinafter designate Rhodell G. Fields an officer of the Commission pursuant to section 307(b) of the Federal Power Act.

The investigation will commence with the taking of sworn testimony of witnesses for the Cities and IP at 10 a.m. on Friday, February 3, 1978, at the John C. Kluszynski Building, room 3619, 230 South Dearborn Street, Chicago, Ill. 60604. The Cities and IP should be prepared to offer witnesses and documents on the issue of whether IP is contractually obligated to provide short-term firm power to the Cities after January 31, 1978. Mr. Fields should submit a written report to the Commission on or before Monday, February 6, 1978.

Cities have argued alternatively that even if IP has the contractural right to discontinue short-term firm power sales, it may not lawfully do so without giving notice pursuant to section 205(d) of the Act.

To effectuate the terms of section 205(d) of the Act, the Federal Power Commission promulgated § 35.15 of its Regulations which states in pertinent part:

When a rate schedule or part thereof required to be on file with the Commission is proposed to be cancelled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, each party required to file the schedule shall notify the Commission of the proposed cancellation or termination on the form indicated in § 131.53 of this chapter at least thirty days but not more than ninety days prior to the date such proposed cancellation or termination is proposed to take effect.
* * *

Historically, the FERC and its predecessor, the Federal Power Commission, have not required notice in instances where specific services were either initiated or terminated under the terms of filed interconnection agreements. In the instant case, IP is allegedly discontinuing specific services under filed interconnection agreements. We will defer ruling on this question until after the investigatory hearing is concluded.

The Commission finds: (1) Good cause exists for the Commission to treat the Cities' petition for relief as a complaint pursuant to Section 306 of the Act and to waive section 1.6 of its Regulations pertaining to complaint proceedings.

(2) Good cause exists to order a Staff investigation concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether IP is contractually obligated to provide short-term firm power to the Cities after January 31, 1978.

The Commission orders: (A) Pursuant to the Federal Power Act, an investigation shall be ordered concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether IP is contractually obligated to provide short-term firm power to the Cities after January 31, 1978.

(B) Rhodell G. Fields is hereby designated as an officer of the Commission pursuant to section 307(b) of the Federal Power Act.

(C) A Staff investigatory hearing shall be convened at 10 a.m. on Friday, February 3, 1978, at the John C. Kluszynski Building, Room 3619, 230 South Dearborn Street, Chicago, Ill. 60604. At that hearing, IP and the Cities shall provide testimony and documents concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether IP is required by the interconnection agreements to provide short-term firm power to the Cities after January 31, 1978.

(D) Mr. Fields shall submit a written report to the Commission on or before Monday, February 6, 1978.

(E) The Secretary is hereby directed to transmit a copy of the Cities' petition to the Administrator of ERA for his review under section 202(c) of the Federal Power Act.

(F) Commission Staff is hereby directed to offer its assistance to ERA in the performance of its duties under section 202(c) of the Act.

(G) Section 1.6 of our Regulations is hereby waived in order to permit the expedited procedures prescribed in this order.

(H) The Secretary is hereby directed to make expeditious service upon Cities and IP.

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

Commissioner Smith believes that the allegations raised in the Municipalities' Emergency Petition concerning IP's noncompliance with the terms of the Interconnection Agreements could be disposed of without recourse to the type of investigation instituted by this order. He nevertheless concurs in the investigation, because he believes it may improve the Commission's understanding of the power supply arrangements (e.g., interchanges, pooling, co-generation) which prevail in the market area served by IP and neighboring interconnected utilities.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3440 Filed 2-7-78; 8:45 am]

[6740-2]

[Docket No. ER78-191]

MISSISSIPPI POWER & LIGHT CO.

Filing

FEBRUARY 2, 1978.

Take notice that on January 24, 1978, Mississippi Power & Light Co. (MP&L) tendered for filing, pursuant to section 35 of the Regulations under the Federal Power Act an executed letter agreement between MP&L and the Tennessee Valley Authority (TVA). Under the agreement, MP&L indicates that it provided week-to-week emergency service to TVA during a 2-week period in December 1977 when serious forced outages on the TVA system occurred.

MP&L states that the Commission was notified by telephone prior to commencement of service under the agreement in December 1977 and requests that the formal notice requirements of section 35.11 of the Commission's regulations be waived due to the speed with which the parties were required to act to avoid load losses on the TVA system. MP&L requests an effective date of December 10, 1978, and states that the agreement may be used again if a similar emergency situation arises.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1978. Protests; will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3441 Filed 2-7-78; 8:45 am]

[6740-02]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

Certification of Question

FEBRUARY 2, 1978.

In the matter of Natural Gas Pipeline Co. of America, (Docket No. CP77-71); Columbia Gas Transmission Corp., Columbia Gulf Transmission Co. (Docket No. CP77-118); and Texas Gas Transmission Corp. (Docket No. CP77-125).

Take notice that on February 2, 1978, Presiding Administrative Law Judge George P. Lewnes certified the several questions concerning the scope of the hearing to the Commission pursuant to section 1.28 of the Commission's rules of practice and procedures. Pursuant to a Commission order issued December 30, 1977, a prehearing conference was convened on January 31, 1978. The intention of the Commission order was called into question during such conference. After discussion by the parties (Tr. 12-52) the Presiding Judge ruled that the proceeding shall be limited to an examination of the issues raised in the instant applications and the potential implications of authorizing long-term transportation (beyond 2 years) of reserves purchased in-place by industrial customers and the need therefor.

As several parties objected to this ruling and indicated a desire to file an immediate appeal, the following questions were certified for the Commission's consideration and disposition:

(1) Did the Commission in its December 30, 1977, order intend that the scope of the hearing encompass consideration of the various policy issues raised by authorizing the long-term transportation (beyond 2 years) of gas discovered, purchased, developed or otherwise aquired, in whole or in part, by an industrial consumer?

(2) If the answer to question (1) is Yes, what should be the scope of the evidence adduced? In particular, should these parties in those proceedings in which certificate authorization are expressly subject to the outcome of this proceeding[1] be required, permitted, or encouraged to present evidence related to their respective factual situations?

Any person desiring to be heard with reference to the certified questions should file comments no later than fifteen (15) days after issuance of this notice with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's rules of practice and procedure and the regulations under the Natural Gas Act. All comments 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 the hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3442 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. RP78-33]

SOUTHERN NATURAL GAS CO.

Petition for Declaratory Order

FEBRUARY 2, 1978.

Take notice that on January 19, 1978, southern Natural Gas Co. (petitioner), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. RP78-33 a petition pursuant to § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7) requesting that the Commission grant such order and waivers of its rules and regulations as are necessary to enable petitioner to recoup certain nonjurisdictional gas purchase costs in the purchased gas adjustment clause of petitioner's FERC gas tariff, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that it has entered into a gas purchase contract with Natural Gas Systems, Inc. (Systems) pursuant to the terms of which Systems has agreed to sell and deliver natural gas to petitioner at a point on the distribution system of the Water Works and Gas Board of the city of Jasper, Ala. (Jasper), in Walker County, Ala. Petitioner states that such contract provides for the sale by Systems to Southern of a daily quantity of natural gas up to such daily quantity as petitioner requires at such point in order to satisfy petitioner's obligation to deliver gas to Jasper under petitioner's service agreement with Jasper dated September 12, 1967, pursuant to petitioner's FERC gas tariff. It is stated that deliveries under the contract are anticipated to equal approximately 2,000 Mcf per day, and that the sale of gas pursuant to such contract is to continue for a term of 10 years. Petitioner states that the total price payable for gas delivered under the contract during the first five (5) years of the term thereof is $2.25 per Mcf at 15.025 psia. It is stated that the authorization requested in the petition relates solely to such $2.25 per Mcf price for gas delivered under such contract during said five (5) year period.

Petitioner states that the gas to be purchased under the contract will be produced from wells and gas producing fields located in Walker County, Ala., and transported by Systems in its own nonjurisdictional pipeline facilities directly to the point on Jasper's distribution system at which Southern will purchase and measure such gas and deliver same directly into the distribution system of Jasper. Petitioner submits that no portion of the gas purchased from Systems will cross a State line during its movement from wellhead to ultimate consumption, that no portion of such gas will be commingled prior to delivery to Jasper with other gas which has so crossed a State line, and that the physical arrangement of all facilities involved renders impossible the transportation of such gas to consumers outside the State of Alabama. Petitioner states that in view of these considerations, the sale of gas by Systems to petitioner under the contract will not be subject to the jurisdiction of the Commission under the Natural Gas Act.

Petitioner further states that on the basis of the considerations that:

(1) Systems will undertake extensive dehydratiuon, gathering, and transportation operations with respect to the gas prior to its delivery to petitioner,

(2) The purchase price in question is comparable to other prices specified in recent contracts for comparable sales to intrastate purchasers of gas procued from sources located in the northwest Alabama area, and will not escalate during the five (5) year period with respect to which authorization is requested in the petition, and

(3) the purchase will increase the supply of gas available to petitioner and thereby benefit not only Jasper, but also all of petitioner's systemwide customers,

the proposed purchase under the contract is reasonable and prudent, and that petitioner will be acting as a rea-

[1] E.g. Transcontinental Gas Pipeline Corp.'s exploration and drilling program in the Gulf Coast was sponsored through an affiliate and funded by Transco's distributors, by a Transco direct customer and by two indirect industrial customers (Tr. 28). See also staff reference to possibly as many as 20 other applications (Tr. 36, 42).

sonable and prudent pipeline in incurring the purchase costs with respect to which authorization is sought in the petition.

Petitioner accordingly requests that the Commission issue such orders and grant such waivers of its rules and regulations as would determine that the purchase of gas by the petitioner from Systems pursuant to the contract during the first five (5) years of the term thereof is reasonable and prudent, and authorize petitioner to track the $2.25 per Mcf price of the gas so purchased in petitioner's purchased gas adjustment clause.

Any person desiring to be heard or to make protest with reference to said petition 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). 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3443 Filed 2-7-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 852-3; OPP-50355]

CIBA-GEIGY CORP. AND PENNWALT CORP.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 100-EUP-43. Ciba-Geigy Corp., Greensboro, N.C. 27409. This experimental use permit allows the use of 6,270 pounds of the herbicide metolachlor on soybeans to evaluate control of various weeds. A total of 3,302 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and West Virginia. The experimental use permit is effective from January 6, 1978 to January 6, 1979. Temporary tolerances for residues of the active ingredient in or on soybeans, soybean forage and hay, and in meat, milk, poultry, and eggs have been established.

No. 4581-EUP-23. Pennwalt Corp., King of Prussia, Pa. 19406. This experimental use permit allows the use of 904 pounds of the insecticide ethyl parathion on citrus, cotton, small grains, and sorghum to evaluate control of various insect pests. A total of 1,586 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Washington. The experimental use permit is effective from January 6, 1978 to January 6, 1979. Permanent tolerances for residues of the active ingredient in or on citrus fruits, cottonseed, sorghum, barley, oats, rice, and wheat have been established (40 CFR 180.121).

Interested parties wishing to review the experimental use permits are referred to Room E-315 Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW, Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.))

Dated: February 1, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-3357 Filed 2-7-78; 8:45 am]

[6560-01]

[FRL 852-5; PF-87]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Inter-Regional Research Project No. 4 (IR-4) on behalf of the IR-4 Technical Committee and the Agricultural Experimental Stations of Idaho, Indiana, Montana, Oregon, Washington, Wisconsin, and the U.S. Department of Agriculture has submitted a petition (FAP 8H5175) to the Environmental Protection Agency (EPA) which proposed that 21 CFR 561.55 be amended by establishing a regulation permitting the use of the herbicide bentazon (3-Isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one 2,2-dioxide) and its 6- and 8-hydroxy metabolites on spent mint hay with a tolerance limitation of 4.0 parts per million. Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Special Registration Branch, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-2516. Written comments should bear a notation indicating the petition number "FAP 8H5175." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 1, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-3359 Filed 2-7-78; 8:45 am]

[6560-01]

[FRL 851-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS INPACTING THE ENVIRONMENT

Agency Comments

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 apendices during the period of July 1, 1977 and July 31, 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 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 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, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI, below.

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 27, 1978.

PETER L. COOK,
Acting Director,
Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between July 1 and July 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
D-COE-F32051-OH	Port Clinton Harbor, Maintenance, and Dredging, Ottawa County, Ohio.	LO2	F
D-COE-F32052-WI	Racine Harbor, Interim II, Between Kenosha and Kewaunee, Small Boat Harbor Construction, Racine County, Wis.	LO2	F
DS-COE-F36028-MN	Duluth Stormwater Flood Control Project, Minnesota.	LO1	F
DS-COE-F36041-OH	Muskingum River Basin, Water Resources Development, Ohio.	ER2	F
D-COE-F36050-OH	Big Creek Flood Protection, Cleveland, Ohio.	ER2	F
DS-COE-G36047-TX	Flood Damage Prevention, Buffalo Bayou Tributaries, Upper White Oak Bayou, Harris County, Tex.	LO1	G
D-COE-H34015-NB	Operation and Maintenance, Harlan County Lake, Harlan County, Nebr.	ER2	H
D-COE-J36009-00	Missouri River, South Dakota, Nebraska, North Dakota, Montana.	ER2	I
DS-COE-L36037—OR	Siuslaw River Jetty Extension, Portland, Oreg.	LO1	K
	DEPARTMENT OF AGRICULTURE		
D-AFS-K61016-CA	San Gabriel Planning Unit, Angeles National Forest, San Bernardino and Los Angeles Counties, Calif.	LO1	J
D-AFS-L61088-OR	McLoughlin-Klamath Planning Unit, Rogue River and Winema National Forest, Klamath and Jackson Counties, Oreg. (USDA-FS-R6-DES(ADM)-77-9).	LO2	K
D-AFS-L61090-OR	Future Development, Mount Hood Meadows Ski Area, Mount Hood Planning Unit, Orgeon (USDA-FS-R6-DES(ADM)-77-11).	LO1	K
D-AFS-L61092-OR	Land Management Plan, Row, North Umpqua, and South Umpqua Planning Units, Douglas, Lane, and Jackson Counties, Oreg.(USDA-FS-R6-DES(ADM)77-12).	LO1	K
D-AFS-L65032-00	Vegetation Management With Herbicides in Oregon and Washington.	ER2	K
D-REA-J07005-ND	Coyote Generating Station, 440 MW Unit, Mercer County, N. Dak.	ER2	I
D-REA-L08025—AK	Beluga Station Nos. 7, 8, and 9, Bernice Lake Power Plant Unit No. 3, 230 kV Transmission Additions, Alaska (USDA-REA-ES(ADM)76-14-D).	LO2	K
D-SCS-D36024-00	Marshyhope Creek Watershed and Flood Protection Project, Maryland and Delaware.	ER2	D
D-SCS-G36055-OK	Robinson Creek Watershed, Lincoln County, Okla.	LO1	G
D-SCS-H36032-NB	South Branch Little Nemaha Watershed, Johnson, Lancaster, and Otoe Counties, Nebr.	LO2	H
	DEPARTMENT OF COMMERCE		
D-NOA-D90001-00	Atlantic Clam Fishery Management Plan, Mid-Atlantic Area.	LO2	D
D-NOA-E61020-FL	Rookery Bay Estuarine Sanctuary, Proposed Grant Award, Collier County, Fla.	LO1	E
	DEPARTMENT OF DEFENSE		
D-USN-K03006-CA	Elk Hills/Coalinga Conveyance System, Tupman, Calif.	ER2	J
	DEPARTMENT OF THE INTERIOR		
D-BIA-K67000-AZ	Vekol Hills Project, Papago Indian Reservation, Pinal County, Ariz.	3	J
D-IBR-J34005-ND	Lamoure and Oakes Section, Garrison Diversion Unit, Pick-Sloan Missouri Basin Program, North Dakota.	3	I
	DEPARTMENT OF TRANSPORTATION		
RD-CGD-A52118-00	Regulations Requiring Double Bottoms on New Tankers and Segregated Ballast on New and Existing Tankers.	LO1	A
D-UMT-C54002-NY	Buffalo Light Rail Rapid Transit System, N.Y.	LO2	C
D-UMT-D54024-MD	Metrobus Garage Facility, Montgomery County, Md. (IT-03-0032).	LO2	D
	FEDERAL ENERGY ADMINISTRATION		
D-FEA-E08010-GA	Georgia Power Co., McManus Generating Station, powerplants 1 and 2, coal conversion program, Brunswick, Ga. (DES-77-5).	LO2	E

APPENDIX I.—*Draft environmental impact statements for which comments were issued between July 1 and July 31, 1977*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-C85016-PR	Metropolis Development, Carolina, P.R	ER2	C
D-HUD-F85021-OH	Homestead Urban Development Corp., Eastwood Village, Ohio.	LO2	F
D-HUD-G24006-AR	Water Construction Program, Mena, Polk County, Ark.	LO1	G
D-HUD-G85042-TX	Willowridge Subdivision, Harris and Fort Bend Counties, Tex.	LO1	G
D-HUD-G85044-TX	Inwood North Subdivision, Harris County, Tex.	LO2	G
D-HUD-G85047-LA	Beaver Bayou Drainage Project, East Baton Rouge Parish, La.	LO2	G
D-HUD-G85048-AR	West Side Sewer & Drain, Pine Bluff, Ark	LO2	G
D-HUD-G85052-TX	Kenswick Subdivision, Harris County, Tex	LO2	G
D-HUD-G85054-TX	Riviera East Subdivision, Harris County, Tex	LO1	G
D—HUD-J85011-CO	Kensington Park Apartments, Phase I and II, Denver, Colo.	LO1	I
D-HUD-J85012-CO	Bellehaven and Vista Grande Terrace, Colorado Springs and Clear View Estates, El Paso County, Colo.	ER2	I
D-HUD-K85009-CA	Carmelitos Public Housing Complex, Long Beach, Los Angeles County, Calif.	LO1	J
D-HUD-K89020-CA	South Park Neighborhood Development Program, Santa Rosa, Sonoma County, Calif.	LO1	J
D-HUD-G85051-TX	Greengate Place and Birnam Wood Subdivisions, Harris County, Tex.	LO2	G
D-CGD-D40048-00	Ohio River Bridge and Relocated U.S. 22, Weirton, W. Va. to Steubenville, Ohio.	LO2	D
D-CGD-K35011-CA	New Berthing Repair Pier No. 2, Naval Station, San Diego, Calif.	LO1	J
RD-FAA-A52116-00	Noise Regulations and Typed Certification Alternatives for Civil Supersonic Aircraft.	3	A
D-FAA-E51024-KY	Kentucky Dam State Park Airport, Gilbertsville, Marshall County, Ky.	LO2	E
D-FAA-K51010-CA	Hollywood-Burbank Airport, Hollywood, Calif.	LO1	J
D-FHW-B40022-CT	I-91, Hartford to Enfield, I-291, Windsor to Manchester, Hartford County, Conn.	ER2	B
D-FHW-B40025-RI	RI-4 extension, East Greenwich to North Kingstown, Kent and Washington Counties, R.I.	ER1	B
D-FHW-D40046-PA	LR 1037, secs. 5D and 5E, Allegheny Valley Expressway, Allegheny County, Pa.	ER2	D
D-FHW-E40110-TN	I-640, Knoxville, Broadway to I-40, Knox County, Tenn. (FHWA-TN-EIS-76-05-D).	LO1	E
D-FHW-F40091-IL	Wheaton and Naperville Road extension, Dupage and Will Counties, Ill.	ER2	F
D-FHW-G40059-LA	Relocation of LA-70 at Pierre Port, Assumption Parish, La.	LO2	G
D-FHW-G50003-AR	White River Bridge, Eastern Arkansas County, Ark.	LO2	G
D-FHW-J40031-MT	MT-24, Potomac-West, Bonner and Missoula Counties, Mont.	LO2	I
D-FHW-L40051-ID	U.S. 95, Ferdinand to Craigmong, Idaho (FHWA-ID-EIS-77-02-D).	LO1	K

APPENDIX I.—*Draft environmental impact statements for which comments were issued between July 1 and July 31, 1977*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-FHW-L40052-WA	WA-90, Hilltop Interchange and Frontage Rd., Grant County, Wash. (FHWA-WA-EIS-77-01-D).	LO1	K
D-FHW-L40053-WA	WA-2, Fobes Hill to North Monroe Interchange, Snohomish County, Wash. (FHW-WA-EIS-77-02D).	LO2	K
	NUCLEAR REGULATORY COMMISSION		
D-NRC-E06005-GA	Edwin I. Hatch Nuclear Plant, Unit No. 2, Georgia Power Co., Altamaha River, Appling County, Ga., (NUREG-0257) Docket No. 50-366.	LO1	E
	VETERANS' ADMINISTRATION		
D-VAD-D80004-DC	Nursing Home Care Unit, Clinical Facilities and Underground Parking Facilities, Washington, D.C.	LO2	D

APPENDIX II

Definitions of Codes for the General Nature of EPA Comments

ENVIRONMENTAL IMPACT OF THE ACTION

LO—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.

ER—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.

EU—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).

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 July 1, and July 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
FS-COE-A36133-VA	Buena Vista flood protection project, Buena Vista, Va.	EPA's concerns were adequately addressed in the supplement to the final EIS.	D
F-COE-D07002-WV	Powerplant, Appalachian Power Co., project 1301, New Haven, Ohio River, Mason County, W. Va.	EPA's review indicated that many concerns expressed during the draft EIS review period were not addressed in the final EIS. Specifically, EPA encouraged the corps to assess the cumulative effects of the powerplants airborne pollutants, particularly sulphur dioxides and total suspended particulates, in a region where a significant deterioration of air quality already exists. Furthermore, EPA questioned the validity of the air quality modeling studies and suggested specific errors be corrected. Therefore, EPA considers the final EIS to be unresponsive and cannot make a determination of environmental impacts based on the final EIS.	D
F-COE-E32019-FL	Punta Gorda Isles, Inc., sec. 15 permit, Punta Gorda, Charlotte County, Fla.	EPA's concerns were adequately addressed in the final EIS	E
F-COE-E35029-MS	Rosedale Harbor, navigation improvements, Sunflower County, Miss.	do	E
F-COE-E35040-NC	Regulatory permit on North Carolina Phosphate Corp., North Carolina.	do	E
F-COE-K36014-CA	Santa Ana River main stem, Orange, Riverside, and San Bernardino Counties, Calif.	Generally, EPA's concerns were adequately addressed in the final EIS. However, the EIS does not quantatively assess the effects of the proposal on the flora or fauna in the area.	J
	DEPARTMENT OF INTERIOR		
F-BLM-A03067-00	Crude oil transportation system, Valdez, Alaska, to Midland, Tex., Sohio Transportation Co.	Generally, EPA's concerns were adequately addressed in the final EIS. However, based on the information provided in the final EIS, EPA is yet unable to adequately evaluate the impacts of withdrawal and disposal of hydrostatic test water used in the pipeline.	A
F-BLM-A60106-AZ	Planet townsite, land exchange, Mohave County, Ariz.	EPA's concerns were adequately addressed in the final EIS	J
F-DOI-A36188-CA	Water system, de Luz Heights municipal water district, Calif.	do	J
F-IBR-J39002-00	Colorado River water quality improvement program, Colorado, Wyoming, Utah, Arizona, Nevada, New Mexico, and California.	EPA expressed serious environmental reservations regarding portions of the Colorado River water quality improvement program (the Las Vegas wash unit), and noted that there is a potential that water quality criteria may not be achieved. EPA noted that the successful implementation of the Colorado River water quality improvement program will not by itself be sufficient to achieve approved water quality criteria, and that this will require that other Federal actions, as well as State programs, will be required to meet the necessary salinity criteria. Regarding the Las Vegas wash unit, EPA noted that, because of the project's adverse effects on Las Vegas wash, and possible reductions in ground water salinity concentrations in the future, it cannot be assumed that the minimal salinity reductions which would result from the project are warranted. EPA recommended that additional studies and monitoring be conducted to determine minimum flows required for the wash, ground water qualities and flows, and the effects of flow changes in the wash on Lake Mead.	I
F-IBR-K07003-NV	Southern Nevada water project, 2d stage, Clark County, Nev.	EPA continues to have environmental reservations on the project as proposed. Specifically regarding the secondary impacts and the absence of mitigation measures in the final EIS.	J
F-IGS-J01008-MT	Proposed plan of mining and reclamation, east Decker and north extension mines, Big Horn County, Mont.	EPA's comments expressed concern that the proposed postmining topography portrayed for the north Decker site and for portions of the east Decker site, as well as selected features of the proposed surface water systems, are not responsive to requirements of existing laws and statutes and, therefore, should be stipulated against in the approvals of any mining and reclamation plans.	I
F-IGS-J01009-MT	Proposed 20-yr plan of mining and reclamation, Westmoreland resources, tract III, Crow Indian ceded area, Mont.	EPA continues to have environmental reservations on the proposed project. Furthermore, EPA believes the mining plan should not be approved until a suitable water management plan is developed and further hydrologic studies are undertaken.	I
	DEPARTMENT OF TRANSPORTATION		
F-FAA-F51007-MI	Proposed development runway 9R-27L, Oakland Pontiac Airport, Oakland County, Mich.	EPA's concerns were adequately addressed in the final EIS	F
F-FAA-K51005-GU	Guam International Airport, Agana, Guam	do	J
F-FHW-A42009-MD	National Freeway, U.S. 48, Cumberland to Hancock, Allegany, and Washington Counties, Md.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested further study to mitigate noise impacts and minimize stream relocations in the proposal.	D
F-FHW-A42423-AZ	I-40, Ash Fork, Flagstaff Highway, Ariz	EPA's concerns were adequately addressed in the final EIS	J
F-FHW-C40007-NY	Genesee Expressway, throughway to outer loop, arterial expansion, Monroe County, N.Y.	do	C
F-FHW-D40028-MD	MD-51, east of Cumberland to north branch, Allegany County, Md.	EPA's concerns were adequately addressed in the final EIS. However, EPA believes further consideration should be given to abating noise impacts.	D
F-FHW-F40043-MI	U.S. 131, Mille Rd. to north of Ashton, Lake Mecosta, and Osceola Counties, Mich.	EPA's concerns were adequately addressed in the final EIS	F
F-FHW-F40076-IN	West 10th St., I-465 to West St., Marion County, Ind.	do	F
F-FHW-H40026-IA	I-380, Cedar Rapids, Linn County, Iowa	do	H
F-FHW-K40024-CA	Fresno Metropolitan Freeway project, CA-41 and CA-180, Fresno, Calif.	EPA feels the final EIS does not adequately respond to concerns raised during previous reviews of the EIS. Furthermore, EPA believes the final EIS fails to provide the representative disclosure of environmental impacts warranted by NEPA.	J

APPENDIX III.—*Final environmental impact statements for which comments were issued between July 1, and July 31, 1977*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	FEDERAL ENERGY ADMINISTRATION		
FS-FEA-A07086-00	Coal conversion program, energy supply and environmental Coordination Act (as amended).	Generally, EPA's concerns were adequately addressed in the supplement to the final EIS. However, the final EIS does not thoroughly acknowledge the potential for ambient SO_x violations occuring in the context of the coal conversion program.	A
	GENERAL SERVICES ADMINISTRATION		
F-GSA-J60001-CO	Cumulative effect of the GSA leasing program, West Denver metropolitan area, Colo.	EPA recommended that GSA planning efforts be more comprehensive, more inclusive of the Denver metro area and more sensitive to environmental impacts that may result from GSA leasing or cumulative construction policies.	I
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-B89005-MA	2d waterfront urban renewal project, Gloucester, Essex County, Mass.	After viewing the final EIS for this project EPA still has environmental reservations due to the following factors: (a) The EIS does not adequately address the impacts of dredge spoils disposal nor does HUD commit itself to necessary measures to mitigate water pollution during dredging; (b) the noise pollution impacts analysis is deficient; and (c) the potential for adverse impacts of additional wastewater flows on this municipal sewage treatment plant is underestimated.	B
F-HUD-C85007-PR	Estancias de Rio Hondo Development, Bayamon, P.R.	EPA considers the final EIS to be unresponsive to the questions raised in the draft EIS review. Specifically, EPA believes the alternative actions to the proposed project have been seriously limited due to 2 environmental clearances issued by HUD to permit construction of the 1st and 2d stages of the project.	C
F-HUD-D85011-PA	Wedgewood Estates, subdivision, Chester County, Pa.	EPA's concerns were adequately addressed in the final EIS	D
F-HUD-F85015-IN	Merrillville Terrace multifamily project, Lake County, Ind. (HUD-R05-EIS-77-02-D).	do	F
F-HUD-F85018-IL	Proposed Indian Oaks subdivision, Will County, Ill. (HUD-R05-EIS-77-04-F).	do	F

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between July 1, and July 31, 1977*

Identifying No.	Title	Source of review
	AGENCY FOR INTERNATIONAL DEVELOPMENT	
F-AID-A82098-00	AID pest management program	A
	CORPS OF ENGINEERS	
FS-COE-A32067-MS	Tallahala Creek Lake, Miss.	E
F-COE-B39005-MA	Cape Cod Canal, Bourne and Sandwich, operation and maintenance, Bourne County, Mass	B
F-COE-E35030-NC	Permit, Bald Head Island boat marina and access facilities, Cape Fear River, N.C.	E
F-COE-E61015-00	Big South Fork National River and Recreation Area, Tennessee and Kentucky	E
F-COE-G32017-00	Operation and maintenance, Broken Bow Lake, Mountain Fork River, and Pine Creek Lake, Oklahoma and Milwood Lake, Ariz.	G
F-COE-G34017-NM	Operation and maintenance, Abiquiu Dam and Reservoir, Rio Chama, N. Mex	G
F-COE-G36049-TX	Cooper Lake and Channels, Tex	G
F-COE-G39002-00	Arkansas and Red River Basin, chloride control, Texas, Oklahoma, and Kansas	G
F-COE-H36000-IA	Burlington, local protection project, Des Moines County, Iowa	H
F-COE-H36014-MO	Union Township drainage district, Mississippi River, Durgens and Oyster Creeks, Mo	H
F-COE—H36015-IA	Chelsea local protection project, Tama County, Iowa	H
F-COE-H36017-IA	Iowa River, Marengo local flood protection, Iowa	H
	DEPARTMENT OF AGRICULTURE	
F-AFH-E28017-NC	Cape Hatteras water association, Avon water project, Dare County, N.C	E
F-AFS-G65016-NM	Gallina planning unit, Santa Fe National forest, N. Mex	G
F-AFS-L61079-ID	Elk River planning unit, St. Joe National Forest, Idaho (USDA-FS-R1-FES(ADM)76-21)	K
F-REA-L05006-AK	2 (60 MW) combustion turbines, Alaska 6 Golden Valley, Alaska (USDA-REA-EIS(ADM)76-13-F)	K
F-SCS-E36041-AL	Blue Eye Creek watershed, Calhoun and Talladega Counties, Ala. (USDA-SCS-EIS-WS-ADM-76-1-F-AL)	E
	DEPARTMENT OF INTERIOR	
F-BIA-J61015-CO	Mancos Canyon Indian Park, Ute Mountain, Ute Tribal Lands, Colo	I
	DEPARTMENT OF TRANSPORTATION	
F-CGD-G50001-LA	West Bank Expressway, Jefferson Parish, La	G
F-DOT-A40525-OR	I-505, Industrial Freeway, Multnomah County, Oreg. (FHWA-OR-EIS-73-08-F)	K
F-FHW-A41202-AL	Clay and Herron Sts. Extension, U.S. 31 to I-65, Montgomery County, Ala. (FHWA-AL-EIS-72-05-F)	E
F-FHW-A41927-TX	Highway loop 1, North segment, Austin and Travis Counties, Tex	G
F-FHW-E40045-KY	U.S. 27, Flatrock to Greenwood, McCreary County, Ky. (FHWA-KY-EIS-75-07-F)	E

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between July 1, and July 31, 1977*—Con.

Identifying No.	Title	Source of review
	DEPARTMENT OF TRANSPORTATION	
F-FHW-E40078-MS	I-55, Woodrow Wilson Dr. to I-220, Jackson, Hinds, and Madison Counties, Miss. (FHWA-MS-EIS-76-01-F)	E
F-FHW-E40084-NC	U.S. 74, Hallsboro to Bolton, Columbus County, N.C. (FHWA-NC-EIS-76-17-F)	E
F-FHW-E40091-NC	U.S. 74, Rutherfordton to Columbus, Polk, and Rutherford Counties, N.C. (FHWA-NC-EIS-76-19-F)	E
F-FHW-E40093-KY	Pikeville and Williamson Rds., U.S. 119, U.S. 23 to Caney Branch Buckley Creek Corridor, Pike County, Ky. (FHWA-KY-EIS-76-01-F).	E
F-FHW-G40052-TX	Spur 492 intersection of TX-158 and FM 1369, intercity route, Ector and Midland Counties, Tex	G
F-FHW-H40005-IA	Freeway 520, Grundy and Black Hawk Counties, Iowa	H
F-FHW-J40014-UT	Maple and Center Sts., Utah County, Utah	I
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
FS-HUD-B89006-MA	Clearance of unsafe buildings, Boston, Suffolk County, Mass	B
F-HUD-E85016-TN	Belinda City subdivision, sec. 203(B), Wilson County, Tenn. (HUD R04-76-20F)	E
F-HUD-E85017-FL	Bent Tree subdivision, Dade County, Fla. (HUD-R04-EIS-76-11-F)	E
F-HUD-G85022-TX	Memorial Parkway subdivision, Harris County, Tex	G
F-HUD-L85001-WA	West Campus, a planned community, King County, Wash. (HUD-R010-EIS-76-1F)	K
	NUCLEAR REGULATORY COMMISSION	
F-NRC-G06001-AR	Arkansas nuclear 1, unit 2, Arkansas Power & Light Co., docket No. 50-368, Pope County, Ark. (NUREG-0254)	G

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between July 1, and July 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF TRANSPORTATION		
R-CGD-A52113-00	46 CFR pt. 148, carriage of solid hazardous materials in bulk, proposed changes, table of permitted cargoes (CGD-76-198) (42 FR 17889).	EPA recommended that an additional qualification be included requiring the shipboard person in charge of oil transfer operations to have successfully completed a formal training course providing general knowledge of mitigation and cleanup techniques.	A
R-DOT-A29001-00	49 CFR pt. 171, radioactive materials imported into the United States, quantity limitations (docket No. HM-150, notice 77-4) (42 FR 27002).	Although EPA felt that the overall impact of this action was small, EPA expressed concern with the U.S. adoption and use of IAEA recommendations in the present incremental manner. EPA suggested that when more extensive changes in the regulations are being considered, DOT should derive them in accordance with the policy that all radiation exposure of the public be maintained "* * * as far below the (Federal radiation protection) guides as practicable (25 FR 4402). EPA also suggested that before future changes are made, DOT should reexamine and possibly update the bases used to calculate the packaging requirements and quantity limits, including the calculation of environmental dose commitments to populations for both normal and accident situations.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, 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, 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 Freemont Street, San Francisco, Calif. 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 78-3180 Filed 2-7-78; 8:45 am]

[6560-01]

[FRL 852-3]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS AFFECTING THE ENVIRONMENT

Agency Comments

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 August 1, 1977, and August 31, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency 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, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency re-

sponsible 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 contains a listing of final environmental impact statements reviewed but not 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.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

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 S.W., 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 27, 1978.

PETER L. COOK,
Acting Director,
Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
D-COE-D35001-MD	Permit Application, Slag Filling, Bethlehem Steel, Sparrows Point Plant, Baltimore, Md.	EU2	D
D-COE-E35046-FL	Carrabelle Harbor, Maintenance Dredging, Franklin County, Fla.	ER2	E
S-COE-E82052-FL	Aquatic Plant Control, Florida	LO1	E
S-COE-F32038-OH	Cleveland Harbor, Modification, Navigation Project, Ohio.	LO2	F
D-COE-F32053-MI	Fiscal Years 1978-79, Navigation Season Extension Demonstration Program, Michigan.	LO2	F
D-COE-F32054-WI	Manitowoc Harbor, Interium I, Manitowoc County, Wis.	LO2	F
D-COE-F35017-WI	Green Bay Harbor, Operation, Maintenance and Dredged Material Disposal, Brown County, Wis.	LO2	F
S-COE-G36033-OK	Arcadia Lake, Deep Fork River, Okla	LO1	G
S-COE-J35000-ND	Pembilier Lake and Dam, Pembina and Cavalier Counties, N. Dak.	ER2	I
	DEPARTMENT OF AGRICULTURE		
D-AFS-F61006-IL	Flourspar Prospecting, Lusk Creek Area, Shawnee National Forest, Illinois.	LO1	F
D-AFS-H65000-00	Prairie Dog Management on Lands Administered by the Supervision of the Nebraska National Forest.	LO1	H
D-AFS-J65067-00	Timber Management Plan, Ashley National Forst, Utah and Wyoming.	LO2	I
D-AFS-L61091-OR	Illinois Wild and Scenic River Proposal, Siskiyou National Forest, Josephine and Curry Counties, Oreg. (USDA-FS-DES(LEG) 77-02).	LO1	K
D-DOA-C81003-NY	New York Animal Import Center, Stewart Airport, Neburgh, Orange County, N.Y.	LO2	C
D-SCS-G36056-TX	Tehucacana Creek Watershed, McLennan, Hill, and Limestone Counties, Tex.	LO1	G
	DEPARTMENT OF COMMERCE		
D-NOA-L90011-AK	Fishery Management Plan, Gulf of Alaska Groundfish Fishery, 1978 Alaska.	LO2	K
D-NOA-L90012-AK	Fishery Management Plan, Tanner Crab, Alaska.	LO2	K
	DEPARTMENT OF DEFENSE		
D-UAF-E10001-FL	Joint Readiness Exercise, Bald Eagle 78 Eglin Air Force Base Test Range Complex and Adjacent Coastal Waters, Oct. 11, 1977 to Nov. 11, 1977, Florida.	LO1	E
D-USA-J10002-CO	Transportation of Chemical Material, Operation RMT, Rocky Mountain Arsenal, Colorado to Tooel Army Depot, South Area, Utah.	ER2	I
	DEPARTMENT OF INTERIOR		
D-BIM-G61005-NM	Proposed Rio Puerco Livestock Grazing Management Program, New Mexico.	LO1	G
D-NPS-G61004-AR	Wilderness Recommendation, Buffalo National River, Arkansas.	LO1	G
	DEPARTMENT OF TRANSPORTATION		
D-CGD-E50002-NC	Bridge Across Shallotte Creek, Brunswick County, N.C.	LO1	E
DS-FHW-A41178-FL	FL-45, U.S. 41, Lee County, Fla. (FHWA-FLA-EIS-72-13-DS).	LO1	E
D-FHW-B40023-MA	I-93 to U.S. 1, Reconstruction of Interchange with the Mystic River Bridge, Boston, Charleston, and Cambridge, Suffolk and Middlesex Counties, Mass.	LO2	B
D-FHW-B40024-CT	I-291, Farmington, New Britain, Newington, Rocky Hill, and Wethersfield, Hartford Counties, Conn.	3	B
DS-FHW-D40036-VA	I-95, Petersburgh to I-64 interchange, Henrico County, Va.	ER2	D
D-FHW-D40049-PA	I-279 and East St. interchange, U.S. 19 to I-179, Pittsburgh, Allegheny County, Pa.	ER2	D
D-FHW-D40052-VA	VA-168, Great Bridge bypass, Chesapeake County, Va.	LO2	D
DS-FHW-E40062-GA	Appalachian Highway, Forsyth, Cherokee, Pickens, Gilmer, Fannin, Union, and Town Counties, Ga.	LO2	E
DS-FHW-E40111-AL	I-59 and I-359, Tuscaloosa County, Ala. (FHWA-ALA-EIS-71-39-DS).	LO1	E
D-FHW-E40112-GA	GA-166 and GA-61, Carrollton bypass to Villa Rica bypass, Carroll County, Ga. (FHWA-GA-EIS-77-01-D).	LO2	E
D-FHW-E40113-FL	Lake City Western bypass, Columbia County, Fla. (FHWA-FLA-EIS-77-4D).	LO2	E

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF TRANSPORTATION—Continued			
D-FHW-E40114-TN	TN-27, I-24 South of Jasper to TN-28 at Whitwell Marion County, Tenn. (FHWA-TN-EIS-77-02-D).	LO1	E
D-FHW-F40092-OH	Development of Appalachian corridor D, Clermont, Brown, Highland and Adams Counties, Ohio.	ER1	F
D-FHW-F40093-MI	U.S. 27, Lansing to Ithaca, Clinton and Gratiot Counties, Mich.	ER2	F
D-FHW-F40095-IN	Highway improvement, IN-17, OH-10 north to Culver to point U.S. 30, Marshall County, Ind.	LO1	F
D-FHW-F40096-WI	WI-89, WI-11, to Whitewater Rd., Wadworth County, Wis.	LO2	F
D-FHW-F40097-IN	IN-18, Grant County, Ind. (FHW-IND-EIS-77-01-D).	LO2	F
D-FHW-G40060-OK	I-235, Central Expressway, North Broadway extension to I-35 and I-40, Oklahoma City, Okla.	LO1	G
D-FHW-G40065-NM	NM-126, Forest Highway 12, Sandoval, Los Alamos and Santa Fe Counties, N. Mex.	LO2	G
D-FHW-H40073-NB	Improvement and relocation of NB-12, Niobrara, Knox County, Nebr. (FHWA-NEBR-EIS-77-02-D).	LO2	H
FEDERAL ENERGY ADMINISTRATION			
D-FHW-K40053-CA	Death Valley Rd., CA-168 to Death Valley National Monument, Inyo County, Calif.	LO1	J
D-FEA-A03070-00	Allocation of petroleum feedstocks to synthetic natural gas plants (DES-77-4).	LO1	A
FEDERAL POWER COMMISSION			
D-FPC-B03002-00	Tenneco Atlantic Pipeline Co. project (TAPCO), Canada and Maine.	ER3	B
D-FPC-G03009-TX	Matagorda Bay project, Tex	ER2	G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-C85017-NJ	Nassau Woods development, Franklin Township, Somerset County, N.J.	ER2	C
D-HUD-E85026-SC	Stonefield Subdivision, James Island, Charleston area, S.C. (HUD-R04-EIS-77-10-D).	ER2	E
D-HUD-F85022-IL	Westlake Development, Bloomingdale and Glendale Heights, Du Page County, Ill.	LO1	F
D-HUD-G24004-LA	Waterline, Marrero to Lafitte, Jefferson Parish, La.	ER3	G
D-HUD-G24005-TX	Tarrant County water project, Tex	LO2	G
D-HUD-G85053-TX	Huntington Park Subdivision, Quachita Parish, La.	ER2	G
D-HUD-G85055-TX	Westpoint Development, Tarrant County, Tex.	LO1	G
D-HUD-J24002-UT	Lehi sewer system improvement, Lehi City, Utah County, Utah.	LO2	I
D-HUD-L85002-WA	Shiloh Hills, Spokane County, Wash (HUD-RI0-EIS-77-1D).	LO2	K

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
NUCLEAR REGULATORY COMMISSION			
D-NRC-E06007-MS	Yellow Creek nuclear plant, units 1 and 2, Tennessee Valley Authority, Tishomingo County, Miss. (NUREG-0269).	LO2	E
D-NRC-G06003-TX	Blue Hills Station, units 1 and 2, Gulf States Utilities Co., Docket No. 50-510 and 50-511, Newton County, Tex. (NUREG-0276).	LO2	G
D-NRC-J00004-WY	Lucky MC uranium mill project, Freemont County, Wyo.	ER2	I
TENNESSEE VALLEY AUTHORITY			
D-TVA-E06006-MS	Yellow Creek nuclear plant units 1 and 2, Tishomingo County, Miss.	LO2	E

APPENDIX II

Definitions of Codes for the General Nature of EPA Comments

ENVIRONMENTAL IMPACT OF THE ACTION

LO—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.

ER—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.

EU—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).

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 invironmental 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 Aug. 1, and Aug. 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
F-COE-F32036-MI	Recreational boat harbor, detour, Chippewa County, Mich.	EPA's concerns were adequately addressed in the final EIS	F
F-COE-K61014-CA	North Point Park and Marina, San Francisco County, Calif.	do	J
	DEPARTMENT OF AGRICULTURE		
F-AFS-J65054-MT	Mount Hebgen management alternatives, Gallitan National Forest, Mont.	EPA's review of this final EIS indicated the EIS was unresponsive to a majority of the concerns raised by EPA on the draft EIS. Specifically the lack of analysis on the subject areas raised in EPA's comments and the lack of consideration for secondary impacts or the adequacy of the mitigative measures for these impacts prevent EPA from adequately evaluating potential impacts of the proposed project.	I
F-AFS-J65055-UT	Land use plan, Markagunt Plateau planning unit, Dixie National Forest, Utah.	Generally, EPA's concerns were adequately addressed in the final EIS. EPA suggested the Forest Service implement the provisions of the recent Executive Order 11989 and limit the use of off-road vehicles in areas or on trails that are deemed suitable.	I
F-AFS-K61012-CA	Little Kern planning unit, Sequoia National Forest, Tulare County, Calif.	EPA's concerns were adequately addressed in the final EIS	J
F-REA-D08002-PA	Susquehanna steam electric station, 500 kV transmission system, Pennsylvania.	EPA has no objections to the project as proposed	D
F-REA-D08003-PA	Susquehanna steam electric station units 1 and 2, and 230 kV transmission facilities, Pennsylvania.	EPA has no objections to the project as proposed. However any modifications to the transmission line routing should be documented in a final supplement to the EIS.	D
F-SCS-K36017-AZ	Harquahala valley watershed, Maricopa and Yuma Counties, Ariz.	EPA's concerns were adequately addressed in the final EIS	J
	DEPARTMENT OF COMMERCE		
F-EDA-K80004-CA	South Vallejo Industrial Park, Vallejo waterfront development project, Solano County, Calif.	EPA's concerns were adequately addressed in the final EIS	J
	DEPARTMENT OF INTERIOR		
F-BLM-J01001-CO	Proposed development of oil shale resources by the Colony development operation, Colorado.	Generally, EPA's concerns were adequately addressed in the final EIS. However there are 2 major unresolved environmental problems: (1) The inability of the proposed facility to meet class II prevention of significant deterioration (PSD) air quality regulations, and (2) the unlikely revegetation success on TOSCO spent shale. EPA has requested future meetings with BLM to resolve these issues.	I
F-BLM-K08003-OO	Sierra Pacific Power Co., 230-245kV transmission line, Oreana, Nev., to Hunt, Idaho.	EPA's concerns were adequately addressed in the final EIS	J
F-SFW-K64000-CA	Aquisition, San Francisco Bay National Wildlife Refuge, Alamenda County, Calif.	do	J
	DEPARTMENT OF TRANSPORTATION		
F-FAA-A52095-OO	Certification of Gates Learjet models 24 and 25, airplanes for operation at a maximum pressure altitude of 51,000 ft.	EPA's concerns were adequately addressed in the final EIS	A
F-FAA-C51005-NY	Chemung County Airport, Elmira, N.Y	EPA's comments have been adequately addressed on the final EIS	C
F-FAA-D51006-PA	Erie International Airport, runaway extension, Erie County, Pa.	EPA's concerns were adequately addressed on the final EIS	D
F-FAA-D51007-MD	Ocean City Airport, Ocean City, Md	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested the FAA avoid wetlands where it is possible.	D
RF-DOT-A52094-OO	Proposed rulemaking concerning motor vehicle occupant crash protection.	EPA's concerns were adequately addressed in the final EIS	A
F-FHW-A41723-MD	Relocated MD-193 to MD-55¢, Prince Georges County, Md.	EPA continues to have environmental reservations on the project as proposed. Specifically, EPA is concerned with the filling and partial drainage of the wetlands on Folly Swamp and requested to be contacted prior to the department's application for a sec. 404 permit (if required). EPA suggested that these sensitive areas be avoided or crossed in a manner which would not degrade their wildlife and water quality value.	D
F-FHW-B40009-MA	I-391, Chicopu to Holyoke, Hampden County, Mass.	EPA's review of the final EIS indicated the Agency was unresponsive to EPA's comments on the draft EIS. Specifically, the project has not demonstrated to be consistent with the State implementation plan for achieving ambient air quality standards.	B
F-FHW-C40015-NY	City of Little Falls, southeast arterial highway, Montgomery and Herkimer Counties, N.Y.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA requested that information concerning ground water impacts be made available.	C
F-FHW-D40029-VA	I-64, VA-167 to Hampton Roads, Bridge Tunnel, Va.	EPA's concerns were adequately addressed in the final EIS	D
F-FHW-D40047-PA	Everett bypass, LR 1064, sec. A00, Bedford County, Pa.	do	D
F-FHW-D40050-MD	Relocated MD-32, Patuxent freeway, MD-108 to Baltimore/Washington Parkway, Anne Arundel and Howard Counties, Md.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA noted potential wetlands and water quality problems that might call for minor design changes prior to construction.	D
F-FHW-D40051-VA	I-464, Chesapeake and Norfolk, Va	EPA continues to have environmental reservations on the project as proposed. Specifically, EPA believes the several stream crossings as proposed will have impacts on water quality and wetlands.	D

APPENDIX III.—*Final environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977* —Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
		DEPARTMENT OF TRANSPORTATION—Continued	
F-FHW-F40035-OH	Detroit-Rocky River Bridge replacement, Lakewood Rocky River, Cuyahoga County, Ohio.	EPA's concerns were adequately addressed in the final EIS	F
F-FHW-G40037-LA	LA-641, U.S. 61 to I-10, St. James Parish, La.	EPA continues to have environmental reservations concerning the possible adverse impacts to the wetlands within the proposed project area. The project may induce secondary development which could cause further deterioration and encroachment of valuable wetland habitat.	G
F-FHW-J40010-UT	I-70 through the Sevier Valley, Utah	EPA's concerns were adequately addressed in the final EIS	I
		ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION	
F-ERD-A00116-NY	Brookhaven National Laboratory, Upton, Suffolk County, N.Y. (ERDA-1540).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA made several suggestions on the radiological aspects of the proposal.	A
		DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
FS-HUD-A85099-CO	West side housing neighborhood development program, Denver County, Colo.	EPA's concerns were adequately addressed in the final EIS	I
F-HUD-C24001-PR	Construction of sanitary sewer system, Roig community, Humacao, P.R.	do	C
F-HUD-E85019-FL	Pinebrook Estates, unit 1-203B, Pinellas County, Fla. (HUD-R04-EIS-76-17-D).	Generally EPA's concerns were adequately addressed in the final EIS. However, EPA requested additional information be provided regarding the effects the total project development will have on water quality, ambient air quality, and noise levels.	E
F-HUD-E85020-FL	Seven Springs, subdivision, Pasco County, Fla. (HUD-R04-EIS-76-15-D).	EPA's concerns were adequately addressed in the final EIS	E
F-HUD-E85021-FL	Vista Verde, subdivision, Dade County, Fla. (HUD-R04-EIS-76-18-F).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA feels in more complete analysis on water quality and noise abatement should be conducted.	E
F-HUD-K85003-CA	Aliso Hills development, Orange County, Calif.	EPA continues to have environmental reservations on the proposed project relating to air quality impacts.	J
F-HUD-K89021-CA	Bunker Hill elderly housing project, Long Beach, Los Angeles County, Calif.	EPA's concerns were adequately addressed in the final EIS	J
		NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
F-NAS-D09004-VA	Refuse-fired steam generating facility, Langley Research Center, Hampton, Va.	do	D
F-NAS-K12003-CA	Modification of 40 by 80 ft subsonic wind tunnel, Ames Research Center, Calif.	do	J
		U.S. POSTAL SERVICE	
F-UPS-F81004-IL	Proposed relocation south Cicus Ave. Postal facility, Chicago, Cook County, Ill.	EPA's concerns have been adequately addressed in the final EIS	F
		NUCLEAR REGULATORY COMMISSION	
F-NRC-C06006-PR	North coast nuclear plant, unit 1, Islote site, P.R.	EPA has environmental reservations concerning the suitability of the Islote site for a nuclear powerplant. Inadequate data was presented in the FEIS, specifically in the areas of plant design, representative meteorology, fisheries, and seismicity. The meteorological data provided does not appear to be representative of the site as EPA's analyses of 2 Dose pathways, using the meteorological data, indicate the Dose pathways exceed existing standards. The entrainment and impingement impacts upon fisheries may be acceptable, however, the lack of information on the system design and location prevents a firm conclusion. The geologic safety of the site area has not been addressed even though Puerto Rico is seismically active in general. Therefore, EPA has environmental reservations concerning this project.	C

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Aug. 1, and Aug. 31, 1977*

Identifying No.	Title	Source of review
	CORPS OF ENGINEERS	
F-COE-G32024-TX	Maintenance dredging, Little Bay, Tex	G
FS-COE-G34002-TX	Lake Brownwood modification, Pecan Bayou watershed, Colorado River Basin, Tex	G
F-COE-G34014-OO	Operation and maintenance program, Denison Dam, Lake Texoma, Red River (Okla. and Tex.)	G
F-COE-L36031-WA	Additional flood control, upper Baker project, Skagit River basin, Whatcom County, Wash	K
F-COE-L36047-OO	Vancouver to the Dalles Channel, maintenance, Columbia River (Oreg. and Wash.)	K
	DEPARTMENT OF AGRICULTURE	
F-AFS-D65003-PA	Timber management plan, Allegheny National Forest, Pa	D
F-AFS-G65014-AR	St. Francis unit plan, Ozark National Forest, Lee and Phillip Counties, Ark	G
F-AFS-J35002-MT	Proposed reconstruction, Big Creek Dam, Selway-Bitterroot Wilderness, use of motorized equipment, Bitterroot National Forest, Mont.	I

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Aug. 1, and Aug. 31, 1977*—Cont'd

Identifying No.	Title	Source of review
	DEPARTMENT OF AGRICULTURE —Continued	
F-AFS-J82000-00	Western spruce budworm management plan	I
F-AFS-L61044-ID	Salmon River, wild and scenic river proposal, Idaho	K
F-AFS-L61087-ID	South fork Salmon River planning unit, Boise and Payette National Forests, Idaho (USDA-FS-R4-FES(ADM)R4-77-2).	K
F-REA-G07001-NM	Gamerco coal mine, McKinley County, Tex	G
	DEPARTMENT OF COMMERCE	
F-NOA-E61020-FL	Rookery Bay, Florida estuarine sanctuary, Collier County, Fla	E
	DEPARTMENT OF INTERIOR	
F-BIA-G85002-NM	Tesuque Indian pueblo, Santa Fe County, N. Mex	G
	DEPARTMENT OF TRANSPORTATION	
FS-DOT-A41472-VT	U.S. 7, Sunderland to Manchester, Bennington County, Vt	B
F-FHW-E40040-KY	Appalachian development corridor J, Somerset London Rd., KY-80, Pulaski and Laurel Counties, Ky. (FHWA-KY-EIS-75-02-F).	E
F-FHW-E40060-GA	Columbus to GA-85, U.S. 27A, North Columbus bypass, Muscogee County, Ga. (FHWA-GA-75-13-F)	E
F-FHW-E40077-TN	TN-29, TN-27 spur to TN-153, Appalachian corridor J, Hamilton County, Tenn. (FHWA-TN-EIS-75-4-F)	E
F-FHW-G40024-TX	Loop 1, south segment, Travis County, Tex	G
F-FHW-J40006-MT	Improvement of Forest Highway 13, U.S. 2, Glacier National Park, Flathead County, Mont	I
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
F-HUD-E28003-NC	Great Alamance Creek water supply project, city of Burlington, N.C	E
F-HUD-G85027-TX	Cimarron subdivision, Harris County, Tex	G
F-HUD-J85011-CO	Kensington Park apartments, phase I and II, Denver, Colo	I
	NATIONAL SCIENCE FOUNDATION	
F-NSF-A84021-00	Ross ice shelf project (RISP), U.S. Antarctic research program	A
	DEPARTMENT OF INTERIOR	
F-NPS-H61003-MO	Wilson's Creek national battlefield, Green and Christian Counties, Mo	H
	U.S. POSTAL SERVICE	
F-UPS-C81002-NY	General mail facility, Rochester, N.Y	C

APPENDIX V.—*Regulations, legislation and other federal agency actions for which comments were issued between Aug. 1, and Aug. 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF INTERIOR		
R-IGS-A02116-00	30 CFR pt. 250, Outer Continental Shelf (OCS) oil and gas operations suspension procedures (42 FR 36273).	EPA has reviewed the proposed rulemaking and has no comments at this time.	A
R-BLM-A02117-00	43 CFR pt. 3300, Outer Continental Shelf (OCS) oil and gas leases, suspensions and the 5-yr. term.	do	C
	DEPARTMENT OF TRANSPORTATION		
R-CGD-A52122-00	33 CFR pts. 154-156, pollution prevention, vessels and oil transfer facilities, 33 CFR pt. 157, tank vessels carrying oil in bulk, 46 CFR pt. 162, oil pollution prevention equipment, approval requirements (42 FR 32670).	EPA made specific comments with regard to: (1) increasing the level of training for the persons in charge of oil transfer operations, and (2) providing documentation for approval of alternative procedures, methods or equipment standards in providing an equivalent level of protection from pollution by oil.	A
	ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION		
A-ERD-A00131-SC	Alternatives for long-term management of defense high-level radioactive waste, Savannah River plant, Aiken, S.C. (ERDA-77-42).	EPA continues to have concerns relative to the acceptability of the disposal of high level waste in bedrock alternative and furthermore EPA believes this alternative should be totally eliminated as a permanent high level waste disposal technique.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, 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, Enviornmental Protection Agency, 215 Freemont Street, San Francisco, Calif. 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 78-3348 Filed 2-7-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 238]

STATEWIDE FINANCIAL CORP.

Receipt of Application

FEBRUARY 3, 1978.

In the matter of the State Savings & Loan Co., South Euclid, Ohio, and the Citizens Home & Savings Association Co., Lorain, Ohio.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Statewide Financial Corp., South Euclid, Ohio, for approval of the acquisition of the State Savings & Loan Co. and of the Citizens Home & Savings Association Co., South Euclid, Ohio. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by March 10, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-3456 Filed 2-7-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. A-12]

CENTRALIZED HOUSEHOLD GOODS TRAFFIC MANAGEMENT

1. *Purpose.* This temporary regulation prescribes the General Services Administration (GSA) centralized household goods traffic management program.

2. *Effective date.* This regulation is effective February 8, 1978.

3. *Expiration date.* This regulation expires November 30, 1978, unless sooner revised or superseded.

4. *Background.* a. Section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)), as amended, states "The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned * * * prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including * * * transportation and traffic management * * *."

b. To obtain the greatest economy, efficiency, and service in the movement of household goods and personal effects for employees of civilian agencies of the Federal Government, GSA has instituted a centralized household goods traffic management program. Under this program, GSA will provide agencies with carrier selections and routings for domestic moves based on cost comparisons. In addition, all carrier rate tenders covering the movement of household goods shall be filed with GSA to ensure a uniform domestic rate structure, establish a single set of standards, and reduce administrative costs for individual agencies.

5. *Household goods tender of service.* To achieve the objectives listed in subparagraph 4b, GSA has developed a master household goods tender of service (TOS) agreement. This agreement sets forth service and performance standards that participating carriers and forwarders (carriers) agree to provide. Carriers which participate under the TOS agreement shall submit rate tenders (section 22, Interstate Commerce Act, 49 U.S.C. 22) to GSA. GSA will accept or reject such tenders on behalf of all Federal agencies, except the Department of Defense and the U.S. Coast Guard. These rate tenders were effective on December 1, 1977.

6. *Actual expense method and the commuted rate schedule.* a. Paragraph 2-8.3c(4)(a) of the GSA publication, Federal Travel Regulations (FPMR 101-7) states "* * * the commuted rate system shall be used for individual transfers without consideration being given the actual expense method, except that the actual expense method may be used if the actual costs to be incurred by the Government for packing and other accessorial services are predetermnined (at least as to price per 100 pounds) and if that method is expected to result in a real savings to the Government of $100 or more."

b. Under the centralized household goods traffic management program, agencies are required to obtain household goods cost comparisons from the appropriate GSA regional Transportation Services Division. (See attachment A.) The GSA regional office will make the cost comparison between the two methods and will furnish agencies with the information described in subparagraph 7b. Agencies will make the final determination as to the method of shipment to be used based on the results of the GSA cost comparison.

7. *Procedures*—a. *Cost comparison.* Agencies will furnish all pertinent details concerning the proposed move; i.e., name of employee to be moved, origin, destination, anticipated or actual moving date, estimated weight, and, if applicable, storage in transit (for 30 or 60 days), or other special requirements, to the appropriate GSA regional Transportation Services Division. Agencies may use GSA Form 2485, Cost Comparison for Shipping Household Goods (Commuted Rate System vs. Actual Expense Method), for this purpose. Shipment details should be provided to the GSA regional Transportation Services Division as far in advance of the moving date as possible. Each cost comparison will be assigned a GSA transportation control number which is to be shown on the Government bill of lading (GBL) in the "Route Order/Release No." block. In case of an emergency or an imminent moving date, these details may be transmitted to GSA by phone. All cost comparison and carried selection information given telephonically will be confirmed in writing by GSA.

b. *Carrier selection or routings.* Results of the cost comparison will be furnished to the requesting agency together with the names of at least three qualified carriers capable of handling the particular shipment. If the rates of these carriers vary, the carrier offering the lowest rate shall be used. When two or more carriers offer the lowest rate, the carrier having been allocated the least tonnage distribution will be selected by GSA and the name and point of contact of the carrier provided to the requesting agency together with the names of two alternate carriers. Alternate carriers should only be used if the primary carrier cannot accept the shipment. The appropriate GSA regional Transportation Services Division is to be promptly notified of any change in the carrier routing. A carrier tonnage distribution record will be maintained at each GSA regional Transportation Services Division to facilitate equitable distribution of tonnage among carriers.

c. *Quality control.* An integral part of this program is the feedback from the relocated Government employee who has been moved by the selected carrier. Along with each completed cost comparison, GSA will furnish the employee with a GSA Form 3080, Household Goods Carrier Performance Report. The GBL number and the transportation control number assigned by GSA should be added to the form by the GBL issuing office. After

the move has been completed, the GSA Form 3080 is to be returned by the employee to the GSA regional Transportation Services Division that provided the rate and routing information. Evaluation of the data on this form will enable GSA to monitor the performance of each carrier. Other information pertaining to any carrier's inadequate service or performance should be provided to GSA by agency shipping offices with sufficient details to identify the specific shipment.

8. *Additional details.* Information concerning this program may be obtained from the appropriate GSA regional Transportation Services Division.

9. *Availability of forms.* a. GSA Form 2485, Cost Comparison for Shipping Household Goods (Commuted Rate System vs. Actual Expense Method) (printed on NCR paper in pads of 100 sheets) may be obtained initially by sending a letter requesting the forms to the General Services Administration (3FNDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. After obtaining an initial supply, agency regional or field offices should submit subsequent requirements for the form to their Washington headquarters office, which shall forward consolidated annual requirements to the General Services Administration (BRO), Washington, DC 20405.

b. Copies of the GSA Form 3080, Household Goods Carrier Performance Report, will normally be furnished with the cost comparison. However, additional copies of the form may be obtained from the appropriate GSA regional Transportation Services Division.

10. *Cancellations.* GSA Bulletins FPMR A-24 and supplements 1 and 2; A-32 and supplements 1, 2, and 3; and A-45 are canceled.

11. *Agency comments.* Any comments concerning this regulation should be submitted to the General Services Administration (FAF), Washington, D.C. 20406, no later than March 31, 1978, for possible incorporation into a permanent regulation.

Dated: January 26, 1978.

JAY SOLOMON,
Administrator of General Services.

FPMR TEMP. REG. A-12, ATTACHMENT A

CENTRAL OFFICE—GENERAL SERVICES ADMINISTRATION (FZT) WASHINGTON, D.C. 20406, 703-557-8505

GSA region	Address and telephone No.	Areas of jurisdiction
1	General Services Administration (1FZT), John W. McCormack, Post Office and Courthouse, Boston, Mass. 02109, 617-223-2735, FTS: 223-2735.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
2	General Services Administration (2FZT), 26 Federal Plaza, New York, N.Y. 10007, 212-264-1286, FTS: 264-1286.	New Jersey, New York, Puerto Rico, Virgin Islands.
3	General Services Administration (3FZT), Washington, D.C. 20407, 202-472-2003, FTS: 472-2003.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
4	General Services Administration (4FZT), 1776 Peachtree Street NW, Atlanta, Ga. 30309, 404-881-4443, FTS: 257-4443.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
5	General Services Administration (5FZT), 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-5375, FTS: 353-5375.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
6	General Services Administration (6FZT), 1500 East Bannister Road, Kansas City, Mo. 64131, 816-926-7555, FTS: 926-7555.	Iowa, Kansas, Missouri, Nebraska.
	GSA TRANSPORTATION SERVICES DIVISION OFFICES	
7	General Services Administration (7FZT), 819 Taylor Street, Forth Worth, Tex. 76102, 817-334-2733, FTS: 334-2733.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
8	General Services Administration (8FZT), Building 41, Denver Federal Center, Denver, Colo. 80225, 303-234-2626, FTS: 234-2626.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
9	General Services Administration (9FZT), 525 Market Street, San Francisco, Calif. 94105, 415-556-3271, FTS: 556-3271.	Arizona, California, Guam, Hawaii, Nevada.
10	General Services Administration (10FZT), GSA Center, Auburn, Wash. 98002, 206-833-6500, ext. 411, FTS: 396-5411.	Alaska, Idaho, Oregon, Washington.

[FR Doc. 78-3411 Filed 2-7-78; 8:45 am]

[6820-24]

[Federal Property Management Regs.; Temporary Reg. G—]

CHANGES IN REQUIREMENTS FOR REPORTING MOTOR VEHICLE DATA

1. Purpose: This regulation prescribes changes in the instructions for preparing Standard Form 82, Agency Report of Motor Vehicle Data, and Standard Form 82-D, Agency Report of Sedan Data.

2. Effetive date: This regulation is effective February 8, 1978.

3. Expiration date: This regulation expires September 30, 1978, unless revised or superseded sooner.

4. Applicability: This regulation applies to all executive agencies holding or using commercially rented motor vehicles.

5. Background: Standard Forms 82 and 82-D are prescribed by FPMR 101-38.100-1 and are used by executive agencies to report motor vehicle management data to GAS. The data is used by GSA to evaluate and analyze operations and management of the Federal motor vehicle fleet. Instructions for preparing the Standard Forms 82 and 82-D are located on the back of each form and include provisions for reporting data on term and trip rentals of motor vehicles from commercial sources. The data from these reports relating to trip rentals are not essential to GSA for evaluating and analyzing the Federal motor vehicle fleet. Because of the difficulty to agencies in collecting and tabulating commercial trip rental costs, this requirement is being deleted from the forms. Subsequent revisions of these forms will reflect this change.

6. Agency action: Effective with the development of data by agencies for submission of the report for fiscal year 1977, agencies shall make the following pen-and-ink changes:

a. Standard Form 82. On the back of the form in section I, part B, line 10, change the parenthetical phrase from "term and trip rentals" to "assigned and dispatch," and in line 11, delete from the parenthetical phrase the words "and trip."

b. Standard Form 82-D. On the back of the form in section I, part B, lines 10 and 12, change the parenthetical phrases from "term and trip rentals" to "assigned and dispatch," and in lines 11 and 13, delete from the parenthetical phrases the words "and trip."

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-3412 Filed 2-7-78; 8:45 am]

[6820-24]

[Federal Property Management Regs.; Temporary Reg. G-35]

COMPLETING STANDARD FORM 91-A, INVESTIGATION REPORT OF MOTOR VEHICLE ACCIDENT

1. *Purpose.* This regulation prescribes changes for completing Standard Form 91-A, Investigation Report of Motor Vehicle Accident.

2. *Effective date.* This regulation is effective February 8, 1978.

3. *Expiration date.* This regulation expires December 31, 1978, unless revised or superseded sooner.

4. *Applicability.* The provisions of this regulation apply to all executive agencies holding motor vehicles located within the United States, its territories, or possessions.

5. *Background.* a. FPMR 101-39.804-2 prescribes the use of Standard Form 91-A for investigating a motor vehicle accident. The Standard Form 91-A was revised in November 1976 and agencies were instructed to destroy all stocks of the June 1953 edition of the form.

b. It has recently been determined by GSA in coordination with the Department of Justice that certain questions on the form should not be answered since they may pose legal difficulties in future defenses of claims against the Government and in processing claims on behalf of the Government. Those questions will be deleted from the form when it is revised.

6. *General.* The questions to be deleted are located in Block 26, Reviewing Official's Statement, of the November 1976 edition of the Standard Form 91-A, and are as follows:

a. Was driver acting within scope of his employment?

b. What caused the accident?

c. How could it have been prevented?

d. What action has been taken?

7. *Agency action.* Until such time as the Standard Form 91-A is revised, the appropriate agency officials should not answer the questions on the form identified in par. 6, above.

Dated: January 31, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-3413 Filed 2-7-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CAREER EDUCATION PROGRAM

Extension of Closing Date for Receipt of Applications

Notice is given that the January 18, 1978, deadline for filing grant applications under the Career Education Program published in the FEDERAL REGISTER on October 12, 1977, is extended to February 17, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

(a) *Applications sent by mail.*—An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.554, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 13, 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 application 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 these 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) *Hand-delivered applications.*—An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

(c) *Program information.*—Applications are being accepted from State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, associations, institutions, and individuals for grants and assistance contracts to support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or, where necessary, in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs).

In formulating applications, potential applicants should be aware of the amount of funds available for career education grants and assistance contracts for Fiscal Year 1978. It is anticipated that grants and assistance contracts will be awarded in each of the categories specified in 45 CFR 160d.5, withg the total amount of the awards in each category being approximately as follows: (a) incremental improvements in K-12 career education programs—$1,000,000, (b) demonstrations in such settings as the senior high school—$250,000, the community college—$150,000, adult and community education agencies—$150,000, and institutions of higher education—$150,000, (c) demonstrations for such special segments of the population as handicapped—$750,000, gifted and talented—$400,000, minority youth—$600,000, low income youth—$600,000, and to reduce sex stereotyping in career choices—$500,000, (d) demonstrations of the training and retraining of persons for conducting career education programs—$1,000,000, and (e) communication of career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public—$1,200,000. It is expected that a total of about 75 awards will be made in the above categories, and that the average amount per award will be approximately $90,000.

All of these will be new awards; no funds are reserved for continuation awards. Projects are normally one year in duration.

In addition to the grants and assistance contracts awarded pursuant to this notice, it is anticipated that approximately $3,385,000 worth of procurement contracts in career education will be awarded during Fiscal Year 1978. Requests for proposals for these procurement contracts will be published in the Commerce Business Daily at a later date.

(d) *State comment.*—All applicants must furnish an information copy of their application to the State educational agency of the State within which the applicant is located. This information copy must be submitted to the State Coordinator of Career Education, as designated by the Chief State School Officer, concurrently with the submission of the application to the U.S. Office of Education. The application submitted to the U.S. Office of Education must contain a statement that this has been accomplished. State educational agencies wishing to submit advice and comment on any application originating within their State may do so by forwarding that advice and comment to the Office of Career Education, at the address in paragraph (f) below.

(e) *For further information and forms contact.*—Dr. Sidney C. High, Jr., Office of Career Education, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3100, ROB No. 3), Washington, D.C. 20202; 202-245-2331.

(f) *Applicable regulations.*—The regulations applicable to the Career Education Program are the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a, and appendices), the regulation for the Special Projects Act (45 CFR Part 160, especially Part III in the Appendix) published in the FEDERAL REGISTER on July 15, 1976, and the regulation for the Career Education Program (45 CFR Part 160d), published in the FEDERAL REGISTER on May 13, 1976.

(20 U.S.C. 1851-1853 and 1865; 45 CFR Part 160 and Part 160d.)

(Catalog of Federal Domestic Assistance Number 13.554, Career Education Program.)

Dated: February 3, 1978.

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

[FR Doc. 78-3453 Filed 2-7-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 62560]

WYOMING

Application

JANUARY 30, 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 Co. of Oklahoma City, Okla., has filed an application for a right-of-way to construct a 4½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 95 W.,
Sec. 18, NE¼NE¼.

The pipeline will transport natural gas from a point in Section 18 in a northerly direction to a point connecting with a gathering line in Section 7, T. 22 N., 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. 78-3419 Filed 2-7-78; 8:45 am]

[4310-84]

[Wyoming 61559 (Amendment)]

WYOMING

Application

JANUARY 27, 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 Stauffer Chemical Co. of Wyoming filed an amendment to its pending application, W-61559, for a right-of-way to construct 4 inch lateral pipelines for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 103 W.,
Sec. 4.
T. 23 N., R. 103 W.,
Secs. 22, 26, and 34.

The purpose of this amendment is to construct an additional 4 inch lateral pipeline from the KD Luff Alternate Location 2-23C Amoco Champlin well located in the SE¼ of Section 23, T. 23 N., R. 103 W., to connect with Stauffer Chemical's proposed lateral pipeline located in the SE¼ of Section 22, T. 23 N., R. 103 W., Sweetwater County, Wyo. Stauffer Chemical Co. of Wyoming has also amended its application by relinquishing a 4 inch lateral pipeline included in its pending application which extends from the KB Luff well located in the NW¼ of Section 35, T. 23 N., R. 103 W., and which was to connect with Stauffer Chemical's proposed lateral pipeline in the NE¼ of Section 34, T. 23 N., R. 103 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, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-3420 Filed 2-7-78; 8:45 am]

[4310-84]

[Wyoming 62547]

WYOMING

Application

JANUARY 30, 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. has filed an application for a right-of-way to construct a 6⅝ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 90 W.,
Sec. 8, SE¼NE¼ and NE¼SE¼.

The pipeline will transport natural gas from a well in Section 8 to a point in Section 3 T. 38 N., R. 90 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. 78-3421 Filed 2-7-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on December 30, 1977, Knauf & Tesch Co., Chilton, Wis. 53014, made application to the Drug Enforcement Administration to be registered as an importer of marihuana, a basic class controlled substance in Schedule I, for the importation of seed only, to be rendered nonviable for use in feed.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than March 9, 1978.

Comments and objections may be addressed to the DEA FEDERAL REGISTER Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: February 2, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-3422 Filed 2-7-78; 8:45 am]

[4410-01]

Law Enforcement Assistance Administration

CRIMINAL INTELLIGENCE SYSTEMS

Operation Policies

Notice is hereby given that the Law Enforcement Assistance Administration is establishing funding and operating principles for LEAA Discretionary Funded Criminal Intelligence Systems. Consideration will be given to views and comments pertaining to the proposed policy set out in this notice. Comments should be submitted in writing no later than March 1. 1978, to Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531. LEAA will be guided by the principles of this policy pending receipt of comments.

LEAA recognizes that certain criminal activities including but not limited to, loan sharking, narcotics, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials often involve some degree of regular coordination and permanent organization involving a large number of participants over a broad geographical area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. In recognition of the fact, however, that the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates, the following LEAA policies shall be applicable to all projects in which LEAA discretionary funds are to be used for the collection and exchange of intelligence data. As used in these policies, 'Intelligence Systems' means the arrangements, equipment, facilities, and procedures used to store and exchange criminal intelligence data, however, the term does not include modus operandi files; 'Interjurisdictional Intelligence Systems' means those systems for the continuing exchange of criminial intelligence data between local, county, or larger political subdivisions, including the exchange of data between State or local agencies and units of the Federal Government.

I. OPERATING PRINCIPLES FOR LEAA—DISCRETIONARY FUNDED INTELLIGENCE SYSTEMS

A. Criminal intelligence information concerning an individual shall be collected and maintained only if it is suspected that the individual is involved in criminal activity and it can be assumed that the information is relevant to that activity.

B. No records shall be maintained describing an individual's exercise of rights guaranteed by the First Amendment unless the information in question is pertinent to and within the scope of the particular criminal activity being investigated.

C. No information which has been obtained in violation of any applicable Federal or State law shall be included in any criminal intelligence system.

D. Intelligence information shall be disseminated only where there is a need to know/right to know the data in the performance of a law enforcement activity.

E. (1) Except as noted in (2) below, intelligence information shall be disseminated only to other law enforcement authorities who shall agree to follow procedures regarding data entry, maintenance, security, and dissemination which are consistent with these standards.

(2) Paragraph (1) above shall not limit the dissimination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

F. Agencies maintaining criminal intelligence data shall adopt administrative, technical, and physical safeguards (including audit trails) to insure against unauthorized access and against intentional or unintentional damage. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of control agencies and officials.

G. Periodic review shall be made, no less than every two years, to assure that all information which is retained has relevancy and importance. Any information retained through a two-year interval shall reflect name of reviewer, date of review, and explanation of decision to retain. Any informtion which is unverified, misleading, obsolete, or otherwise unreliable must be destroyed.

H. If automated equipment for use in connection with a criminal intelligence system is to be obtained with funds under the grant, then:

Direct remote terminal access to data shall not be made available to system users;

No modifications to system design shall be undertaken without prior LEAA approval.

I. LEAA shall be notified prior to initiation of formal information exchange procedures with any Federal, State, Regional, or other information systems not indicated in the grant documents as initially approved at time of award.

J. Assurances shall be made that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance pruposes that is in violation of the provisions of Title III of Pub. L. 90-351, as amended, and any applicable State statute related to wiretapping and surveillance.

K. Sanctions shall be adopted to control unauthorized access, utilization, or disclosure of information contained in the system.

II. FUNDING GUIDELINES

LEAA shall apply the following funding guidelines to all discretionary grant applications for the funding of interjurisdictional intelligence systems. Systems shall only be funded where a grantee agrees to adhere to the principles set forth above and the project meets the following criteria:

A. The proposed collection and exchange of data has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.

B. The area of criminal activity in connection with which intelligence data is to be utilized represents a significant and recognized threat to the population and: (1) is either undertaken for the purpose of seeking illegal power or profits or poses a threat to the life and property of citizens; (2) involves a significant degree of permanent criminal organization; and (3) is not limited to one geographical area.

C. Control and supervision over information collection and dissemination will be permanently retained by an office unit, or joint operation of a governmental entity.

D. The collection and disseminatiuon of intelligence data will be utilized primarily for State and local law enforcement efforts—exceptions being made only for cases involving joint State-Federal efforts relating to concurrent jurisdiction offenses.

III. MONITORING AND AUDIT OF GRANTS INVOLVING COLLECTION AND EXCHANGE OF CRIMINAL INTELLIGENCE INFORMATION

A. Grants involving the collection and exchange of intelligence informa-

tion will receive specialized monitoring in accordance with a plan designed to ensure compliance with operating principles as set forth in Section I of this document. Such plan shall be approved prior to award of funds.

B. All grants involving collection and exchange of criminal intelligence information shall be awarded subject to a Special Condition requiring compliance with standards set forth in Section I of this document. A certification of compliance with these standards signed by a responsible official shall be included as part of the grant application.

C. An annual notice will be published by LEAA which will indicate the existence and objective of all systems for the continuing interjurisdictional exchange of intelligence data which are funded with LEAA discretionary funds.

JAMES M. H. GREGG,
Assistant Administrator, Office of Planning and Management.

[FR Doc. 78-3436 Filed 2-7-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

[6715-01]

FEDERAL ELECTION COMMISSION

MEMORANDUM OF UNDERSTANDING

The following is intended to serve as a guide for the DEPARTMENT OF JUSTICE (hereinafter referred to as the "Department") and the Federal Election Commission (hereinafter referred to as the "Commission") in the discharge of their respective statutory responsibilities under the Federal Election Campaign Act and Chapters 95 and 96 of the Internal Revenue Code:

(1) The Department recognizes the Federal Election Commission's exclusive jurisdiction in civil matters brought to the Commission's attention involving violations of the Federal Election Campaign Act and Chapters 95 and 96 of the Internal Revenue Code. It is agreed that Congress intended to centralize civil enforcement of the Federal Election Campaign Act in the Federal Election Commission by conferring on the Commission a broad range of powers and dispositional alternatives for handling nonwilful or unaggravated violations of these provisions.

(2) The Commission and the Department mutually recognize that all violations of the Federal Election Campaign Act and the antifraud provisions of Chapters 95 and 96 of the Internal Revenue Code, even those committed knowingly and wilfully, may not be proper subjects for prosecution as crimes under 2 U.S.C. 441j, 26 U.S.C. 9012 or 26 U.S.C. 9042. For the most beneficial and effective enforcement of the Federal Election Campaign Act and the antifraud provisions of Chapters 95 and 96 of the Internal Revenue Code, those knowing and wilful violations which are significant and substantial and which may be described as aggravated in the intent in which they were committed, or in the monetary amount involved should be referred by the Commission to the Department for criminal prosecution review. With this framework, numerous factors will frequently affect the determination of referrals, including the repetitive nature of the acts, the existence of a practice or pattern, prior notice, and the extent of the conduct in terms of geographic area, persons, and monetary amounts among many other proper considerations.

(3) Where the Commission discovers or learns of a probable significant and substantial violation, it will endeavor to expeditiously investigate and find whether clear and compelling evidence exists to determine probable cause to believe the violation was knowing and wilful. If the determination of probable cause is made, the Commission shall refer the case to the Department promptly.

(4) Where information comes to the attention of the Department indicating a probable violation of Title 2, the Department will apprise the Commission of such information at the earliest opportunity.

Where the Department determines that evidence of a probable violation of Title 2 amounts to a significant and substantial knowing and wilful violation, the Department will continue its investigation to prosecution when appropriate and necessary to its prosecutorial duties and functions, and will endeavor to make available to the Commission evidence developed during the course of its investigation subject to restricting law. Where the alleged violation warrants the impaneling of a grand jury, information obtained during the course of the grand jury proceedings will not be disclosed to the Commission, pursuant to rule 6 of the Federal rules of criminal procedure.

Where the Department determines that evidence of a probable violation of title 2 does not amount to a significant and substantial knowing and wilful violation (as described in paragraph 2 hereof), the Department will refer the matter to the Commission as promptly as possible for its consideration of the wide range of appropriate remedies available to the Commission.

(5) This memorandum of understanding controls only the relationship between the Commission and the Department. It is not intended to confer any procedural or substantive rights on any person in any matter before the Department, the Commission or any court or agency of Government.

Dated: December 5, 1977.

For the United States Department of Justice.

BENJAMIN R. CIVILETTI,
Assistant Attorney General, Criminal Division.

Dated: December 8, 1977.

For the Federal Election Commission.

WILLIAM C. OLDAKER,
General Counsel.

[FR Doc. 78-3415 Filed 2-7-78; 8:45 am]

[6820-31]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Meetings

Pursuant to the notice published in the FEDERAL REGISTER on December 13, 1977, further notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on February 23, 24, and 25, 1978, at the Ramada Inn North, 4225 North Freeway, Houston, Tex. 77022.

The Commission and Committee will meet together in public session from 11 a.m. to 5 p.m. on February 23, and from 9 a.m. to 5 p.m. on February 24, to discuss and consider the status of activities and problems affecting marine mammals, including matters relating to:

(1) Federally funded marine mammal research activities and long-range plans;

(2) The bowhead whale research plans, research funding, and management regime;

(3) Preparations for the June 1978 meeting of the International Whaling Commission;

(4) Tuna-porpoise research and protection;

(5) Research related to optimum sustainable populations;

(6) Research on California sea otters;

(7) Hawaiian monk seal research and protection;

(8) West Indian manatee research and protection;

(9) Research on North Pacific fur seals;

(10) Cooperative efforts with Mexico;

(11) Conservation of the living resources of the Southern Ocean;

(12) Workshop on Alaskan marine mammals;

(13) Live capture of bottlenose dolphins in Florida;

(14) Workshop on marine mammal strandings;
(15) Standards and guidelines for marine mammal maintenance;
(16) Marine mammal/fisheries interactions; and
(17) Such other matters as may appropriately come before the meeting.

These sessions will be open to the public, and seating will be available to accommodate those who are interested.

The remainder of the meeting will consist of executive sessions of the Commission and Committee. These sessions will be devoted to the exchange of opinions and deliberations concerning internal personnel rules and practices, budget, interagency liaison, proposed agency policies and actions, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence.

Executive sessions will be held on February 23 from 9 a.m. to 10:40 a.m. and on February 25 from 9 a.m. to 5 p.m. These sessions are concerned with matters listed in 5 U.S.C. Sec. 552b(c) (2), (3), (4), (6), and (9)(B), and therefore will not be open to the public.

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

FEBRUARY 1, 1978.

[FR Doc. 78-3367 Filed 2-7-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

JANUARY 31, 1978.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C., on February 23-24, 1978.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, NW., 1st Floor Conference Room, Washington, D.C. The session of the proposed meeting on February 23, 1978, and the afternoon session on February 24, 1978, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on February 24, 1978, will convene at 8:30 a.m. and will be open to the public. The agenda for the morning session will be as follows:

MINUTES OF THE PREVIOUS MEETING: REPORTS

A. Chairman's Introductory Remarks
B. Introduction of New Staff.
C. Summary of Recent Business.
D. Chairman's Grants.
E. Application Report.
F. Gifts and Matching Report.
G. Evaluation.
H. Federal Reorganization.
I. Congressional Budget Submission.
J. Jefferson Lecture Arrangements.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY.
Advisory Committee
Management Officer.

[FR Doc.78-3356 Filed 2-8-78; 8:45 am]

[7590-01

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON THE REACTOR SAFETY RESEARCH PROGRAM FOR IMPROVED SAFETY SYSTEM CONCEPTS

Meeting

The ACRS Working Group on the Reactor Safety Research Program for Improved Safety System Concepts will hold an open meeting on February 23, 1978 in Room 1130, 1717 H Street, NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Thursday, February 23, 1978, 8:30 a.m. until the conclusion of business.

The Working Group will review and discuss an NRC draft report on Long Term Research Plans for New or Improved Reactor Safety System Concepts. The Research Plan is being prepared for Congress by the NRC in response to requirements contained in Pub. L. 95-209.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, telephone 202-634-1919 between 8:15 a.m. and 5 p.m., EST.

Dated: February 1, 1978.

SAMUEL J. CHILK,
Acting Advisory Committee
Management Officer.

[FR Doc. 78-3236 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. PRM-150-1]

CHEM-NUCLEAR SYSTEMS, INC.

Filing of Petition for Rulemaking

Notice is hereby given that John L. West, Esquire, by letter dated December 9, 1977, has filed with the Nuclear Regulatory Commission a petition for rulemaking on behalf of Chem-Nuclear Systems, Inc., to amend the Commission's regulation "Exemptions and Continued Regulatory Authority in Agreement States Under section 274," 10 CFR Part 150.

Paragraph (a) of § 150.20 states that:

(a) Subject to the provisions of paragraph (b) of this section any person who holds a specific license from an Agreement State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the same activity in non-Agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

Paragraph (b)(3) of § 150.20 provides, that any person who engages in activities in non-Agreement States under the general license:

* * * * *

(3) Shall not possess or use radioactive material, or engage in the activities authorized in paragraph (a) of this section for more than 180 days in any calendar year; * * * .

The petitioner requests that the Commission amend § 150.20 by deleting paragraph (b)(3).

The petitioner states that the limitation in paragraph (b)(3) creates additional paperwork and expense for Chem-Nuclear Systems, Inc., and may in the future limit the performance of its services to public utilities. The petitioner contends also that:

One would imagine that if such licensed activities are appropriate and in the public interest for 180 days of the year, they would remain so for the balance of the year as well. As a matter of public policy, all of the reasons why such activities are considered proper for a substantial portion of the year tend to argue against the limit of 180 days on such activities.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by April 10, 1978.

Dated at Washington, D.C. this 2nd day of February 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-3260 Filed 2-7-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON WASTE MANAGEMENT

Meeting

The ACRS Subcommittee on Waste Management will hold an open meeting on February 23, 1978, in Room 1046, 1717 H St. NW., Washington, D.C. 20555, to review NUREG-0240, "The Nuclear Regulatory Commission Low-Level Radioactive Waste Management Program," and other waste management matters.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Thursday, February 23, 1978, 8:30 a.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, various industry representatives, and their consultants, pertinent to this review. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Ragnwald Muller, telephone 202-634-1413, between 8:15 a.m. and 5:00 p.m., est.

Dated: February 1, 1978.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-3238 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

SALEM NUCLEAR GENERATING STATION, UNIT NO. 1; PUBLIC SERVICE ELECTRIC AND GAS CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co. and Atlantic City Electric Co. (the licensees), which would revise the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey.

The amendment would revise the provisions in the Technical Specifications to permit increase in fuel storage capacity from 264 to 1170 fuel assemblies in the spent fuel pool of the Salem Nuclear Generating Station, Unit No. 1. The amendment would also revise design features and associated operating limits for the storage pool, as necessary, to accommodate the increased storage capacity, in accordance with the licensee's application for amendment, dated November 18, 1977 (as supplemented by letter dated December 13, 1977).

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 10, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esquire, Suite 1050, 17 Pennsylvania Avenue NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely pe-

titions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated November 18, 1977 (as supplemented by letter dated December 13, 1977), which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

Dated at Bethesda, Maryland this 31st day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3237 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 32 and 29 to Facility Operating License Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) which revised technical specifications for operation of the Zion Station, Unit Nos. 1 and 2, located in Zion, Ill. The amendments are effective as of the date of issuance.

These amendments (1) established limiting conditions for operation and surveillance requirements for the turbine building fire sump liquid release pathway and (2) clarify the technical specification requirements with regard to containment tendon surveillance.

The applications for these amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated August 3 and September 26, 1977, (2) Amemdment Nos. 32 and 29 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Zion-Benton Public Library District, 2600 Emmans Avenue, Zion, Ill. 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-3424 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 34 to Provisional Operating License No. DPR-20, issued to Consumers Power Co. (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Mich. The amendment is effective as of its date of issuance.

This amendment allows both doors of the containmnent personnel air lock to be open during refueling operations and allows the removal of either one of two reactor vessel accelerated surveillance capsules during the second and fifth refueling outages.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment did not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 6, 1978, (2) Amendment No. 34 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Mich. 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-3425 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-321]

LOW PRESSURE COOLANT INJECTION SYSTEM

Issuance of Amendment to Facility; Correction

On January 13, 1978, a "Notice of Issuance of Amendment to Facility Operating License" was published on page 43 FR 2023 with an incorrect effective date. The last sentence in the first paragraph read, "The amendment is effective as of its date of issuance" and it should have read "The amendment is effective upon completion and implementation of the LPCI system modification".

The notice related to the low pressure coolant injection system of the Georgia Power Co.'s Edwin I. Hatch Nuclear Plant, Unit No. 1.

Dated at Bethesda, Md., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3426 Filed 2-7-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 36 and 35 to Facility Operating Licenses Nos. DPR-32 and DPR-37, issued to Virginia Electric & Power Co. (the licensee), which revised technical specifications for operation of the Surry Power Station, Units Nos. 1 and 2 (the facilities) located in Surry County, Va. The amendments are effective as of the date of issuance.

The amendments: (1) revise the reporting requirements to allow the use of monthly operating report formats; (2) delete the requirement for an annual operating report while retaining the requirement that occupational exposure data be reported on an annual basis; and (3) change the frequency from semiannual to annual for submittal of a nonradiological environmental monitoring report.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 20, 1977, (2) Amendments Nos. 36 and 35 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Va. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-3427 Filed 2-7-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Proposed Additional Staff Position

Regulatory Guide 1.63, Revision 1, "Electric Penetration Assemblies in Containment Structures for Light-Water-Cooled Nuclear Power Plants," was initially issued by the U.S. Nuclear Regulatory Commission for a 60-day comment period on May 26, 1977. Subsequent to this comment period, an additional NRC staff position that involves voltage impulse testing of electric penetration assemblies during qualification was proposed. Copies of the proposed position have been issued to recipients of Division 1 Regulatory Guides. A copy may be obtained by written request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

Comments on regulatory guides are encouraged at any time. However, comments on this proposed addition to the revision of Regulatory Guide 1.63 will be particularly useful if received by April 7, 1978 in order that Regulatory Guide 1.63 can be issued as Revision 2 without undue delay.

Comments on this proposed addition to the revision of Regulatory Guide 1.63 should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 1st day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-3428 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket 70-143]

NUCLEAR FUEL SERVICES, INC., FUEL FABRICATION FACILITIES, ERWIN, TENN.

Negative Declaration Regarding Renewal of License No. SNM-124

The U. S. Nuclear Regulatory Commission (the Commission) has issued a renewal of Special Nuclear Material License No. SNM-124 for the continued operation of the Nuclear Fuel Services, Inc., Fuel Fabrication Facilities at Erwin, Tenn.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the renewal of license No. SNM-124. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular license renewal is not warranted because there will be no significant environmental impact attributable to the action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Silver Spring, Md., this 27th day of January, 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-3429 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket Nos. 50-275 and 50-323]

PACIFIC GAS AND ELECTRIC CO., DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2

Order Extending Construction Completion Dates

Pacific Gas and Electric Co. is the holder of construction permit Nos. CPPR-39 and CPPR-69 issued by the Atomic Energy Commission[1] on April 23, 1968 and December 9, 1970, respectively, for construction of the Diablo Canyon Nuclear Power Plant, Units 1 and 2, presently under construction at the company's site in San Luis Obispo County, Calif.

On November 11, 1976, Pacific Gas and Electric Co. filed a request for an extension of the completion date for Unit 1. On May 10, 1977, Pacific Gas and Electric Co. filed an additional request for further extension of the completion date for Unit 1 as well as for an extension of the completion date for Unit 2. On December 16, 1977, Pacific Gas and Electric Co. filed a third request for further extension of the completion dates for Units 1 and 2.

On May 11, 1976 and September 10, 1976, the Commission's staff published supplements 4 and 5 to the Safety Evaluation Report for the Diablo Canyon Nuclear Power Plant docu-

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

menting the need for a reevaluation of the plant's seismic capabilities, the criteria to be used in the reevaluation and the staff's request that Pacific Gas and Electric Co. perform such a reevaluation. Additional time is required to permit Pacific Gas and Electric Co. to evaluate the plant's seismic capabilities, for the Commission to review and evaluate the Company's work, and to conclude the licensing process.

This action involves no significant hazards consideration; good cause has been shown for the delays; an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the extension; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated February 1, 1978.

For further details with respect to this action, see (1) the applicant's requests for extension of the construction permit completion dates dated November 11, 1976, May 10, 1977, and December 16, 1977, and (2) the staff's related evaluation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and at the Local Public Document Room located in San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, Calif. 93406.

It is hereby ordered that the latest completion date for CPPR-39 is extended from January 1, 1977, to September 30, 1978, for Unit 1 and the latest completion date for CPPR-69 is extended from July 31, 1977, to December 31, 1978, for Unit 2.Date of Issuance February 1, 1978.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Assistant Director for Light Water Reactors, Division of Project Management.

[FR Doc. 78-3430 Filed 2-7-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

The meeting notice for the meeting to be held on February 9-11, 1978 (published on January 25, 1978—FEDERAL REGISTER Vol. 43, No. 17) is revised as detailed below. this revision reflects changes resulting from the cancellation of ACRS review of the Maine Yankee Atomic Power Station power level increase and the La Crosse boiling water reactor fuel performance.

THURSDAY, FEBRUARY 9, 1978

8:30 a.m.-9:30 a.m.: Executive session (open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for an Operating License for Arkansas Nuclear One, Unit 2. Portions of this session will be closed if necessary to discuss proprietary information applicable to this facility and provisions for physical protection of this plant.

9:30 a.m.-12:30 p.m. and 1:30 p.m.-2:30 p.m.: Arkansas Nuclear One, One, Unit 2 (open)—The Committee will hear and discuss presentations by representatives of the NRC staff and the applicant related to the request for operation of this unit. Portions of this session will be closed if necessary to discuss proprietary information applicable to this facility and provisions for physical protection of this plant.

2:30 p.m.-3 p.m.: Executive session (open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present on the design of containers for the air shipment of plutonium.

3 p.m.-5 p.m.: Containers for air shipment of plutonium (open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Sandia Laboratory regarding the design and qualification testing of containers to be used for the air shipment of plutonium.

5 p.m.-5:30 p.m.: Executive session (open)—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present on the La Crosse boiling water reactor. Portions of this session will be closed if required to discuss proprietary information related to this plant.

5:30 p.m.-6:30 p.m.: Executive session (open)—The Committee will hear and discuss reports of subcommittees, working groups, and members on a number of generic matters related to reactor safety including proposed regulatory guides, program plans for resolution of generic matters, and calculation of control room doses following postulated accidents.

FRIDAY, FEBRUARY 10, 1978

8:30 a.m.-10 a.m.: Meeting with NRC staff (open)—The Committee will hear presentations from and hold discussions with members of the Nuclear Regulatory Commission staff regarding recent licensing actions and operating experience including seismic reevaluation of the Vallecitos boiling water reactor, combination of seismic and other loadings in the design of nuclear plants, requirements for key-card security systems for nuclear facilities.

The future schedule for ACRS activities will also be discussed including consideration of a request for information regarding the seismic design of the North Anna Power Station and the seismic design bases for the Perkins Nuclear Station.

10 a.m.-10:30 a.m.: Executive session (open)—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the request for an operating license for the Edwin I. Hatch Nuclear Plant, Unit 2. Portions of this session will be closed if required to discuss Proprietary Information related to this plant and provisions for physical protection of this facility.

10:30 a.m.-1 p.m.: Edwin I. Hatch Nuclear Plant, Unit 2 (open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the applicant related to the request for an operating license for this plant. Portions of this session will be closed if required to discuss proprietary information related to this plant and provisions for physical protection of this facility.

2 p.m.-4:30 p.m.: Executive session (open/closed)—The Committee will prepare its report to the Nuclear Regulatory Commission on the Edwin I. Hatch, Unit 2; Arkansas Nuclear One, Unit 2 and containers for air shipment of plutonium. Portions of this session will be closed as necessary to discuss matters involved in adjudicatory proceedings.

4:30 p.m.-5 p.m.: Executive session (open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present on plans and procedures for the decommissioning of nuclear facilities.

5 p.m.-7:30 p.m.: Meeting on Decommissioning of Nuclear Facilities (open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff, the Department of Energy, and the nuclear industry regarding procedures and practices related to the decommissioning of nuclear facilities. Portions of this session will be closed if required to discuss proprietary information related to this matter.

SATURDAY, FEBRUARY 11, 1978

8:30 a.m.-4 p.m.: Executive session (open/closed)—The Committee will prepare its reports to the Nuclear Regulatory Commission on the Edwin I. Hatch Nuclear Plant, Unit 2; and the Arkansas Nuclear One, Unit 2.

The Committee will complete the preparation of comments and positions discussed during this meeting including comments regarding the design of containers for air shipment of plutonium and procedures for decommissioning of nuclear facilities.

Portions of this session will be closed as necessary to discuss matters involved in adjudicatory proceedings.

I have determined in accordance with Subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary information (5 U.S.C. 552b(c)(4)), and to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c) (1) and (4)). The portions of the meeting during which ACRS comments on matters involved in adjudication are prepared will be held in closed session pursuant to exemption (10) of 5 U.S.C. 552b(c). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Procedures for the conduct of and participation in this meeting were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the following public document rooms:

ARKANSAS NUCLEAR ONE, UNIT 2, Arkansas Polytechnic College, Russellville, Ark. 72801

E. I. HATCH NUCLEAR PLANT, UNIT 2, Appling County Public Library, Parker Street, Baxley, Ga. 31513

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: February 6, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-3685 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-317]

BALTIMORE GAS & ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-53, issued to Baltimore Gas & Electric Co. (the licensee) for operation of the Calvert Cliffs Nuclear Power Plant Unit No. 1 (the facility) located in Calvert County, Md.

The amendment would authorize operation of Calvert Cliffs Unit No. 1 upon resolution of the Control Element Assembly (CEA) guide tube wear problem.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 10, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docket and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to James A. Biddison, Jr., General Counsel, P.O. Box 1475, Baltimore, Md. 21203, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Combustion Engineering submittal regarding CEA guide tube wear dated January 17 and 24, 1978, and Baltimore Gas & Electric Co., submittal regarding CEA guide tube wear required by February 7, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Md. 20678.

Dated at Bethesda, Md., this 6th day of February 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-3761 Filed 2-7-78; 11:04 am]

[6820-36]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

TRANSPORTATION POLICY

Hearings

Views on national transportation policy will be aired at a public hearing scheduled by the National Transportation Policy Study Commission for Monday, February 27, 1978, in New York City.

The hearings, part of a nationwide series planned by the Commission, are intended to help determine the needs of our Nation's communities, the transportation industry, shippers, the traveling public and the American taxpayer.

The Commission, composed of 19 members, including 6 Senators, 6 Representatives, and 7 public representatives, was created by Congress to examine, evaluate, and analyze our Nation's transportation needs, and resources through the year 2000. The Commission's final report and policy recommendations are due on December 31, 1978.

The hearing will be held in Room 305, Federal Office Building, 26 Feder-

al Plaza, New York, N.Y. 10007, commencing at 9:30 a.m.

Those interested in testifying personally or in submitting written statements should contact, no later than 6 p.m., February 17, 1978: Ms. Leslie Berkowitz, NTPSC, 1750 K Street NW., Suite 800, Washington, D.C. 20006. Telephone number 202-254-7453.

Dated: February 3, 1978.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc. 78-3390 Filed 2-7-78; 8:45 am]

[1505-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14358; File No. SR-Amex-77-39]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change

Correction

In FR Doc. 78-2719, appearing at page 4295 in the issue for Wednesday, February 1, 1978, in the heading, the last docket number "30", should read "39".

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Solicitation of Public Views

Pursuant to section 201 of the Trade Act of 1974, on February 3 the President received a report from the U.S. International Trade Commission (ITC) on the case of Citizens Band (CB) radio transceivers (Investigation No. TA-201-29). The Commission submitted a report containing an affirmative determination that Citizens Band transceivers, provided for in item 685.25 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious unjury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission split by a three to three vote on the question of remedy as follows: (1) three Commissioners determine that adjustment assistance under chapters 2, 3, and 4 of Title II of the Trade Act can effectively remedy the serious injury found to exist, and recommend the provision of such assistance, and (2) three Commissioners find and recommend that to prevent the serious injury threatened it is necessary to impose rates of duty, in addition to the present rates of duty, with respect to Citizens Band (CB) radio transceivers (except hand-held), provided for in item 685.25 of the TSUS, as follows—

1st yr	30 pct. ad val.
2d yr	25 pct. ad val.
3d yr	20 pct. ad val.
4th yr	15 pct. ad val.
5th yr	10 pct. ad val.

Within 60 days of receiving a report from the Commission containing an affirmative determination, the President must determine what method and amount of import relief he will provide or determine that the provision of relief is not in the national economic interest, and whether he will direct expeditious consideration of adjustment assistance petitions.

In determining whether to provide import relief and what method and amount of import relief he will provide, the President must take into account, in addition to other considerations he may deem relevant, the following factors:

(1) The probable effectiveness of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

(2) The effect of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of import relief on the international economic interest of the United States;

(4) The impact on U.S. industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the U.S. market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not provided.

The Office of the Special Representative for Trade Negotiations chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take on reports submitted by the ITC under section 201(d). In order to assist the Trade Policy Staff Committee in developing recommendations to the President as to what action to take under sections 202 and 203 of the Trade Act of 1974, the Committee welcomes briefs from interested parties on the above listed subjects. (Additional information on this case is available in USITC report 201-29.)

Briefs should be submitted in twenty (20) copies to Chairman, Trade Policy Staff Committee, Room 729, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received in the Office of the Special Representative for Trade Negotiations no later than the close of business Thursday, February 23, 1978.

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy Staff Committee.

[FR Doc. 78-3470 Filed 2-7-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the sixteenth meeting of the Board for International Food and Agricultural Development on February 27, 1978.

The purpose of the meeting is to review the proposals for strengthening U.S. universities' capabilities to participate in Title XII activities; to consider the conceptual model and agenda of country studies for baseline studies in agricultural research, education and extension activities; to act on the proposed criteria for university eligibility to participate in Title XII; to review the annual report to Congress on Title XII activities; and to hear reports on strengthening of AID's professional manpower, AID's organizational structure for research, middle income country options, and on the activities of the Joint Research Committee and the Joint Committee on Agricultural Development.

The meeting will begin at 9 a.m., adjourn at 4:30 p.m., and will be held in Conference Room B of the Pan American Health Organization Building, 23rd Street and Virginia Avenue NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Associate Assistant Administrator, a Development

Support Bureau, AID, is designated as AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Date: February 1, 1978.

ERVEN J. LONG,
AID Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 78-3436 Filed 2-7-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA General Docket H-77-3]

ABD TYPE OF POWER BRAKE EQUIPMENT; TEST AUTHORITY

Public Conference

The Federal Railroad Administration (FRA) has been considering a request submitted by the Association of American Railroads (AAR) for test authority to conduct a limited study and evaluation of the safe service life reliability of the ABD type of power brake equipment. The request for test authority is identified as FRA General Docket H-77-3 and it involves a temporary waiver of compliance with the testing and repair requirements of 49 CFR 232.17(a)(1) and (b).

The FRA issued a public notice describing this test program on August 23, 1977 (FR 42422). That notice indicated that approximately 2,300 freight cars, belonging to several different railroads, would be involved in the proposed test program. In response to that public notice, FRA has received considerable comment on the advisability of conducting such a test program and some comment on the terms and conditions which should be applicable if FRA determines that it is appropriate to institute such a test program.

The Administrator of the FRA has delegated to the Railroad Safety Board (Board) the responsibility to consider waivers of compliance with standards and regulations issued by the FRA (FRA Order No. 100.14c). Pursuant to its delegated authority, the Board has reviewed the available information to determine the proper course of action to be taken in this proceeding.

The Board believes that the type of test authority requested by AAR is a proper method for acquiring data which is relevant to the safe service life of power brake equipment. The acquisition of such data will permit FRA to assess more fully the current regulatory provisions which are designed to ensure the safe operation of such equipment. In addition, the data available to the Board indicates that a waiver of compliance, to permit this test, is warranted. To date, the Board has learned of no reason why the initiation of this test program would impinge on the safety of railroad operations, if appropriate terms and conditions for the test program are strictly adhered to.

The Railroad Safety Board has formulated a number of terms and conditions which it contemplates imposing as provisions of an order permitting the initiation of this test program. The Board desires to obtain the comments and views of all interested parties on the suitability of the terms and conditions which it contemplates should be imposed in this proceeding.

In furtherance of the effort to refine the appropriateness of the contemplated terms and conditions the Board will hold a public conference. Accordingly, a public conference is hereby set for 10 a.m. on February 15, 1978 in Room 4234, Nassif Building, 400 Seventh Street SW., Washington, D.C.

The public conference will be an informal one conducted by a representative designated by the Board. The Board's representative will make an opening statement outlining the scope of the conference and the details of the Board's tentative terms and conditions. The conference will not be an adversary proceeding and any necessary procedures for the conduct of the conference will be announced at the conference.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C., on February 2, 1978.

ROBERT H. WRIGHT,
Acting Chairman, Railroad Safety Board.

[FR Doc. 78-3355 Filed 2-7-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[541501]

AMERICAN MANUFACTURERS' PETITION

Receipt of American Manufacturers' Petition Requesting Determination of Correct Appraised Value of Expanded Metal From the United Kingdom

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of receipt of petition filed by American manufacturers.

SUMMARY: This notice is to advise the public that the Customs Service has received a petition filed by 12 American manufacturers requesting a determination of the correctness of the initial appraised value of certain expanded metal from the United Kingdom. Interested persons are invited to comment on this petition.

DATES: Comments must be received on or before March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas Lobred, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 202-566-2938.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Special Project and Programs Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION: On June 2, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(a)), from 12 American manufacturers of expanded metal asserting their belief that certain expanded metal imports from the United Kingdom were being appraised incorrectly. The petition requested the Customs Service to determine the correctness of the initial appraised value of the metal according to section 402 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a).

In accordance with the provisions of section 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), notice is hereby given that domestic manufacturers have filed a petition requesting that the Customs Service determine the correctness of the initial appraised value of expanded metal from the United Kingdom. Before a decision is made with regard to this petition, consideration will be given to any relevant data, views or arguments submitted in writing. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written submissions will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Classification and Value Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: February 2, 1978.

ROBERT E. CHASEN,
Commissioner of Customs.

[FR Doc. 78-3432 Filed 2-7-78; 8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 190-4]

GENERAL COUNSEL

Delegation of Authority

Pursuant to the authority vested in me as Secretary of the Treasury, I hereby delegate to the General Counsel the authority to approve all regulations pertaining to the internal revenue laws, including the authority to ratify and approve, where necessary, any such regulations previously issued.

This delegation does not revoke any similar authority heretofore delegated to any other official of the Treasury Department.

Dated: January 30, 1978.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc. 78-3452 Filed 2-7-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 584]

ASSIGNMENT OF HEARINGS

FEBRUARY 3, 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.

MC 41255 (Sub 78 M1), Glosson Motor Lines, Inc.; MC-F-13368, Carolina Western Express, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC-F-13375, Russell Transfer, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy, through assignment from B & P Motor Lines, Inc.; MC 68860 (Sub 27), Russell Transfer, Inc.; MC-F-13369, Old Dominion Freight Line—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC 107478 (Sub 30), Old Dominion Freight Line; MC-F-13392, B & P Motor Lines, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC 106074 (Sub 47), B & P Motor Lines, Inc.; MC-F-13412, Sherman and Boddie, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc.; MC-F-13418, Security Storage Co., Inc.—Purchase (Portion)—Glosson Motor Lines, Inc. (through assignment of B & P Motor Lines, Inc.); MC-F-13399, Roy Stone Transfer Corp.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee; and MC-F-13420, Colonial Refrigerated Transportation, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy, now being assigned April 18, 1978, for prehearing conference at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 133689 (Sub 131), Overland Express, Inc., now assigned February 15, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC 133703 (Sub 8), Wisconsin Cheese Service, Inc., now assigned February 13, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC 133689 (Sub 136), Overland Express, Inc., now assigned February 14, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC 25798 (Sub 295), Clay Hyder Trucking Lines, Inc., now assigned February 7, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC-F-13200, Overland Express, Inc.—Purchase (Portion)—C. G. Potter, d.b.a. Maumee Express, and MC 133689 (Sub 123), Overland Express, Inc., now assigned February 8, 1978, at St. Paul, Minn., will be held in Courtroom 584, Federal Building, 316 North Robert Street, and on February 9 and 10, 1978, will be held in the St. Paul Hotel, Queens Room, 363 St. Peter Street, in St. Paul.

MC 114457 (Sub 311), Dart Transit Co., now assigned February 7, 1978, at Atlanta, Ga., is canceled.

MC-F-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., is postponed indefinitely.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-3462 Filed 2-7-78; 8:45 am]

[7035-01]

IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 1, 1978.

The following letter notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 20, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter notices by number.

No. MC 60014 (Sub-No. E126) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 22, 1975, and corrected, as published, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportion of which by reason of their size or weight, require the use of special

equipment, (1) between those points in West Virginia south and west of a line beginning at the Pennsylvania-West Virginia State line and extending along West Virginia Highway 69, to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Connecticut, on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Interstate Highway 91, to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to the Connecticut-Rhode Island State line (New York and points in Massachusetts within 35 miles of Boston)*; (2) between points in West Virginia, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at the Indiana-Ohio State line, and extending along Ohio Highway 122, to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 316, thence along Ohio Highway 316 to junction Ohio Highway 752, thence along Ohio Highway 752 to junction Ohio Highway 674, thence along Ohio Highway 674 to junction Ohio Highway 188, thence along Ohio Highway 188 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio)*; and (3) between points in West Virginia, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Massachusetts within 35 miles of Boston, Mass. (New York and points in Massachusetts within 35 miles of Boston).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 60014 (Sub-No. E133) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 22, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between the District of Columbia, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, those in Massachusetts on and east of U.S. Highway 5, those in Rhode Island on and east of a line beginning at the Connecticut-Rhode Island State line and extending along Rhode Island Highway 138 to junction Rhode Island Highway 108, thence along Rhode Island Highway 108 to the Rhode Island Sound, and those in Vermont on and east of a line beginning at the New York-Vermont State line and extending along Vermont Highway 149 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 112, thence along Vermont Highway 112 to the Vermont-Massachusetts State line (points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston)*; and *commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Ohio (West Virginia and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, except points in Licking County).* The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 60014 (Sub-No. E144) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 22, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Ohio, on the one hand, and, on the other, those points in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2, to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E121) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint, and paint materials, synthetic resin, resin compound surface coating, estergum paint oil, varnish, glycerine, and liquid glue*, in bulk, in tank vehicles, from those points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Pennsylvania Highway 136, to junction Pennsylvania Highway 31, to junction U.S. Highway 219, to the Pennsylvania-West Virginia State line, to those points in Indiana on and west of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 23 to junction Indiana Highway 331, to junction U.S. Highway 30 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

NOTE.—The purpose of this republication is to clarify commodity description.

No. MC 64932 (Sub-No. E124) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W.

F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Michigan on and east of a line beginning at Lake Michigan, and extending along U.S. Highway 27, to junction U.S. Highway 10 to junction Michigan Highway 47, to junction U.S. Highway 23, to junction Michigan Highway 59, to junction Interstate Highway 96, to junction U.S. Highway 23 to junction Michigan Highway 50, to Lake Erie, on the one hand, and, on the other, points in Missouri, and those points in Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to Junction Interstate Highway 69, to junction Interstate Highway 465, to junction U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E128) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Michigan on and east of a line beginning at Lake Michigan and extending along U. S. Highway 27 to junction U. S. Highway 127, to the Michigan-Ohio State Line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and Marshall, Ill.

NOTE.—The purpose of this republication is to add the destination State of Arkansas, Previously omitted.

No. MC 64932 (Sub-No. E130) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Michigan on, south and east of a line beginning at the Saginaw Bay and extending along U.S. Highway 10 to junction Michigan Highway 47, to junction U.S. Highway 23, to junction Michigan Highway 59, to junction Interstate Highway 96, to junction U.S. Highway 23, to the Michigan-Ohio State line, on the one hand, and, on the other, those points in Minnesota on and south of U.S. Highway 12, and those in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E131) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except chemicals derived or produced from petroleum), in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction U.S. Highway 224, to the Ohio-Pennsylvania State line, to points in Kansas, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and Chicago Heights, Ill.

NOTE.—The purpose of this republication is to correct the territorial description adding the destination States, previously omitted.

No. MC 64932 (Sub-No. E132) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, this issue, as corrected. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 to the Ohio-Pennsylvania State line, to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and the plantsites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill.

NOTE.—The purpose of this republication is to add the destination State of California, previously omitted.

No. MC 64932 (Sub-No. E133) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 64053. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Ohio on, east and north of a line beginning at the Michigan State line and extending along Interstate Highway 75 to junction U.S. Alternate Highway 20, to junction U.S. Highway 20, to junction U.S. Highway 250, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E134) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 64053. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Ohio on, east and north of a line beginning at the Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, those points in Indiana in the Chicago, Ill. Commercial Zone, those in Illinois on and north of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 30 to junction Interstate Highway 80 to the Illinois-Iowa State line and those in Michigan on and north of Interstate Highway 94. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 83539 (Sub-No. E509), filed June 6, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and related machinery, parts, materials, and supplies; between points in Colorado and Kentucky, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Wichita, Kans., Oklahoma, and Kentucky.

No. MC 83539 (Sub-No. E510), filed June 6, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies between points in Colorado and points in Michigan in and east of Algen, Delta, and Menominee Counties, Mich.

NOTE.—The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 83539 (Sub-No. E511), filed June 6, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and related machinery, tools, parts, and supplies, between points in Colorado and Ohio. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 83539 (Sub-No. E576), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Connecticut, on the one hand, and, on the other, points in South Carolina. Restriction: The authority granted immediately above is subject to the condition that the carrier shall not transport aircraft and missiles, and parts thereof. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and points in Virginia and North Carolina.

No. MC 83539 (Sub-No. E578), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between (a) points in Delaware in and north of Kent County, on the one hand, and, on the other, points in North Carolina in and west of Surry, Yadkin, Davie, Rowan, Hanly, and Anson Counties, and (b) points in Delaware in New Castle County, on the one hand, and on the other, points in North Carolina in, west and south of Rockingham, Guilford, Randolph, Chatham, Harnett, Sampson, Bladen, Columbus, Brunswick, and New Hanover Counties. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Virginia.

No. MC 83539 (Sub-No. E579), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Delaware in and north of Kent County, on the one hand, and, on the other, points in South Carolina. Restriction: The authority granted immediately above shall be restricted against the transportation of aircraft and missiles and parts thereof. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Virginia, and North Carolina.

No. MC 83539 (Sub-No. E581), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Illinois, on the one hand, and, on the other, points in Vermont. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is eliminate the geteways of Indiana, Philadephia, Pa., and Worcester, Mass.

No. MC 83539 (Sub-No. E582), filed May 31, 1977 Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Indiana, on the one hand, and, on the other, points in New Hamsphire. The purpose of this filing is to eliminate the gateways of Pennsylvania, New York, and Worcester, Mass.

No. MC-106603 (Sub-No. E70), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400 Northville, Mich. 48167 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building contractors' equipment, materials* and *supplies*, restricted to brick and tile which are building blocks and clay products, from the plant site of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Iowa on and east of U.S. Highway 63. The purpose of this filing is to eliminate points in Indiana, except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind. and Vandalia, Ill. (2) *Such brick* and *tile as are building materials* (except commodities in bulk), from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Kentucky on and west of Interstate Highway 65 (except Louisville, Ky.) and points in Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the plantsite of the National Gypsum Co., near Shoals, Maritn County, Ind. (3) *Such brick* and *tile as are roofing, building*, and *insulating materials*, from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of points in Indiana, except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind. and Vandalia, Ill. (4) *Building materials*, restricted to brick and tile, from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending north along Michigan Highway 35 to junction U.S. Highway 41, thence on U.S. Highway 41 to Marquette. The purpose of this filing is to eliminate the gateways of points in Indiana, except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind. and Wilmington, Ill. (5) *Such brick* and *tile as are building contractor's equipment, materials*, and *supplies*, from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateways of points in Indiana, except the plantsite of the Bethlehem Steel Corp., located at Burn Harbor, Porter County, Ind.

No. MC 106603 (Sub-No. E97) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractors' equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except

commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York, the District of Columbia, points in West Virginia on and east of a line beginning at the West Virginia-Ohio State line extending along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 21, thence along U.S. Highway 21 to the West Virginia-Virginia State line, and points in Virginia on and east of U.S. Highway 21, to the points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line (except the plantsite of the Bethlehem Steele Corp., located at Burns Harbor, Porter County, Ind.). The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio

NOTE.—The purpose of this correction is to state the correct origin territory.

No. MC 106603 (Sub-No. E98) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractors' equipment, materials,* and *supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 50 thence along West Virginia Highway 72 to junction West Virginia Highway 32, thence along West Virginia Highway 32 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 33 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, to points in Indiana on, south and west and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 70 along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

NOTE.—The purpose of this filing is to state the correct origin territory.

No. MC 106603 (Sub-No. E99) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractors' equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York, the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19, to junction West Virginia Highway 7, thence along West Virginia Highway 7 to junction West Virginia Highway 72, thence along West Virginia Highway 72 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, to points in Indiana, on, south and west of a line beginning at the Indiana-Illinois State line extending along Interstate Highway 70 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

NOTE.—The purpose of this correction is to state the correct origin territory.

No. MC 106603 (Sub-No. E100) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractors' equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York, points in Pennsylvania north and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 22 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Maryland State line extending along U.S. Highway 50 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, to points in Indiana on, south and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 124 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

NOTE.—The purpose of this correction is to state the correct origin territory.

No. MC 106603 (Sub-No. E106), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such urethane products as are included in roofing and building materials*, from the plantsite of the Philip Carey Co., Division of Panacon Corp., at Elizabethtown, Ky., to points in Delaware, Maryland, and New Jersey, and Virginia on and north of U.S. Highway 50, and Washington, D.C. The purpose of this filing is to eliminate the gateway of the plant site of Certain-teed Products Corporation at Avery, Ohio.

No. MC 106603 (Sub-No. E107), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic and vinyl building materials backerboard, and materials and supplies used in the installation* thereof which are used in roofing and building materials and materials used in the installation and application of

such commodities (except iron and steel, portland cement and commodities in bulk), from the plantsite of Bird & Son, Inc. at Bardstown, Ky., to points in Delaware, Maryland, New Jersey, and Virginia on and north of U.S. Highway 50, and Washington, D.C. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp., at Avery, Ohio.

No. MC 106603 (Sub-No. E108), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative; Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* which are included in building contractor's equipment, materials, and supplies, from the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway of points in Illinois and the plant and warehouse sites of Continental Steel Corp. at or near Kokomo, Ind.

No. MC 106603 (Sub-No. E109), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative; Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel and iron and steel articles* that are included in building contractor's materials (except commodities in bulk), from the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind., to points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Illinois, the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E110), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative; Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture, installation, or application or roofing and roofing materials (except commodities in bulk), restricted to those roofing and roofing materials that are building contractor's equipment, materials, and supplies, from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington, D.C., and West Virginia, to points in the lower peninsula of Michigan on, north and west of a line commencing at Lake Michigan at or near Frankfort and extending southeasterly along Michigan Highway 115 to junction Michigan Highway 55, thence easterly on Michigan Highway 55 to junction Interstate Highway 75, thence northerly on Interstate Highway 75 to the Mackinac Bridge. The purpose of this filing is to eliminate the gateways of the plantsite of Certain-teed Products Corp. at Avery, Ohio, and South Bend, Ind.

No. MC 106603 (Sub-No. E112), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative; Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington, D.C., and West Virginia, to points in Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E113), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Kentucky on and east of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line, to points in Michigan on and east and north of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction U.S. Highway 10, thence northwesterly on U.S. Highway 10 to junction Michigan Highway 115, thence northwesterly on Michigan Highway 115 to Lake Michigan at or near Frankfort, and those points in the upper peninsula on and east of a line commencing at or near Marquette and extending south on U.S. Highway 41 to Escananba. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E114), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Kentucky on and west of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line, and on and east of a line commencing at the Kentucky-Indiana State line and extending south on Interstate Highway 65 to the Kentucky-Tennessee State line, to points in Michigan on and east of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction Interstate Highway 75, thence northwesterly on Interstate Highway 75 to the Straits of Mackinac, and those points in the upper peninsula on and east of a line commencing at or near Grand Marais and extending south on Michigan Highway 77 to junction U.S. Highway 2, thence southwesterly on U.S. Highway 2 to Manistique. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E115), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of building and roofing material* (except iron and steel, portland cement, and commodities in bulk), from points in Michigan, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington, D.C., and West Virginia. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E116), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Michigan on and east and north of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction U.S. Highway 10, thence

northwesterly on U.S. Highway 10 to junction Michigan Highway 115, thence northwesterly on Michigan Highway 115 to Lake Michigan at or near Frankfort, and those points in the upper peninsula on and east of a line commencing at Marquette and extending south on U.S. Highway 41 to Escanaba, to points in Kentucky on and east of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E117), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Michigan on and east of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction Interstate Highway 75, thence northwesterly on Interstate Highway 75 to the Straits of Mackinac; and those points in the upper peninsula on and east of a line commencing at Grand Marais and extending south on Michigan Highway 77 to U.S. Highway 2, thence southwesterly on U.S. Highway 2 to Manistique, to points in Kentucky on and west of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line; and on and east of a line commencing at the Kentucky-Indiana State line and extending south on Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E118), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building materials* (except commodities in bulk) and gypsum products which are used in the manufacture, installation, or application of roofing and building materials, from points in New York; points in Pennsylvania on and north of a line commencing at the Pennsylvania-Ohio State line and extending east on Interstate Highway 80 to junction U.S. Highway 15, thence south on U.S. Highway 15 to junction Pennsylvania Highway 61, thence southeasterly on Pennsylvania Highway 61 to junction Interstate Highway 78, thence easterly on Interstate Highway 78 to the Pennsylvania-New Jersey State line; points in New Jersey on and north of a line commencing at the New Jersey-Pennsylvania State line and extending east along U.S. Highway 22 to junction Interstate Highway 287, thence easterly on Interstate Highway 287 to the Atlantic Ocean at or near Perth Amboy, to points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line and extending southerly on Interstate Highway 65 to junction Kentucky Highway 61, thence southeasterly on Kentucky Highway 61 to junction U.S. Highway 31E, thence southerly on U.S. Highway 31E to the Kentucky-Tennessee State line (except Louisville, Ky.); and points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending southerly on U.S. Highway 231 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of the plantsite of Certain-teed Products Corp. at Avery, Ohio, and the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 107064 (Sub-No. E484), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Virginia to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E485), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum and potash), from points in Maryland to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E486), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carriers*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maryland to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E487), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Indiana to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 108064 (Sub-No. E488), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in South Carolina to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E489), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Vermont to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part

of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.,

No. MC 107064 (Sub-No. E490), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Vermont to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E491), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Hampshire to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E492), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E493), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Indiana to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E494), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in Oregon. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E495), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Delaware to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E496), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Delaware to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E497), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Connecticut to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E498), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Rhode Island to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E499), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Rhode Island to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E500), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Ohio to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E501), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Ohio to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E503), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in West Virginia to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E503), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Virginia to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E504), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Connecticut to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E505), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Delaware to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E506), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maine to points in California.. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E507), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in North Carolina to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E508), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New York to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E509), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Jersey to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E510), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Washington. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E511), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Oregon. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E512), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Connecticut to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E513), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Idaho. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E514), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in West Virginia to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E515), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Virginia to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E516), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in West Virginia to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E517), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Flordia to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E518), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E519), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maryland to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E520), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E521), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Vermont to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E522), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Jersey to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E523), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Jersey to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of

Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E524), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New York to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E525), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New York to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E526), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Massachusetts to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E527), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Massachusetts to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E528), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Mississippi to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E529), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Hampshire to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 114019 (Sub-No. E470), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2a) *Glassware, and such materials, supplies, and equipment* as are used in the manufacture of glassware, between Zanesville, Ohio, on the one hand, and, on the other, Chicago, Ill., and points in Illinois within 40 miles thereof. The purpose of this application is to eliminate the Gary, Ind., and Waukegon, Ill., gateways.

No. MC 114019 (Sub-No. E472), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, (a) between points in Illinois within 40 miles of Chicago on the one hand, and on the other, points in Wisconsin and Iowa, (b) from points in Michigan, to points in Illinois, within 40 miles of Chicago, Ill., (c) from points in Illinois within 40 miles of Chicago, to St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. The purpose of this application is to eliminate the Chicago, Ill., gateway.

No. MC 114019 (Sub-No. E473), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and food business houses, (a) from Chicago, Ill., to Akron, Cleveland, Columbus, Dayton, Toledo, and Youngstown, Ohio, and Louisville, Ky., (b) from Louisville, Ky., Akron, Cleveland, Columbus, Dayton, Toledo, and Youngstown, Ohio, points in Ohio within 25 miles of each of such Ohio cities, Fort Wayne, Indianapolis, Muncie, South Bend, and Terre Haute, Ind., and points in Indiana within 25 miles of such Indiana Cities, Detroit, Flint, and Grand Rapids, Mich., and points in Michigan within 25 miles of such Michigan Cities, to Chicago, Ill. The purpose of this application is to eliminate the Burlington, Ill., gateway.

No. MC 114019 (Sub-No. E24) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of May 5, 1976, and partially republished, as corrected, this issue. Applicant: TRUCK TRANSPORT INC., 230 St. Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (37) *Dry fertilizer and urea*, from Nebraska City, Nebr., to points in Illinois, Indiana, Michigan, and Ohio. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa.

NOTE.—The purpose of this republication is to correct the commodity description. (56(a)) *Dry fertilizer and dry fertilizer materials*, from the plantsite and warehouse facilities of W. R. Grace and Co. at or near Atlas, Mo., to points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of Henry, Ill.

NOTE.—The purpose of this republication is to include the correct No. 56a and descrip-

tion above, previously omitted. The remainder of this letter-notice remain as previously published.

No. MC 117574 (Sub-E68), filed June 24, 1975. Applicant: DIALY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and agricultural machinery, tractors with or without attachments, cranes, industrial and processing machinery, and attachments, accessories and parts* of all of the above described commodities, except commodities requiring special equipment between points in the New York Counties of Niagara and Erie on the one hand, and, on the other, points in Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Utah, Washington, Wyoming, and points in Alabama on and east of a line commencing at Alabama/Mississippi line along State Highway 24, thence in an easterly direction along State Highway 24 to its junction with U.S. 43, thence in a northerly direction along U.S. 43 to its junction with State Highway 20, thence along State Highway 20 in an easterly direction to its junction U.S. 231, thence along U.S. 231 in a northerly direction to Alabama/Tennessee State line, points in Arkansas on and south of a line commencing at Oklahoma/Arkansas line along State Highway 8, thence in an easterly direction along State Highway 8 to its junction with State Highway 27, thence in a northerly direction along State Highway 27 to its junction with U.S. 270, thence along U.S. 270 in an easterly direction to its junction with U.S. 65, thence along U.S. 65 in a southeasterly direction to the Arkansas/Mississippi State line, points in Colorado on and west and south of a line commencing at Colorado/Nebraska line along State Highway 113, thence in a southerly direction along State Highway 113 to its junction with State Highway 61, thence in a southerly direction along State Highway 61 to its junction with U.S. 34, thence in an easterly direction along U.S. 34 to Colorado/Nebraska State line, points in Kansas on and west and south of a line commencing at Kansas/Nebraska line along State 27, thence in a southerly direction along State 27 to its junction with U.S. 24, thence along U.S. 24 to its junction with Interstate 70, thence along Interstate 70 to its junction with U.S. 183, thence along U.S. 183 to its junction with State Highway 96, thence in an easterly direction along State Highway 96 to its junction with U.S. 56, thence in an easterly direction along U.S. 56 to its junction with U.S. 81, thence in a southeasterly direction along U.S. 81 to its junction with U.S. 54, thence along U.S. 54 to its junction with U.S. 77, thence along U.S. 77 to Kansas/Oklahoma State line, points in Kentucky commencing at Kentucky/Tennessee line, along State Highway 74 to Kentucky/Virginia State line, points in Maryland commencing at Maryland/West Virginia line on and east of a line along Interstate 81, thence in a northeasterly direction along Interstate 81 to Maryland/Pennsylvania State line, points in Mississippi on and south of a line commencing at Arkansas/Mississippi line along U.S. 82, thence in an easterly direction along U.S. 82 to its junction with State Highway 15, thence in a northerly direction along State Highway 15 to its junction with State Highway 6, thence in an easterly direction along State Highway 6 to its junction with U.S. 78, thence in an easterly direction along U.S. 78 to its junction with State Highway 23, thence in a northerly direction along State Highway 23 to Mississippi/Alabama State line, points in Nebraska on and west and south of a line commencing at Nebraska/South Dakota line along unnamed road, thence in a southerly direction along unnamed road to its junction with State Highway 29 near Harrison, thence in a southerly direction along State Highway 29 to its junction with U.S. 30, thence in an easterly direction along U.S. 30 to its junction with unnamed road near Sidney, thence in a southerly direction to Nebraska/Colorado State line, points in New York on and east of a line commencing at Pennsylvania/New York border along Interstate 81, thence in a northerly direction along Interstate 81 to its junction with State Highway 7, thence in a northeasterly direction along State Highway 7, thence to the New York/Vermont State line, points in North Dakota on and west of a line commencing at North Dakota/Canadian border along State Highway 256, thence in a southerly direction along State Highway 256 to its junction with U.S. 83, thence in a southerly direction along U.S. 83 to its junction with State Highway 23, thence in a westerly direction along State Highway 23 to its junction with State Highway 22, thence in a southerly direction along State Highway 22, to its junction with U.S. 12, thence in a southerly direction along U.S. 12 to North Dakota/South Dakota State line, point in Oklahoma on and west and south of a line commencing at Oklahoma/Kansas line along U.S. 177, thence in a southerly direction along U.S. 177 to its junction with Interstate 40, thence in an easterly direction along Interstate 40 to its junction with U.S. 75, thence in a southerly direction along U.S. 75 to its junction with State Highway 1, thence in an easterly direction along State Highway 1 to its junction with State Highway 63 near Big Cedar, thence in a southeasterly direction along State Highway 63 to Oklahoma/Arkansas State line, points in Pennsylvania on and east of a line commencing at Pennsylvania/Maryland line along Interstate 81, thence in a northeasterly direction along Interstate 81 to Pennsylvania/New York State line, points in south Dakota on and west of a line commencing at South Dakota/North Dakota line along U.S. 12 to State Highway 73, thence in a southerly direction along State Highway 73 to its junction with U.S. 212, thence in a westerly direction along U.S. 212 to its junction with State 34 to Interstate 90, thence in a southeasterly direction along Interstate 90 to its junction with State Highway 79, thence in a southerly direction along State Highway 79 to its junction with State Highway 71, thence in a southerly direction along State Highway 71 to South Dakota/Nebraska State line, points in Tennessee on and east of a line commencing at Tennessee/Alabama line along U.S. 231, thence in a northerly direction along U.S. 231 to its junction with State Highway 50, thence in a northeasterly direction along State Highway 50 to its junction with State Highway 55, thence in a northeasterly direction along State Highway 55 to its junction with U.S. 70, thence in a northeasterly direction along U.S. 70 to its junction with U.S. 127, thence in a northerly direction along U.S. 127 to its junction with State Highway 62, thence in an easterly direction along State Highway 62 to its junction with U.S. 27, thence in a northerly direction along U.S. 27 to its junction with State Highway 63, thence in an easterly direction along State Highway 63 to its junction with Interstate 75, thence in a northeasterly direction along Interstate 75 to its junction with U.S. 25 west to its junction with State Highway 90, thence in a northeasterly direction to Tennessee/Kentucky State line, points in Vermont on and south and east of a line commencing at New York/Vermont line along State Highway 9 to its junction with U.S. 7, thence in a northerly direction along U.S. 7 to its junction with U.S. 4, thence in an easterly direction along U.S. 4 to its junction with U.S. 5, thence in a northerly direction along U.S. 5 to its termination at Vermont/Canadian Border, points in Virginia on and east and south of a line commencing at Virginia/Kentucky line along U.S. 58, thence in an easterly direction along U.S. 58 to its junction with Interstate 81, thence in a northeasterly direction along Interstate 81 to West Virginia/Virginia State line, points in West Virginia on and east of a line commencing at Virginia/West Virginia

line along Interstate 81 thence in a northeasterly direction along Interstate 81 to West Virginia/Maryland State line. Restrictions: (1) The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. (2) The authority granted immediately above is restricted against the transportation of shipments between Racine, Wis., Burlington and Bettendorf, Iowa, Rockford, and Rock Island, Ill. The purpose of this filing is to eliminate the gateways of Carlisle, Shadygrove, or Waynesboro, Pa.

No. MC 117574 (Sub-No. E69), filed June 24, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and agricultural machinery, tractors with or without attachments, cranes, industrial and processing machinery, and attachments, accessories and parts* of all of the above described commodities, (except commodities requiring special equipment) (1) between points in the Onondago and Oswego Counties, N.Y. on the one hand, and on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, D.C., Wyoming, and points in Delaware on and north of a line commencing at the Pennsylvania/Delaware State line along U.S. Highway 13, thence in a southerly direction along U.S. Highway 13 to the Delaware/Maryland State line; points in Illinois south of a line commencing at the Illinois/Iowa State line along U.S. Highway 136 in an easterly direction to its junction with Illinois Highway 96, thence along Illinois Highway 96 in a southerly direction to its junction with U.S. Highway 24, thence along U.S. Highway 24 in a northeasterly direction to its junction with Illinois Highway 125, thence along Illinois Highway 125 in a southeasterly direction to its junction with U.S. Highway 36, thence along U.S. Highway 36, in an easterly direction to its junction with Illinois Highway 1, thence along Illinois Highway 1 in a southerly direction to its junction with U.S. Highway 50, thence along U.S. Highway 50 in an easterly direction to the Illinois/Indiana State line; points in Indiana on and south of a line commencing at the Illinois/Indiana State line along U.S. Highway 50 in an easterly direction to its junction with Interstate Highway 65, thence along Interstate Highway 65 in a southerly direction to the Indiana/Kentucky State line; points in Iowa on and west of a line commencing at the Minnesota/Iowa State line along U.S. Highway 69 in a southwesterly direction to its junction with Iowa Highway 9, thence along Iowa Highway 9 in a westerly direction to its junction with U.S. Highway 169, thence along U.S. Highway 169 in a southerly direction to its junction with Interstate Highway 80, thence along Interstate Highway 80 in an easterly direction to its junction with U.S. Highway 65, thence along U.S. Highway 65 in a southerly direction, to its junction with Iowa Highway 2, thence along Iowa Highway 2 in an easterly direction to its junction with U.S. Highway 218, thence along U.S. Highway 218 in a southeasterly direction to the Iowa/Illinois State line; points in Kentucky on and south of a line commencing at the Kentucky/Indiana State line along Interstate Highway 65 in a southerly direction to its junction with Interstate Highway 64, thence along Interstate Highway 64 in an easterly direction to junction with U.S. Highway 23, thence along U.S. Highway 23 in a northerly direction to the Kentucky/Ohio State line; points in Michigan on and west of a line commencing at the Wisconsin/Michigan State line along U.S. Highway 2, thence in an easterly direction to its junction with State Highway 28, thence in a northeasterly direction to its junction with U.S. Highway 45, thence along U.S. Highway 45 in a northerly direction to its junction with Michigan Highway 26, thence along Michigan Highway 26 in a northerly direction to its junction with U.S. Highway 41, thence along U.S. Highway 41 in a northeasterly direction to its termination at Lake Superior; points in Minnesota on and northwest of a line commencing at the Minnesota/Wisconsin State line along Interstate Highway 94 in a westerly direction to its junction with U.S. Highway 65, thence along U.S. Highway 65 in a southerly direction to its junction with U.S. Highway 69, thence along U.S. Highway 69 in a southwesterly direction to the Minnesota/Iowa State line; points in Ohio on and south of a line commencing at the Ohio/Kentucky State line along U.S. Highway 23 in a northerly direction to its junction with Ohio Highway 124, thence along Ohio Highway 124 in a northeasterly direction to its junction with Ohio Highway 346, thence along Ohio Highway 346 in a northeasterly direction to its junction with U.S. Alternate Highway 50, thence along U.S. Highway 50 to the Ohio/West Virginia State line; points in West Virginia on and south of a line commencing at the West Virginia/Ohio State line along West Virginia Highway 2 in a northeasterly direction to its junction with West Virginia Highway 7, thence along West Virginia Highway 7 in a northeasterly direction to its junction with West Virginia Highway 69, thence West Virginia Highway 69 in a northerly direction to the West Virginia/Pennsylvania State line; points in Wisconsin on and north of a line commencing at the Wisconsin/Michigan State line along Wisconsin Highway 77 in a southwesterly direction to its junction with U.S. Highway 63, thence along U.S. Highway 63 in a southwesterly direction to its junction with Interstate Highway 94, thence along Interstate Highway 94 in a westerly direction to the Wisconsin/Michigan State line.

(2) Between points in the New York Counties of Warren and Washington, on the one hand, and, on the other, all points in Alabama, Arizona, Arkansas, California, Colorada, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, D.C., West Virginia, Wisconsin, Wyoming, and points in Indiana south and west of a line commencing at Gary, Ind., thence along Interstate Highway 65 in a southeasterly direction to its junction with U.S. Highway 24, thence along U.S. Highway 24 in an easterly direction to its junction with Indiana Highway 21, thence along Indiana Highway 21 in a southeasterly direction to its junction with Indiana Highway 18, thence along Indiana Highway 18 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; points in Maryland east of a line commencing at the Pennsylvania/Maryland State line along Interstate 83 in a southerly direction thence along Interstate 83 to its junction with Interstate 695 thence in a southerly direction to its junction with Interstate 95 thence in a southerly direction along Interstate 95 to the Maryland/Virginia State line; points in Michigan north of a line commencing at Tawas City along Michigan Highway 55 in a westerly direction to its junction with Michigan Highway 33, thence along Michigan Highway 33 in a northerly direction to its junction with Michigan Highway 72, thence along Michigan Highway 72 in a westerly direction to Lake Michigan; points in Ohio south of a line commencing at the Ohio/Indiana State line along Ohio Highway 29 in an easterly direction to its junction with U.S. Highway 33, thence along U.S. Highway 33 in an easterly direction to its junction with U.S. Highway 36, thence along U.S. Highway 36 in an easterly direction to its junction with U.S. Highway 62, thence

along U.S. Highway 62, in a northeasterly direction to its junction with Ohio Highway 39, thence along Ohio Highway 39 in an easterly direction to the Ohio/Pennsylvania State line; points in Pennsylvania south and west of a line commencing at the Ohio/Pennsylvania State line along State Highway 68 thence in an easterly direction along State Highway 68 to its junction with State Highway 65, thence in a northwesterly direction along State Highway 65 to its junction with Interstate 76, thence in an easterly direction along Interstate 76 to its junction with Interstate 83, thence in a southerly direction to the Pennsylvania/Maryland State line; points in Virginia east of a line commencing at the Virginia/Maryland State line along Interstate 95, thence in a southerly direction along Interstate 95 to its junction with Interstate 64, thence in a southeasterly direction along Interstate 64 to its termination at the Atlantic Ocean.

(3) Between points in Maryland County of Washington, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming, and points in Delaware south of a line commencing at the Maryland/Delaware State line along State Highway 44 in an easterly direction to its junction with State Highway 8, thence in an easterly direction along State Highway 8 to its junction with U.S. Highway 13, thence in a northerly direction along U.S. Highway 13 to its junction with U.S. Highway 301, thence in a northerly direction along U.S. Highway 301 to its junction with U.S. Highway 202, thence in a northerly direction along U.S. Highway 202 to the Delaware/Pennsylvania State line; points in Maryland south of a line commencing at the Virginia/Maryland State line along U.S. Highway 50 in an easterly direction to its junction with U.S. Highway 301, thence in an easterly direction along U.S. Highway 301 to its junction with State Highway 300, thence along State Highway 300 to the Maryland/Delaware State line; points in Pennsylvania north, west, and east of a line commencing at the Delaware/Pennsylvania State line along State Highway 100, thence in a northerly direction to its junction with Pennsylvania Turnpike extension to its junction with U.S. Highway 11, thence along U.S. Highway 11 in a southwesterly direction to its junction with U.S. Highway 22, thence along U.S. Highway 22 in a westerly direction to its junction with Interstate 79, thence along Interstate 79 to the Pennsylvania/West Virginia State line; points in Virginia south of a line commencing at the West Verginia/Virginia State line along U.S. Highway 33 in a southeasterly direction to its junction with U.S. Highway 29, thence along U.S. Highway 29 in a northeasterly direction to its junction with U.S. Highway 17 in a northerly direction to its junction with Interstate 66 thence in an easterly direction along Interstate 66 to its junction with Interstate 495, thence along Interstate 495 in an easterly direction to the Virginia/Maryland State line; points in West Virginia south and west of a line commencing at the Pennsylvania/West Virginia State line along U.S. Highway 19 in a southerly direction to its junction with U.S. Highway 119, thence in a southerly direction along U.S. Highway 119 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to its junction with U.S. Highway 33, thence along U.S. Highway 33 in a southeasterly direction to the West Virginia/Virginia State line.

(4) Between points in the Maryland Counties of Garrett, and Alleghany, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming, and other points in the following described States; points in Illinois, on and west of a line commencing at Lake Michigan/Illinois State line along State Highway 50 in a southerly direction to its junction with State Highway 17, thence in an easterly direction to the Illinois/Indiana State Line; points in Indiana on and west of a line commencing at the Illinois/Indiana State line along State Highway 2 in an easterly direction to its junction with U.S. Highway 41, thence in a southerly direction to the Indiana/Kentucky State line; points in Kentucky on and south and west of a line commencing at the Indiana/Kentucky State line along U.S. Highway 41 in a southerly direction to its junction with State Highway 80, thence in an easterly direction to its junction with State Highway 15, thence in an easterly direction to the Kentucky/Virginia State line; points in Michigan on and West of a line commencing at the Canadian Border/Michigan State line along Interstate Highway 75, thence in a westerly direction along State Highway 55 to its junction with U.S. Highway 131, thence in a southerly direction along U.S. Highway 131 to its junction with Interstate Highway 94, thence along Interstate Highway 94 in a westerly direction to Lake Michigan; Points in Virginia on and south of a line commencing at the Kentucky/Virginia State line along U.S. Highway 23 in a southerly direction to its junction with U.S. Highway 50, thence in an easterly direction to the Atlantic Ocean.

Restrictions: (1) Restricted against the transportation of shipments between Racine, Wis., Burlington and Bettendorf, Iowa, Rockford and Rock Island, Ill. (2) The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right.

The purpose of this filing is to eliminate the gateways of Carlisle, Shadygrove, or Waynesboro, Pennsylvania.

No. MC 118831 (Sub-No. E52), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from points in North Carolina on, east, and south of a line beginning at the North Carolina-South Carolina State line on Alternate U.S. Highway 221, north to junction North Carolina Highway 120 to U.S. Highway 74, to junction North Carolina Highway 150, to junction North Carolina Highway 152, to junction U.S. Highway 52, to junction North Carolina Highway 27, to junction U.S. Highway 220, to junction North Carolina Highway 211, to junction U.S. Highway 401, to junction North Carolina Highway 24, to junction U.S. Highway 117, to junction North Carolina Highway 210, to junction U.S. Highway 17, to junction North Carolina Highway 132, to junction U.S. Highway 74, to Wrightsville Beach, N.C., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E53), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Rocky Mount, N.C., to points in Missouri (except points in the St. Louis,

Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, points in Ohio on and west of a line beginning on U.S. Highway south 52 at Aberdeen, Ohio, to junction U.S. Highway 62 to Columbus, Ohio, to junction U.S. Highway 23, to junction Ohio Highway 53, to junction U.S. Highway 224 at Tifton, Ohio, to junction Kentucky Highway 18, to junction Ohio Highway 199, to Toledo, Ohio, points in Kentucky on and west of a line beginning at Jenkins, Ky., on Kentucky Highway 197, to junction North Carolina Highway 80, to Belcher, Ky., to Kentucky Highway 460 to junction Kentucky Highway 80, at Howard, Ky., to junction U.S. Highway 23-460 to Louisa, Ky., and to points in Tennessee on and west of a line beginning at the North Carolina State line, on U.S. Highway 19W to junction U.S. Highway 19W-23, to junction U.S. Highway 23, at Johnson City, Tenn., to Bristol, Tenn. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E54), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical* (except petrochemicals, anhydrous ammonia fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Plymouth, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, points in Ohio on and west of a line beginning at U.S. Highway 52 at Aberdeen, Ohio, to junction U.S. Highway 62, to Columbus, Ohio, to junction U.S. Highway 23, to junction Ohio Highway 53, to junction U.S. Highway 224 at Tifton, Ohio, to junction Kentucky Highway 18, to junction Ohio Highway 199 to Toledo, Ohio, points in Kentucky on and west of a line beginning at Jenkins, Ky., to Kentucky Highway 197, to junction North Carolina 80 to Belcher, Ky., to Kentucky Highway 460, a junction Kentucky Highway 80 at Howard, Ky., to junction U.S. Highway 23, to Louisa, Ky., and to points in Tennessee on and west of a line beginning at the North Carolina State line, on U.S. Highway 19W, to junction U.S. Highway 19W-23, to junction U.S. Highway 23 to Johnson City, Tenn., to junction U.S. Highway 11E-19, to Bristol, Tenn. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E55), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Raleigh, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill. commercial zone), Wisconsin, Michigan, Indiana, points in Ohio on and west of a line beginning at the Ohio-Kentucky State line at Aberdeen, Ohio, on Ohio Highway 41 to junction Ohio Highway 138 at Greensfield, Ohio, to junction U.S. Highway 22, to Zanesville, Ohio, to junction U.S. Highway 40, west to junction Ohio Highway 13, north to Mansfield, Ohio, U.S. Highway 42 to junction U.S. Highway 30, to junction Interstate 71, to junction Interstate 76 to Akron, Ohio, Ohio Highway 59 to Ravenna, Ohio, Ohio Highway 5 to Warren, Ohio, Ohio Highway 11 to Ashtabula, Ohio, points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line, on U.S. Highway 23 at Jenkins, Ky., to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 80, to Allen, Ky., U.S. Highway 23-460 to Louisa, Ky., and to points in Tennessee on and west of a line beginning at the Tennessee-North Carolina State line and North Carolina Highway 194 at Elk Park, Tenn., to U.S. Highway 198 to Bristol, Tenn. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E56), filed April 2, 1976 Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from New Bern, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, Kentucky, Tennessee, and points in Ohio on and west of a line beginning at Parkersburg, W. Va., on Ohio Highway 7, to junction Interstate Highway 77 at Marietta, Ohio, north to New Philadelphia, Ohio, to junction Ohio Highway 21, to Missillon, Ohio, to juction of U.S. Highway 30, to Ohio Highway 94, north to junction Ohio Highway 585 at Easton, Ohio, southwest to junction Ohio Highway 57, north to Elyria, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E57), filed April 2, 1976 Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Goldsboro, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, Tennessee, points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line at Jenkins, Ky., on U.S. Highway 23 to junction U.S. Highway 119, to junction Kentucky Highway 317, to junction Kentucky Highway 7, north to junction Kentucky Highway 50, to junction Kentucky Highway 23, at Staffordville, Ky., to the Louisiana and Kentucky and West Virginia State lines, and to points in Ohio on and west of a line beginning at the Ohio-West Virginia State line at Parkersburg, W.Va., on Ohio Highway 7 to junction Interstate Highway 77 at Marietta, Ohio,- north to junction Ohio 21 at or near New Philadelphia, Ohio, to junction of U.S. Highway 30 and Ohio Highway 94 at Massillon, Ohio, to junction Ohio Highway 585 at Easton, Ohio, southwest to junction Ohio Highway 57, north to Elyria, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub E58), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from Sanford, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, Tennesee, points in Kentucky in and west of a line beginning at the Kentucky-Virginia State line at Jenkins, Ky., on U.S. Highway 73 to junction U.S. Highway 119, to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 50, to junction Kentucky Highway 23 at Staffordville, Ky., to Louisa, Ky., and the Kentucky-West Virginia State line and to points

in Ohio on and west of a line beginning on the Ohio-Kentucky State line on U.S. Highway 62 at Marysville, Ohio, to junction Ohio Highway 41, to junction U.S. Highway 50, to junction Ohio Highway 28, to junction U.S. Highway 23 at Chillicothe, Ohio, to junction, Ohio Highway 159, to junction U.S. Highway 22, to junction Interstate Highway 70 at Zanesville, Ohio, to junction Interstate Highway 77 at Cambridge, Ohio, to junction U.S. Highway 62 at Caton, Ohio, to junction Ohio Highway 44, to junction Highway 5 at Ravenna, Ohio, to junction Ohio Highway 11 at Warren, Ohio, to Ashtabula, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub E59), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Kinston, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone, Wisconsin, Michigan, Indiana, Tennessee, points in Kentucky on and west of a line beginning at Belcher, Ky., on Kentucky Highway 80, to junction U.S. Highway 460, to Pikeville, Ky., to junction U.S. Highway 460-23 at Allen, Ky., to junction U.S. Highway 23, to Louisa, Ky., and to points in Ohio on and west of a line beginning at Parkersburg, W. Va., on Ohio Highway 7, to junction Interstate Highway 77 at Marietta, Ohio, to junction Ohio Highway 21, to junction U.S. Highway 30, to junction Ohio Highway 94, to junction Ohio Highway 585 at Easton, Ohio, to junction Ohio Highway 57, to Elyria, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E60), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Moncure, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, points in Tennessee on and west of a line beginning on North Carolina Highway 194 at Elk Park, Tenn., to junction U.S. Highway 198, to Bristol, Tenn., points in Kentucky on and west of a line beginning at the Virginia State Line at U.S. Highway 23 at Jenkins, Ky., to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 80, to junction U.S. Highway 23-460, to Louisa, Ky., and to points in Ohio on and west of a line beginning at the Ohio-Kentucky State line at Aberdeen, Ohio, on Ohio Highway 41 to junction Ohio Highway 138 at Greenfield, Ohio, to junction U.S. Highway 22, to junction U.S. Highway 40 at Zanesville, Ohio, to junction Ohio Highway 13, to junction U.S. Highway 42, to junction U.S. Highway 30, to junction U.S. Highway 71 at Leroy, Ohio, to junction U.S. 76 at Akron, Ohio, to junction Ohio Highway 59 at Ravenna, Ohio, to junction Ohio Highway 5 at Warren, Ohio, to junction Ohio Highway 11, to Ashtabula. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E61), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Conway, N.C., to points in Missouri (except points in the St. Louis commercial zone), Illinois (except points in the East St. Louis commercial zone), Wisconsin, Michigan, Tennessee, points in Kentucky on and west of a line beginning at Jenkins, Ky., on U.S. Highway 119 to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 80 at Lackey, Ky., to junction Kentucky Highway 80, to U.S. Highway 23-460 at Prestonburg, north on U.S. Highway 23 to Louisa, Ky., and points in Ohio on and west of a line beginning at the Kentucky-Ohio State line at Aberdeen, Ohio, on U.S. Highway 52 to junction Ohio Highway 41, to junction Ohio Highway 247 at West Union, Ohio, to junction Ohio Highway 72 at Hillsboro, Ohio, to junction U.S. Highway 68 at Springfield, Ohio, to Bellefontaine, Ohio, to Findlay, Ohio, to Toledo, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 124174 (Sub-No. E43), filed June 4, 1974. Applicant: MOMSEN TRUCKING CO., P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and tannery products* (except liquids, and commodities in bulk, in tank vehicles): (1) Between points in Maine, on and east of Ft. Kent on the International Boundary line between United States and Canada and extending southward along Maine Highway 11 to junction Maine Highway 6 and 16, to junction Maine Highway 150, to junction U.S. Highway 2, to junction Maine Highway 8, thence southward along Maine Highway 8 to junction Maine Highway 11, thence southward along Maine Highway 11 to junction Maine Highway 27, thence along Maine Highway 27 to Augusta, Maine, thence along Maine Highway 9 and 126, thence along Maine Highway 126 to junction U.S. Highway 202, thence along U.S. Highway 202 to a point 8 miles southeast of Sanford to unnumbered County Road, thence along unnumbered County Road to Berwick to its junction with Maine Highway 9, thence along Maine Highway 9 to the Maine-New Hampshire State line; (2) those points in New Hampshire on and east of a line beginning at the Maine-New Hampshire State line, and extending along New Hampshire Highway 9 from Somersworth, N.H., on unnumbered blacktop road to junction 3 miles southwest of Somersworth to junction New Hampshire Highway 16, to junction New Hampshire Highway 9, thence along New Hampshire Highway 9 to junction U.S. Highway 202, to junction U.S. Highway 4 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction U.S. Highway 3, thence along U.S. Highway 3 and New Hampshire Highway 28 to junction New Hampshire Highway 114A, thence along New Hampshire Highway 114A to junction New Hampshire Highway 101, thence along New Hampshire Highway 101, thence along New Hampshire Highway 101 to junction New Hampshire Highway 124 two miles, thence south via an unnumbered county highway to Webb, N.H., and the junction with New Hampshire Highway 12, thence westerly two miles to an unnumbered highway, thence southwesterly through East Swanzey to junction New Hampshire Highway 32 to junction New Hampshire Highway 10 at Westport, N.H., thence along unnumbered highway to New Hampshire Highway 10 to the Massachusetts-New Hampshire State line; (3) those points in Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along Massachusetts Highway 10, thence along Massachusetts Highway 10 to junction Massachusetts Highway 63 to junction Massachusetts Highway 116, thence along Massachusetts Highway 141, fol-

lowing it until its junction with Massachusetts Highway 57, thence westerly along Massachusetts Highway 57 to the junction with Massachusetts Highway 8, thence along Massachusetts Highway 8 to the Massachusetts-Connecticut State line; (4) those points in New York on and south and west of a line beginning at the Connecticut-New York State line, and extending on and south of Interstate Highway 84 to junction Interstate Highway 684, thence southerly on to Katonah, N.Y., thence southwesterly on New York Highway 117 to junction U.S. Highway 9, thence south along U.S. Highway 9 to junction Interstate Highway 95, thence along Interstate Highway 95 to the New York-New Jersey State line; (5) those points in New Jersey on and south and west of a line beginning at the New York-New Jersey State line, and extending south along Interstate Highway 95, thence along Interstate Highway 95 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 17, thence along New Jersey Highway 17 to junction New Jersey Highway 27, to Garden State Expressway, thence along the Garden State Expressway to junction New Jersey Turnpike, thence along the New Jersey Turnpike to the Delaware-New Jersey State line; (6) those points in Maryland on and south and west of a line beginning at the Delaware-Maryland line and extending along U.S. Highway 40 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Maryland-Virginia State line; (7) those points in Virginia on and south of a line beginning at the Maryland-Virginia State line and extending along Interstate Highway 495 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction Virginia Highway 256, thence along Virginia Highway 256 to Weyers Cave, to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Tennessee-Virginia State line, on the one hand, and, on the other, (1) those points in Missouri on and south of a line beginning at Neely's Landing, at or near the Missouri-Illinois State line, and extending along Missouri Road "J" to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to Springfield, Mo., to junction U.S. Highway 160, thence westerly along U.S. Highway 160 to the Kansas-Missouri State line; (2) those points in Kansas on and west of a line beginning at the Missouri-Kansas State line, and extending along U.S. Highway 160 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 59, thence westerly along U.S. Highway 59 to junction Kansas Highway 47, thence westerly along Kansas Highway 47 to junction U.S. Highway 169, thence along northerly U.S. Highway 169 to junction Kansas Highway 39, thence westerly along Kansas Highway 39 to junction Kansas Highway 96, thence westerly along Kansas Highway 96 to junction Kansas Highway 99, thence northerly along Kansas Highway 99 to junction U.S. Highway 54, thence westerly along U.S. Highway 54 to Rosalia, Kans., thence northerly on unnumbered highway to Cassoday, and westerly to junction U.S. Highway 81 at Newton, Kans., thence northwesterly along U.S. Highway 81 to junction U.S. Highway 56, thence westerly along U.S. Highway 56 to junction Kansas Highway 14, thence northerly along Kansas Highway 14 to junction Kansas Highway 4, thence westerly along Kansas Highway 4 to junction U.S. Highway 281, thence west and north along U.S. Highway 281 to junction U.S. Highway 40 and Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateway of Buford, Ga.

By the Commission.

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

[FR Doc. 78-3463 Filed 2-7-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 3, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before February 23, 1978.

FSA No. 43498, Southwestern Freight Bureau, Agent's No. B-725, rates on clay, from Belle Fourche and Deadwood, S. Dak., and stations in Wyoming, to York Canyon, N. Mex., in sup. 5 to its tariff 329-E, ICC 5297, to become effective March 15, 1978. Grounds for relief—rate relationship.

FSA No. 43499, Southwestern Freight Bureau, Agent's No. B-726, annual volume rates on chemicals, between East St. Louis, Ill., and St. Louis, Mo., on the one hand, and, on the other, stations in Louisiana and Texas, in sup. 28 to its tariff 12-K, ICC 5272, to become effective March 5, 1978. Grounds for relief—market competition.

FSA No. 43500, Trans-Pacific Freight Conference of Japan/Korea, Agent's No. 104, for Korea Shipping Corp., Ltd., on intermodal rates on general commodities, from ports in Japan and Korea, to rail carrier terminal at Miami, Fla., by way of U.S. Pacific Coast ports, in its tariff No. 1, ICC No. 1, to become effective March 3, 1978. Grounds for relief—water competition.

By the Commission.

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

[FR Doc. 78-3464 Filed 2-7-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location
Nephrology	Feb. 27, 1978	8:30 a.m. to 5 p.m.	Tower Suite C, Host International Motel.[1]
Cardiovascular studies	Mar 3, 1978	do	Stratford Room, Sir Francis Drake Hotel.[2]
Infectious diseases	Mar. 6, 1978	do	Room 817, VA Central Office.[3]
Oncology	do	do	Room A53, VA Central Office.
Alcoholism and drug dependence (clinical pharmacology)	Mar. 21, 1978	do	Room 119, VA Central Office.
Respiration	Mar. 22, 1978	do	Do.
Behavioral sciences	Mar. 23, 1978	do	Room A, Holiday Inn.[4]
Do	Mar. 24, 1978	do	Do.
Endocrinology	Mar. 30, 1978	do	Room A53, VA Central Office.
Immunology	do	7 p.m. to 11 p.m.	Room A, Holiday Inn.
Do	Mar. 31, 1978	8:30 a.m. to 5 p.m.	Do.
Neurobiology	Mar. 30, 1978	do	Room B, Holiday Inn.
Do	Mar. 31, 1978	do	Do.
Gastroenterology	Apr. 4, 1978	do	Statler Room, Denver Hilton.[5]
Basic Sciences	Apr. 13, 1978	7 p.m. to 11 p.m.	Room A, Holiday Inn.
Do	Apr. 14, 1978	8:30 a.m. to 5 p.m.	Do.
Hematology	do	do	Room A53, VA Central Office.
Surgery	Apr. 16, 1978	7 p.m. to 11 p.m.	The Drawing Room, Rodeway Inn.[6]
Do	Apr. 17, 1978	8 a.m. to 8 p.m.	Do.

[1]Host International Motel, 18700 Kennedy Blvd. Houston, Tex. 77205.
[2]Sir Francis Drake Hotel, 450 Powell St., San Francisco, Calif. 94102.
[3]VA Central Office, 810 Vermont Ave. NW., Washington, D.C. 20420.
[4]Holiday Inn, Thomas Circle, Massachusetts at Thomas Circle NW., Washington, D.C. 20005.
[5]Denver Hilton, 1550 Court Pl., Denver, Colo. 80202.
[6]Rodeway Inn, 5615 North Cumberland Ave., Chicago, Ill. 60631.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. In accordance with the provision set forth in section 552b(c)(6), title 5, United States Code, all of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portion of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents which are exempt from disclosure under the interagency memoranda exemption, section 552(b)(5), and section 552b(c)(6), of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Jane S. Schultz, Ph. D., Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Washington, D.C., 202-389-5065 at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: February 1, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-3450 Filed 2-7-78; 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).

CONTENTS

	Item
Civil Aeronautics Board	13
Civil Rights Commission	1
Federal Communications Commission	2, 3
Federal Deposit Insurance Corporation	4
Federal Maritime Commission	5
Federal Trade Commission	6
International Trade Commission	7
National Transportation Safety Board	8
Nuclear Regulatory Commission	9
Renegotiation Board	10, 11, 12

[6335-01]

1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, February 13, 1978; 1 p.m.-4 p.m.

PLACE: Room 512, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Part of the meeting will be open to the public and part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public, 1 p.m.-4 p.m.

I. Approval of agenda.

II. Approval of minutes from last meeting.

III. Staff Director's report: A. Status of funds, B. Personnel report, C. Correspondence: 1. Letter from Aaron E. Henry re Age Discrimination Study; 2. Motion on affirmative action by Union of American Hebrew Congregation; 3. Letters on Volume V Followup from: Jack H. Watson, Jr., The White House; Senator Daniel K. Inouye; Congressman Tom Railsback; Congressman Louis Stokes; Congressman Frank Thompson, Jr.; Congressman W. R. Poage; James H. Ebron, ICC. D. Office Directors' report.

V. Discussion re Wyoming Advisory Committee Report on Abortion Services.

VI. Discussion re Closed Commission Meetings.

VII. Discussion re Civil Rights Act of 1977.

VIII. Discussion re Clearinghouse Function of Civil Rights Digest.

IX. Screening of WMAQ-TV videotape on "Desegregation".

MATTERS TO BE CONSIDERED: Portion closed to the public—4 p.m. to 5 p.m., Regional Advisory Committee Chartering.

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Public Affairs Unit, 202-254-6697.

[S-291-78 Filed 2-6-78; 1:48 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., Open Commission Meeting, Wednesday, February 8, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Complaints and Compliance—1—Field investigation into the operations of WIGO, Atlanta, Ga.

Hearing—1—Applications for review of a Review Board Decision in the Warrensburg, Mo., CATV proceeding (Dockets Nos. 19151, 19152).

Hearing—2—Application for review of a Review Board Decision in the Overmyer transfer of control proceedings (Docket No. 18950).

Hearing—3—Settlement agreement and petition to finalize the initial decisions in the application for assignment of license for station WEFM-FM, Chicago, Ill. proceeding (Docket No. 20581).

Hearing—4—Petition to amend application in New York TV renewal/new applicant proceeding (Docket Nos. 19991-2).

Hearing—5—Review of order designating for hearing the Amateur Radio revocation/suspension proceedings of J. R. Sheller, R. T. Bennett, J. C. Gallucci, and T. L. Dillahunty (Docket Nos. 21446 to 21454).

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 1, 1978.

[S-296-78 Filed 2-6-78; 2:55 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 8, 1978.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Amendment of Parts 2, 13, 81 and 83 of the Commission's Rules relating to the use of radiotelegraphy in the maritime services (Docket No. 20813).

General—2—1978 Aeronautical World Administrative Radio Conference preparation (Docket No. 20290).

Safety and Special Radio Services—1—Amendment of Parts 89, 91, 93 and 95 of the Commission's Rules to allow optional use of automatic Morse Code identification of radio stations (Docket No. 21137).

Safety and Special Radio Services—2—Simplification of the licensing and call sign assignment systems in the Amateur Radio Service (Docket No. 21135).

Common Carrier—1—Section 214 application (File No. W-P-C-1214) of the Offshore Telephone Co. to construct and operate a common carrier service in the North Atlantic.

Common Carrier—2—Amendment of Part 64 of the Commission's Rules to provide for a new priority system for carrier-provided intercity private line services (Docket No. 19308).

Common Carrier—3—Notice of proposed Rulemaking, concerning the use of telephone recording devices (Docket No. 20840).

Common Carrier—4—American Television Relay refund proposal.

Common Carrier—5—Inquiry into the telecommunication needs of the deaf and hard of hearing.

Common Carrier—6—Modification of procedures in Docket No. 20814, investigation into AT&T's Multi-Schedule Private Line (MPL) tariff.

Cable Television—1—Petition for declaratory ruling filed by Marsh Media, Ltd. (KVII-TV) Amarillo, Tex. (CSR-1177).

Cable Television—2—Petition for waiver of section 76.501 of the Commission's Rules filed by the Kansas State Network, Inc., Lyons and McPherson, Kans.

Cable Television—3—Notice of proposed Rule Making to allow continuous operation of Cable Television Relay Service stations.

Cable Television—4—Petitions for reconsideration of Report and Order concerning definition of a cable television system and the creation of classes of cable systems (Docket No. 20561).

Cable Television—5—Applications for construction permits for new stations in the Cable Television Relay Service and petition for waiver of the rules filed by Wernersville State Hospital, Wernersville, Pa. (CAR-12141-01, CAR-12142-01).

Cable Television—6—Application for review, filed by Forum Communications Compa-

ny, licensee of KSFY-TV, Sioux Falls, KABY-TV, Aberdeen and KPRY-TV, Pierre all in S. Dak.

Renewal—1—Petition to deny application of Johnston Broadcasting Co. for renewal of WJLD, Birmingham, Ala. (BR-1174).

Aural—1—Application of Kingston Broadcasting Company for a new AM station at Kingston, Tenn. (BP-20056).

Aural—2—Application for major change in the facilities of KDAB(FM), Ogden, Utah (BPH-10056) filed by D&B Broadcasting Co.; and objections filed by Carman Corp. and Communications Investment Corp.

Broadcast—1—Three proposals to assign UHF TV Channel 56 to Fairfax or Goldvein, Va., and reassign UHF TV Channel 14 from Washington, D.C. to Fairfax, Va. (RM-2808).

Broadcast—2—Proposal to revise the method by which the "top 50 markets" are determined for prime time access (§ 73.658(k) of the rules) Docket No. 21115.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 1, 1978, and February 3, 1978.

[S-297-78 Filed 2-6-78; 2:55 pm]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 4:00 p.m. on February 2, 1978, by telephone conference call, to consider the initiation of cease-and-desist proceedings, under section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)), against an insured State nonmember bank.

In calling the meeting, the Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b, (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: February 3, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-289-78 Filed 2-6-78; 8:59 am]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: February 15, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly report of actions taken by the Managing Director pursuant to delegated authority during December 1977.

2. Agreement No. 10311: The North Atlantic Bridge Agreement providing for common agreement by conferences on rates, rules, and practices.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-299-78 Filed 2-6-78; 3:15 pm]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 9:45 a.m., Wednesday, February 8, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

ADJUDICATIVE MATTERS UNDER PART 3 OF THE RULES OF PRACTICE

Consideration of the status of pending Part III decisions.

CONTACT PERSON FOR INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message: 202-523-3806.

[S-298-78 Filed 2-6-78; 2:55 pm]

[7020-02]

7

[USITC SE-78-5]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 14, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary):
   a. Sandals (Docket No. 487);
   b. Telescopic site mounts (Docket No. 489);
   c. Pressure pads (Docket No. 490); and
   d. Leather wearing apparel (Docket No. 492).
5. Carbon steel bars and strips from the United Kingdom (Inv. AA1921-Inq.-8 and 9)—briefing and vote.
6. Research Project I-9 (Government-owned industries)—see action jacket ID-78-006.
7. Briefing by staff members on their recent overseas travels.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-292-78 Filed 2-6-78; 1:48 pm]

[4910-58]

8

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4750, February 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, February 9, 1978; 9:30 a.m. (NM-78-7).

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

1. *Railroad Accident Report*—Head-on Collision of Two Greater Cleveland Regional Transit Authority Trains, Cleveland, Ohio, July 8, 1977.

2. *Aircraft Accident Report*—Johnson & Johnson, Grumman Gulfstream II (G-1159) N500L, Hot Springs, Va., September 26, 1976.

3. *Discussion.*—Briefing by Managing Director on current management objectives.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6021.

[S-288-78 Filed 2-6-78; 8:59 am]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: February 10, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Friday, February 10, 9:30 a.m. Presentation by Bechtel representatives on Nuclear Power Plant Standardization (approximately 2 hours).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

FEBRUARY 3, 1978.

WALTER MAGEE,
Chief, Operations Branch.

[S-290-78 Filed 2-6-78; 11:52 am]

[7210-01]

10

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 4317, February 1, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Friday, February 10, 1978; 10 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 6, 1978.

GOODWIN CHASE,
Chairman.

[S-293-78 Filed 2-6-78; 1:48 pm]

[7210-01]

11

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 4750, February 3, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Thursday, February 9, 1978; 9;30 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street N.W., Washington, D.C. 20446, 202-254-8277.

Dated: February 6, 1978.

GOODWIN CHASE,
Chairman.

[S-294-78 Filed 2-6-78; 1:48 pm]

[7210-01]

12

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 3990, January 30, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, February 7, 1978; 10 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 6, 1978.

GOODWIN CHASE,
Chairman.

[S-295-78 Filed 2-6-78; 1:48 pm]

[6320-01]

13

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 9, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 30918, United's application for deletion of Jacksonville, Fla. from segment 1(a)(ii) (Memo No. 7505-A, BOR).
3. Dockets 24385 and 30948—Rich—tentative findings in show cause Order 77-10-21 to revoke large aircraft exemption (Memo No. 3047-F, BOR).
4. Docket 31343, Bonanza Airlines Corp. Exemption to operate F-27J aircraft between Las Vegas and Aspen and Eagle/Vail (Memo No. 7733, BOR).
5. Docket 31013, Agreement among Members of the Air Traffic Conference of America permitting participation in the Area Settlement Plan by intrastate carriers operating large aircraft, Agreement CAB 16874-A68 (Memo No. 7750, BOR, OGC, BOE).
6. Docket 31660, Application for approval or exemption of Air Express International's acquisition of Trans Air Freight System, Inc. (Memo No. 7730, BOR).
7. Docket 31707, Evergreen's application for a section 416 exemption (Memo No. 7743, BOR, OGC).
8. Dockets 28696 and 28697, Applications of the Flying Tiger Line, Inc.; Docket 22669, Application of Airlift International, Inc.; Dockets 28818 and 28819, Application of Seaboard International, Inc.; Docket 30655, Application of Federal Express Corp.; Docket 30822, Application of American Airlines, Inc.; Docket 30828, Petition of the Dayton, Ohio Parties; Docket 31179, Application of the City and Chamber of Commerce of Charlotte, N.C. (Memo No. 7745, BOR).
9. Docket 29295, United States-Latin America All-Cargo Service Investigation, Petitions for Discretionary Review (OGC, OEA).
10. Docket 29445, Las Vegas-Dallas/Fort Worth Nonstop Service Investigation (recommendations on petition for review) (OGC).
11. Docket 28655, Seattle/Portland-Japan Service Investigation (request for instructions) (OGC, OEA, BIA).
12. Docket 21162, Ohio/Indiana Points Nonstop Service Investigation—Order on Discretionary Review (Memo No. 7748, OGC, OEA).
13. Docket 31728, Notice of proposed rulemaking amending Part 223 of the Board's Economic Regulations to allow student fares to natives of Guam, American Samoa, and the Trust Territory of the Pacific Islands (Memo No. 7744, OGC, BFR).
14. Docket 27991, Amendment of Order 76-7-113, entered July 28, 1976 in the Pan American World Airways, Inc., Enforcement Proceeding (Memo No. 6128-C, OGC).
15. Dockets 25581 and 26078, Jugoslovenski Aerotransport, Renewal and Amendment of Foreign Air Carrier Permit (Memo No. 4632-I, OGC).
16. Docket 28196, California-Alberta Route Proceeding (request for instructions) (Memo No. 7332-C, OGC).
17. Docket 30679, Florida-Atlanta Competitive Nonstop Service Case, (1) Eastern Air Lines petition to change wording in ordering paragraph (3) of Order 77-12-22 to more accurately reflect intention of order, (2) Southern's petition application for Tampa authority (Memo No. 6739-C, BLJ, OGC).
18. Docket 30555, Peanuts Fares, TXI moves to terminate proceeding or dispose with hearing and rely on briefs (Memo No. 7747, BLJ, OGC).
19. Docket 30564, Petition for extension of prior approval of joint air carrier—motor carrier discussions of joint and through intermodal freight service (Memo No. 7216-A, BFR).
20. Docket 31415, Request of WITS Air Freight, an air freight forwarder, for an exemption from sections 403 and 404 of the Act and Part 221 of the Board's Economic Regulations (Memo No. 7734, BFR, BOE).
21. Docket 31459, Request of Edward Katz and Arthur Rosenblatt d.b.a. Choice Air Courier Service, an air freight forwarder, for an exemption from section 403 of the Act and Parts 296.11(a) and 296.72 of the Board's Economic Regulations (Memo No. 7735, BFR, BOR, BAS).
22. Dockets 30756, 31215 and 27785, Pan American requests to engage in discussions on various Far East/Pacific fare and rate matters (Memo No. 7310-A, BFR, BIA, OGC).
23. Docket 30777, IATA agreements covering matters ancillary to passenger fares (Memo No. 7737, BFR, BIA).
24. Docket 30332, Agreement C.A.B. 26883, IATA agreement proposing increase in North/Central Pacific cargo rates (Memo No. 5761-F, BFR, BIA).
25. Dockets 32028, 32030, 32033, Off-peak Freedom Fares in Mainland-Hawaii markets proposed by Continental (BFR).
26. Docket 31993, Rules governing the acceptance and carriage of handicapped persons proposed by various carriers (BFR).
27. Increased excess baggage charges proposed by Pan American, effective February 25 (BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary 202-673-5068.

Federal Register

WEDNESDAY, FEBRUARY 8, 1978
PART II

DEPARTMENT OF DEFENSE

Department of the Navy

■

PRIVACY ACT OF 1974

Systems of Records; Additions, Deletions, and Amendments

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

PRIVACY ACT OF 1974

New System of Records

Agency: Department of the Navy, DoD.

Action: Notification of New System of Records.

Summary: The Department of the Navy has created a new system of records identified as: N00011 09B, entitled, "Reports of Disposition of Personal Money Allowances and Position Allowances." This new system of records is being published for public comment. The purpose of the system is to enable the Chief of Naval Operations and his designees to review the disposition of personal money allowances and position allowances paid under 37 U.S.C. § 414 (a) and (b) in order to provide assurance, as required, that the allowances have been expended by the recipient for purposes related to the duties or responsibilities of their official positions.

Dates: This system shall become effective as proposed without further notice in 30 calendar days from the date of this publication (March 10, 1978) unless comments are received on or before March 10, 1978, which would result in a contrary decision.

Address: Send comments to: The Assistant Vice Chief of Naval Operations, Director of Naval Administration, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

For further information contact: Commander H. R. Warwick, JAGC, U.S. Navy, Assistant for Legal and Legislative Matters (OP-09BL), Office of the Assistant Vice Chief of Naval Operations, Director of Naval Administration (OP-09B), Washington, D.C. 20350, telephone number: 202-695-3480.

Supplementary information: During the fiscal year 1977 budget review the personal money allowances and position allowances paid under 37 U.S.C. §414 (a) and (b), the President decided to support the continued authorization for allowances with a mechanism for reporting and reviewing the disposition of the allowances. To comply with the President's decision, the Chief of Naval Operations was directed to institute such a reporting and reviewing process. This new system of records will contain the periodic letter reports of the recipients of the allowances, and it is estimated that the system will have the reports of 45 individuals in it at any given time. The Department of the Navy's systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 51229) September 28, 1977.

FR Doc. 77-36226 (42 FR 64333) December 22, 1977.

The Navy proposes to add a new system of records to its inventory. The Navy submitted this proposed new record system on December 21, 1977 pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, and No. 3, dated September 30, 1975 and May 17, 1976 respectively, which provide supplemental guidance to Federal agencies regarding the preparations and submissions of reports of their intention to establish or alter systems of personal records as required by 5 U.S.C. 552a(o). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives,
Washington Headquarters Services Department of Defense.

JANUARY 24, 1978.

N00011 09B

System name: Reports of Disposition of Personal Money Allowances and Position Allowances.

System location: Assistant Vice Chief of Naval Operations/Director of Naval Administration, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

Categories of individuals covered by the system: Officers entitled to receive personal money allowances or position allowances pursuant to 37 U.S.C. 414(a) or (b).

Categories of records in the system: Periodic letter reports of disposition of personal money allowances and position allowances submitted by recipients of the allowances, and other related correspondence.

Authority for maintenance of the system: 37 U.S.C. 414 and 44 U.S.C. 3101.

Routine uses of records maintained by the system, including categories of users and the purposes of such uses: Periodic letter reports will be filed with the Assistant Vice Chief of Naval Operatios/Director of Naval Administration and will be reviewed by that official and such other personnel as may be designated by the Chief of Naval Operations to assure that the allowances in question have been expended for purposes related to the official duties or responsibilities of the recipients' official positions. The results of the review will be reported to the Comptroller of the Navy (NCD) and may be further reported to other cognizant officials of the Departments of the Navy and Defense. The reports will be subject to possible audit as directed by competent naval or Department of Defense authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and other related correspondence will be stored in file folders separately from other correspondence filed.

Retrievability: The correspondence is retrieved by name or billet of the recipient of the allowance.

Safeguards: The files pertaining to this system are maintained in a locked cabinet in a room which is locked when unattended by authorized personnel, located in a building in which visitor controls are enforced by guards. The files are accessible only to authorized personnel designated by the Chief of Naval Operations, on a need-to-know basis.

Retention and disposal: The correspondence is maintained in the system for a period of two years.

System manager and address: Assistant Vice Chief of Naval Operations/Director of Naval Administration, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

Notification procedure: Informational requests should be directed to the system manager. Requests should contain the full name of the individual. The requester may visit the office of the Assistant Vice Chief of Naval Operations/Director of Naval Administration (OP-09B), room 4E623, the Pentagon, Arlington, Virginia. A valid Armed Forces I.D. card will be considered adequate proof of identity.

Record access procedures: The agency's rules for access to correspondence may be obtained from the system manager.

Contesting record procedures: The agency's rules by which the individual concerned may contest contents and appeal initial determinations may be obtained from the system manager.

Record source categories: Periodic letter reports submitted by recipients of personal money allowances or position allowances, and related correspondence with those individuals or other Department of Defense officials concerning the allowances.

Exemption: None.

[FR Doc. 78-3001 Filed 2-7-78; 8:45 am]

[3810-71]

PRIVACY ACT OF 1974; U.S. MARINE CORPS

Systems of Records: Deletions and Amendments

Agency: U.S. Marine Corps (USMC), DON.

Action: Notification of deletions and amendments to Systems of Records.

Summary: The Marine Corps proposes to delete two and amend fifteen existing systems of records subject to the Privacy Act of 1974. The specific changes to each system being amended is set forth below followed by publication of all the systems in their entirety, as amended.

Dates: These systems shall be deleted and amended, as proposed without further notice in 30 calendar days from the date of this

publication (March 10, 1978) unless comments are received on or before March 10, 1978, which would result in a contrary determination and requiring republication for further comments.

Address: Send comments to the system manager identified in the particular system notice concerned.

For further information contact: Ms. Gwen Rhodes, HQ USMC (MC-MPI-40), Arlington Annex, Washington, D.C. 20380, telephone 202-694-4117.

Supplementary information: The USMC Systems of Records notices as prescribed by the Privacy Act of 1974 5 U.S.C. 552a(o) (Pub. L. 93-579) have been published in the FEDERAL REGISTER (FR Doc 77-28255) on September 28, 1977, at 42 FR 51177 and (FR 77-31445) on October 31, 1977 at 42 FR 56978. The USMC now proposes to delete two existing systems of records identified as MIL00020 and MMN00003 as set forth below for the reasons specified therein. The proposed changes for the amended systems are not within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975 and Transmittal Memorandum No. 3, dated May 17, 1976 which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports as required by the Privacy Act. This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives,
Washington Headquarters Services, Department of Defense.

JANUARY 24, 1978.

DELETIONS

MIL00020

System name: First Marine Division Personnel Assigned to Operation New Arrivals (42 FR 51196 September 28, 1977).

Reason: Not a system.

MMN00003

System name: Manpower Management System (MMS) (42 FR 51209 September 28, 1977).

Reason: Records are included in system MFD00003—Joint Uniform Pay System/Manpower Management System (Jumps/MMS) set forth under the amended systems below.

AMENDMENTS

The following proposed changes are to systems of records published in the September 28, 1977 issue of the FEDERAL REGISTER.

MFD00003

System name: Joint Uniform Military Pay System/Manpower Management System (Jumps/MMS) (42 FR 51181).

Changes:

System location: Under "Decentralized Segments", add to the end of the entry: ". . . . ; first Marine Brigade, FPO San Francisco, CA 96615."

Category of records in the system: Delete the following phrases from lines 24, 25, 36: "Study Group Flag; Last Over-Seas Tour; Deployment Status", and substitute after the phrase "Sea or Foreign Duty" in line 25 the new data elements: "Program Element Number, Responsibility Center Number, Marital Status, Ethnic Group, Intermediate Monitored Command Code—Estimated Date of Arrival, Current Active Duty Begin Date, Estimated Date of Departure, Special Grade and Date of Rank, Old Reason for Transfer Code, New Reason for Transfer Code, Present Tour Control Factor, Prospective Officers Source Code, Reenlistment Bonus Zone Type, Selective Reenlistment Bonus Zone, Separation Document Type, Composite Score, Armed Services Vocational Aptitude Battery, Deployment Monitored Command Code, Data Dependents Location Begin, Visual Audit Field, Date Joined Present Unit, TAD Excess Flag, TAD DPI, Officers School Graduation, Active Duty Officer Base Date, Active Duty Aviation Service Base Date, Accession Code, Future Tour Control Factor, Intended Transfer, Date, Permanent Change of Station Code, Reason for Transfer Flag, Advanced Monitored Command Code, Advanced Monitored Command Code—Estimated Date of Arrival, Intermediate Monitored Command Code—Estimated Date of Arrival,". After the phrase "Power of Attorney" at the end of the listings of data elements, add the following entry: "The MMS master files consist of a complete magnetic record for each Marine serving on active duty for a period in excess of 30 days. The Remote Entry Data Display Terminal (REDDT) is a subsystem of MMS. It has the capability to directly access an extract of the master file. The procedure used to establish the initial computer record and add the individual to the Marine Corps strength is the accession process. The accession of recruits is accomplished through the Recruit Accession Management Subsystem (RAMS). The Commissioning Accession Management Subsystem (CAMS) is designed to access all officer records into JUMPS/MMS. Accession/reaccession of all nonrecruit enlisted records is accomplished through the Headquarters Accession Management Subsystem (HAMS) at Headquarters, U.S. Marine Corps. The Accession Transcription Form (ATF) is an OCR form which contains information extracted from the enlistment contract and transfer/assignment to active duty orders. The ATF is completed and processed to establish the computer record. The Manpower Management Information System (MMIS) consists of models and processes within MMS. These models and processes support manpower planners and programmers to optimize assignments to unaccompanied overseas tours, predict enlisted population by grade and military (occupational) speciality (MOS) and to test various policies related to unrestricted officer promotion planning."

Authority for maintenance of the system: Delete entire entry and substitute: "Title 10 and 37, U.S. Code Section 5031 and 5201."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the last paragraph regarding the American Red Cross and the Navy Relief Society, and substitute: "By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member."

After the above entry, add three new entries as follows: "Federal, state and local government agencies—By officials and employees of federal, state and local government through official request for information with respect to law enforcement, investigatory procedures, criminal prosecution, civil court action and regulatory order. To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense. To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

Policy and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Delete the entire entry and substitute: "Data is recorded on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability: Add the following entry after the first sentence: "Computerized and conventional indices are required to retrieve individual records from the system."

Safeguards: At the end of entry add: "Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained."

Retention and disposal: At the end of entry add: "End calendar and fiscal year "snapshots" of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U.S. Marine Corps."

Notification procedure: Delete the first sentence and substitute: "Requests from individuals for information concerning pay related matters should be addressed to the Commandant of the Marine Corps (Code FD). Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MP)."

MFD00005

System name: Retired Pay/Personnel System (RPPS) (42 FR 51183).

Changes:

Routine uses of records maintained in the system, including categories of users and purposes of such uses: Delete the last paragraph regarding the American Red Cross and the Navy Relief Society, and substitute: "By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member."

MFD00008

System name: Civilian Labor Projection, Operations and Maintenance, MC Budget Report (Job Procedure 5576) (42 FR 51187).

Changes:

System location: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

System manager(s) and address: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

Notification procedure: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

Record access procedure: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

MIL00016

System name: Depot Maintenance Management Subsystem (DMMS) (42 FR 51194).

Changes:

System location: Delete entire entry and substitute: "Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704; Marine Corps Logistics Support Base, Pacific, Barstow, California 92311".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the words "Supply Centers" and substitute: "Logistics Support Bases".

System manager(s) and address: Delete entire entry and substitute: "Commandant of the Marine Corps (Code LMM), Headquarters, U.S. Marine Corps, Washington, D.C. 20380; Director, DMA, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704; Director, DMA, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311".

Notification procedure: Delete entire entry and substitute: "Information may be obtained from Commandant of the Marine Corps (Code LMM), Headquarters, U.S. Marine Corps, Washington, D.C. 20380; CG, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704; CG, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311".

Records access procedure: Delete first paragraph and substitute: "Request from individuals should be addressed to the Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704 or Commanding General, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311."

MIL00017

System name: Transportation Data Financial Management System (TDFMS) (42 FR 51194).

Changes:

System location: Delete entire entry and substitute: "Commanding General (Code A470), Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the words. "Marine Corps Supply Center" and substitute: "Marine Corps Logistics Support Base".

Notification procedure: Delete the words "Marine Corps Supply Center" and substitute: "Marine Corps Logistic Support Base, Atlantic".

MJA00003

System name: Magistrate Court Case Files (42 FR 51199).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities.)

Categories of individuals covered by the system: Delete the words "at Camp Lejeune, North Carolina 28542."

System manager(s) and address: Delete entire entry and substitute: "Commanding Officer of activity concerned.

(See Directory of Department of Navy Mailing Address.)

MJA00004

System name: In Hands of Civil Authorities Case File (42 FR 51194).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities."

System manager(s) and address: Delete entire entry and substitute: "Commanding Officer of activity concerned. (See Directory of Department of Navy Mailing Addresses.)"

MJA00005

System name: Financial Assistance/Indebtedness Files (42 FR 51200).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities."

System manager(s) and addressing: Delete entire entry and substitute: "Commanding officer of activity concerned. (See Directory of Department of Navy Mailing Addresses.)"

MJA00008

System name: Letters of Indebtedness/Credit Inquiry (42 FR 51201).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities."

System manager(s) and address: Delete entire entry and substitute: "Commanding officer of activity concerned. (See Directory of Department of Navy Mailing Addresses.)"

MJA00012

System name: Individual Accounts of Mail Order Clothing (Bill File) (42 FR 51202).

Changes:

System location: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

System manager(s) and address: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Notification procedures: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Record access procedures: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Record source categories: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

MMN00002

System name: Listing of Retired Marine Corps Personnel (42 FR 51209).

Changes:

Categories of records in the system: Delete entire entry and substitute: "The system is a microfiche listing derived from automated sources, depicting the retiree's name, social security number, grade, mailing address and retirement component code."

Policies and practice for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Delete the word "publication" and insert "microfiche listing". Delete the word "locker" and insert "locked".

Retention: Delete the entry "Destroyed upon being superseded by updated annual publication" and substitute: "Destroyed upon being superseded by updated monthly listing."

MMN00005

System name: Marine Corps Education Program Applicant/Participant Information File (42 FR 51211).

Changes:

System location: Delete phrase "(Code MTES)" and insert "(Code OTTI)".

Notification procedure: Delete phrase "(Code MTES)" and insert "(Code OTTI)".

Record access procedures: Delete phrase "(Code MTES)" and insert "(Code OTTI)".

MMN00006

System name: Marine Corps Military Personnel Records (QQR/SRB) (42 FR 51211).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the entire entry regarding the American Red Cross and the Navy Relief Society, and substitute: "By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member."

MMN00007

System name: Marine Corps Motion Picture/Instructional Television (ITV) Archives (42 FR 51213).

Changes:

Notification: Delete phrase "(Code MTAV)" and insert "(Code HD)".

Record access procedures: Delete phrase "(Code MTAV)" and insert "(Code HD)". Delete phrase "Head, Audio-Visual Branch Training and Education Division (Code MTAV)", and insert, "Director of History and Museum Division (Code HD)".

MMN00008

System name: Marine Corps Still Photographic Archives (42 FR 51213).

Changes:

System location: Delete phrase "Audio Visual Branch, Training and Education Division, Manpower Department (Code MTAV)" and insert "Director of History and Museums Division (Code HD)".

Notification procedure: Delete phrase "(Code MTAV)" and insert "(Code HD)".

System name: Joint Military Pay System/Manpower Management System (Jumps/MMS)

Security classification: None

System location: Primary System—Marine Corps Automated Services Center, 1500 East Bannister Road. Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197. Decentralized segments—There are eight satellite/command data processing installations (SDPI/CDPI) which maintain files with similar records at the following locations: SDPI 02, Marine Corps Base, Camp Lejeune, NC 28542; SDPI 03, MarineCorps Base, Camp Pendleton, CA 92055; SDPI 06, FMF Pacific, FPO San Francisco, CA 96610; SDPI 09, Headquarters US Marine Corps, Washington, DC 20380; SDPI 11, Marine Corps Recruit Depot, Parris Island, SC 29905; SDPI 15, Marine Corps Recruit Depot, San Diego, CA 92140; CDPI 17, Marine Corps Base, Quantico, VA 22134; SDPI 27 Marine Corps Base, Camp SD Butler, FPO Seattle, WA 98773; First Marine Brigade, FPO San Francisco, CA 96615.

Categories of individuals covered by the system: All Marine Corps Personnel.

Categories of records in the system:

The JUMPS/MMS automated system of records contains the following fields (data elements and data sets) and sub-fields; Social Security Number and the last, first, and middle initial (key); Name, Member Service Number, Contract Legal Agreement, Duty Limitation, Race/Sex/Ethnic Group, Present Unit Identification, Temporary Reporting Unit Code, Former Unit Identification, Intermediate Unit Identification, Future Unit Identification, Command Data Processing Installation Code, Individual Location, Message Routing Indicator, Pay Entry Base Data, Armed Forces Active Duty Base Date, Active Naval Service Base Date, Current Active Duty Began Date, Date of Enlistment/Acceptance, Date of Original Entry Armed Forces, Date of Birth, Estimated Date of Departure, Estimated Date of Arrival, Date Current Tour Began, Date Detached Last Command, Rotation Tour Date, Date Arrived U S Dependents Not Restricted, Date Arrived U S Enlistment, Careerist Flag, Contract Extension Data, Expiration of Obligated Service, Security Investigation, Permanent Grade , Incentive Pay, Proficiency Pay, Special Pay, Hostile Fire Pay, Basic Allowance for Subsistence, Basic Allowance for Quarters, Duty Status, Last Processing Cycle Information, Project Duty Status, Preference for Duty, Grade for Which Selected, Citizenship, Combat Service, Former Prisoner of War, Civilian Education, Accession Code (Program Enlisted Under), Military Occupational Specialties, Reserved for Future Use, Religion, Tour Control Factor, Sea or Foreign Duty, Program Element Number, Responsibility Center Number, Marital Status, Ethnic Group, Intermediate Monitored Command Code - Estimated Date of Arrival, Current Active Duty Begin Date, Estimated Date of Departure, Special Grade and Date of Rank, Old Reason for Transfer Code, New Reason for Transfer Code, Present Tour Control Factor, Prospective Officers Source Code, Reenlistment Bonus Type, Selective Reenlistment Bonus Zone, Separation Document Type, Composite Score, Armed Services Vocational Aptitude Battery, Deployment Monitored Command Code, Date Dependents Location Begin, Visual Audit Field, Date Joined Present Unit, TAD Excess Flag, TAD DPI, Officers School Graduation, Active Duty Officer Base Date, Active Duty Aviation Service Base Date, Accession Code, Future Tour Control Factor, Intended Transfer Date, Permanent Change of Station Code, Reason for Transfer Flag, Advanced Monitored Command Code, Advanced Monitored Command Code - Estimated Date of Arrival, Intermediate Monitored Command Code - Estimated Date of Arrival, Prospective Officers Source Code, Current Source of Entry Code, Home of Record, Prior Key, Days Lost Current Contract, Separation Document Type, Language Proficiency, Language Aptitude Test, Electronic Technician Selection Test (Enlisted Only), Reserved for Expansion, General Military Subjects Test Results, Classification Test, Computed General Technical or General Classification Test, Armed Forces Qualification Test/Army Qualification Test Score (Enlisted Only), Army Qualification Battery Scores, Service Schools, Dependents Information, Aeronautically Designated Officers & Noncommissioned Officers Information, Date Last Tour Combat/Combat Support Area, Optional Narrative Form, Aeronautically Designated, Officers & Noncommissioned Officers Information, Date Designated Military Pilot, Separation Data, Service Date (Officer), Lineal Control Number/Precedence Number Present Rank, Separation Data Addendum, Lineal Control Number/Precedence Number Permanent Rank, Month Attended Service Academy, Lineal Footnotes, Running Mate, Limited Duty Officer/Warrant Officer Footnotes, Date of Acceptance 1st Commission in the Marine Corps, Date of Rank 1st Commission in the Marine Corps, Date of Rank 1st Commission Limited Duty Officer, Visual Audit, Electronic Data Processing Test Score, Language Aptitude Test Date, Social Security Number Validation Monitor, Last Transfer Processing, Information, Temporary Additional Duty Excess Flag, Temporary Additional Duty Data Processing Installation, Graduates Obligation Code, Active Duty Spouse Identification, Fleet Assistance Program Unit Identification, Active Duty Off Service Base Date, Active Duty Officer Aviation Service Base Date, Program Enlisted For, Operational Flying Time, Operational Flying Computation Date, Operational Flying Start Date, Operational Flying Stop Date, Operational Flying Time Base Date, Operational Flying Gate One, Operational Flying Gate Two, Reserved, Platoon Number, Cycle Number, Last Type Transaction Code Touched, Not used at this time, Today's Date, Disbursing Officers Symbol, Command DPI of Parent Reporting Unit Code, Pay Group, Pay Status, Local Disbursing Office Cognizance, Payment Option/Leave and Earnings Statement Distribution/Pay Distribution Code, Federal Withholding Tax Data, Leave Account, Wage and Tax Summaries, Dependency Status, Dependency Determination, Basic Pay, Pay Grade, Years in Service, Serviceman's Group Life Insurance Deduction, Federal Income Tax Withholding, Federal Indemnity Compensation Act Tax Withholding, Payments, JUMPS Account Standing, Total Allotment Deductions, Last Update and Extract Date, Savings Deposits, Pay Extraction Flag, Regular Reenlistment Bonus, Variable Reenlistment Bonus, Time Lost, De-

tention of Pay, Repayment Date, Dislocation Allowance, Inadequate Quarters, Interim Housing Allowance, Indebtedness for Final Settlement, Incentive Pay 1, Proficiency Pay, Sea and Foreign Duty Pay, Diving Pay, Hostile Fire Pay, Subsistence Credit, Basic Allowance For Quarters, Personal Money Allowance, Family Separation Allowance, Incentive Pay 2; Cost of Living Allowance, Housing Allowance, Additional Federal Tax Withholding, Subsistence Debits, Court Martial/Nonjudicial Punishment Deductions, Miscellaneous Credits, Miscellaneous Debits, Other Continuing Monthly Deductions, Miscellaneous Leave Data, Retired Serviceman's Family Protection Plan Data, Temporary Lodging Allowance, Clothing Maintenance Data, Basic Allowance for Quarters Debits, Pay Change Flag, Pay Day Data, Miscellaneous Data, Check Mailing Address, Other Services Disbursing Officer Indicator, Reduced Tax, Unassigned, Saved Pay Original Entitlement, Saved Pay Current Entitlement, Tax Exclusion/Nonresident Alien Exempt Taxable Pay, Selective Reenlistment Bonus, Officer Status Change Flag, Aviation Career Incentive Pay, Advance Pay and Allowances, Power of Attorney.

The MMS master files consist of a complete magnetic record for each Marine serving on active duty for a period in excess of 30 days. The Remote Entry Data Display Terminal (REDDT) is a subsystem of MMS. It has the capability to directly access an extract of the master file. The procedure used to establish the initial computer record and add the individual to the Marine Corps strength is the accession process. The accession of recruits is accomplished through the Recruit Accession Management Subsystem (RAMS). The Commissioning Accession Management Subsystem (CAMS) is designed to access all officer records into JUMPS/MMS. Accession/ reaccession of all nonrecruit enlisted records is accomplished through the Headquarters Accession Management Subsystem (HAMS) at Headquarters, U S Marine Corps. The Accession Transcription Form (ATF) is an OCR form which contains information extracted from the enlistment contract and transfer/assignment to active duty orders. The ATF is completed and processed to establish the computer record. The Manpower Management Information System (MMIS) consists of models and processes within MMS These models and processes support manpower planners and programmers to optimize assignments to unaccompanied overseas tours, predict enlisted population by grade and military occupational specialty (MOS) and to test various policies related to unrestricted officer promotion planning.

Some manual files containing substantiating documents and other data relative to each member's JUMPS/MMS record are maintained. These file folders may contain any part of the JUMPS/MMS record and any one or more of the following documents: Military Pay Record, Military Payroll Money List, Military Pay Voucher, Certificate for Performance of Hazardous Duty, Application for Arrears in Pay, Cash Collection Voucher, Authorization/Designation for Emergency Pay and Allowances, Wage and Tax Statement, Employees Withholding Exemption Certificate (IRS W-4), Employees Withholding Exemption Certificate (IRS W-4E), Notice of Levy, General Accounting Office Notice of Exemption, Dependency Certificate (Wife or Child Under 21 Years), Dependency Certificate (Mother or Father), Dependency Certificate (Unmarried Child Over 21 Years), Dependency Application, Clothing Checkage, Statement to Substantiate Payment of Family Separation Allowance, Government Property Checkage, Personal Financial Records, Unit Diary, Dependent Travel Record, Allotment/Bond Authorization, Certificate for Cost of Living and/or Housing Allowance, Certificate for Temporary Lodging Allowance, Removal of Mark of Desertion, Field Rations Certificate, Liquidation of Indebtedness, Initial Uniform Allowance for Officers, Additional Uniform Allowance for Officers, Excess Weight-Household Goods Shipment, Hospital Rations Checkage, Excess Expense Involving Movement of House Trailer, Transportation Checkage, Meal Ticket Checkage, Advance Pay, Advance Pay and Allowances, Discharge Gratuity, Combat Arms Bonus, Health Care Coverage, Government Quarters Termination and Assignment. Inadequate Quarters Termination and Assignment, Lump-Sum Leave, Rations Commuted to Private Mess, Reenlistment Bonus, Variable Reenlistment Bonus, Selective Reenlistment Bonus, Sick Misconduct, Prorated Rations, Supplemental Rations, Basic Allowance for Quarters (Own Right).

Authority for maintenance of system:

Title 10 and 37, U S Code Section 5031 and 5201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters relating to their assigned duties.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Federal, state and local government agencies - By officials and employees of federal, state and local government through official request for information with respect to law enforcement, investigatory procedures, criminal prosecution, civil court action and regulatory order.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency inititate criminal or civil action against an individual on behalf of the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U. S. Marine Corps, by the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is recorded on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Computerized and conventional indices are required to retrieve individual records from the system. Normally, all types of records are retrieved by Social Security Number and name.

Safeguards:

Building management employs security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours but must sign in and out. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and Disposal:

Magnetic records are maintained on all Marine Corps personnel while they are in service, and for a period of 4 months after they are separated from the service. Paper and film records are maintained for a period of 10 years after the final transaction. End calendar and fiscal year 'snapshots' of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U. S. Marine Corps.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters U S Marine Corps, Washington, D C 20380.

Notification procedure:

Requests from individuals for information concerning pay relafed matters should be addressed to the Commandant of the Marine Corps (Code FD). Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MP).

Requesting individual must supply full name and Social Security Number.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197 to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

Record access procedures:

Information on JUMPS may be obtained from the member's local disbursing officer. Information on MMS may be obtained from the member's immediate commanding officer. Requests for information from persons no longer in service should be signed by the person requesting the information. Dates of service, Social Security Number, and full name of requester should be printed or typed on the request. It should be sent to the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Recruiting offices, disbursing offices, administrative offices, and the individual Marine are the principle sources of the information contained in the JUMPS/MMS record for that person.

Systems exempted from certain provisions of the Act:

None

MFD00005

System name:

Retired Pay/Personnel System (RPPS)

System location:

Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131; and Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197.

Categories of individuals:

Pay account folders for retired Marine Corps members, Fleet Marine Corps Reservists (FMCR), and survivors of deceased retired and FMCR members, who are entitled to retired pay, retainer pay, and survivor annuities.

Categories of records in the system:

The RPPS automated system of records contains the following fields (data elements and data sets): Retired/Retainer Date; Retainer Date; Pay Change; Information Status; Social Security Number (SSN) and Last, First, and Middle Initial (Key); Deletion Date; SSN; Retired Category Code; Member's Name; Pay Entry Base Date; Service for Pay; Active Service; Other Military Service Number (MSN); Prior MSN/SSN/Key; Rank Code; Recomputation Code; Disability Percent; Heroism Pay; Pay Table Code; Recomputation Age; Retirement Laws; Functional Account Number; Ranks; Birthdates; Pay Delete/ Suspense Code; Retired Serviceman's Family Protection Pay; Reserve Retirement Credit Points; Allotment Data; Withholding Tax Data; Wage and Tax Summaries; Gross Pay; Taxable Pay; Withholding Tax; Dependency Indemnity Compensation; Pension Act of 1944 (Veterans Administration (VA) Waiver); Pension Act of 1964 (Dual Compensation G1); Retired Serviceman's Family Protection Plan; Survivor Benefit Plan; Social Security; Scheduled Collections; Net Pay; Special Handling Code (Check Delivery); Accumulated Summaries; Home Mailing Address; Check Mailing Address; Pay Distribution; Last Change Posted; Date Member Eligible to Retire; Date Arrived Continental United States Without Dependents; Primary Military Occupational Specialty; Districts; Highest Rank Held Satisfactorily; Service Prior to 1 July 1949; Service After 1 July 1949; Active Duty After Transfer to Fleet/Retired Rolls; Date Next Physical Year and Month; VA Disease Codes; Department of Defense Disease Codes; Nearest Hospital (See Table 9); Personnel Accounting Separation - Designator; Earnings Statement Flag; Disability Pay; Change of Address Flag; Last Time Processed by Update-Extractor; SSN Validation; Remarks Area; One-Time Credit/Checkage; Scheduled Collection.

Used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by government agencies.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Computation of retired pay, retainer pay, and survivor annuity accounts, perform audit of accounts, reply to correspondence, etc.

Creation of printed reports, records, checks, microforms, magnetic files, etc., based on information available in the system. This output is used by various departments of the Marine Corps for pay, personnel, audit, and other purposes. Some of this information is made available to authorized local, state, and Federal agencies.

Displaying all or part of any selected record on a cathode-ray tube for research, audit, update, and similar purposes.

Used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by government agencies.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is recorded on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

Safeguards:

Building management employees security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours, but must sign in and out.

Retention and Disposal:

Magnetic records are maintained on all persons who are eligible for retired pay, retainer pay, and survivor annuities while they are alive and for a period of 6 months after that person dies or ceases to be eligible. Paper and film records are maintained for a period of 10 years after the final transaction.

System manager(s) and address:

Commandant of the Marine Corps (Code FD), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Requests from individuals for information should be referred to the SYSMANAGER.

Requesting individual must supply full name and SSN

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197, to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

Record access procedures:

Requests for information relative to the RPPS automated system should be signed by the person requesting the information. Dates of service, SSN, and full name of requester should be printed or typed on the request. It should be sent to the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Documents and correspondence received from Headquarters, U S Marine Corps, the Veterans Administration, the member, changes in laws, etc. are the principle sources of information contained in the RPPS automated system.

Systems exempted from certain provisions of the Act:

None

MFD00008

System name:

Civilian Labor Projection, Operations and Maintenance, MC Budget Report (Job Procedure 5576)

System location:

Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals:

All civilians in pay status.

Categories of records in the system:

Pay rates; scheduled within-grade increases, government portion of fringes.

Authority for maintenance of system:

MCO 7301.56D

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Budget, forecasting of civilian payroll needs for future time periods.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer Paper Printouts

Retrievability:

Employee badge number within Activity code.

Safeguards:

None

Retention and Disposal:

Perpetual; updated quarterly.

System manager(s) and address:

Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Notification procedure:

Information may be obtained from:
Commanding General
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704

Record access procedures:

Request from individuals should be addressed to: Commanding General Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Civilian payrolls

Systems exempted from certain provisions of the Act:

None

MIL00016

System name:

Depot Maintenance Management Subsystem (DMMS)

System location:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704
Marine Corps Logistics Support Base, Pacific, Barstow, California 92311

Categories of individuals:

Any military or civilian employee of USMC Depot Maintenance Activities

Categories of records in the system:

System contains individual's Personal History File, Labor Distribution Reports, Time and Attendance Reports and Payroll Reports

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Logistics Support Bases - To provide payroll support and cost accounting
Congress of the United States
Naval Audit Service - To obtain audit trails for cost accounting
DOD Departments and agencies
USMC staff agencies and commands - To review cost accounting and financial management procedures, to monitor labor distribution
Federal, state, and local tax agencies
General Accounting Office
Treasury Department
Department of Justice

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes and disks, computer paper printouts and microfiche.

Retrievability:

Filed by employee badge number

Safeguards:

Buildings have security personnel. Records are maintained in areas accessible to authorized personnel that are properly screened.

Retention and Disposal:

Records are maintained until end of calendar year in which employee has worked. At the end of one year, the computer magnetic tapes and disks are erased and paper printouts are destroyed by shredding. Microfiche is destroyed by burning.

System manager(s) and address:

Commandant of the Marine Corps (Code LMM), Headquarters, U S Marine Corps, Washington, D C 20380
Director, DMA, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia
Director, DMA, Marine Corps Logistics Support Base, Pacific, Barstow, California

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code LMM), Headquarters, U S Marine Corps Washington, D C 20380
CG, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704
CG, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311

Record access procedures:

Requests from individuals should be addressed to the Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704 or Commanding General, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311.

Written requests for information should contain the full name of the individual, current address, telephone number.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, social security card, etc.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Automated system interfaces
Application and related forms from the individual requesting employment.

Systems exempted from certain provisions of the Act:

None

MIL00017

System name:

Transportation Data Financial Management System (TDFMS)

System location:

Commanding General (Code A470), Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals:

All Marine Corps active duty, reserve, and retired personnel, federal Civil Service employees of the Marine Corps and their dependents.

Categories of records in the system:

The TDFMS Master Files consist of a complete automated record for all Marine Corps active duty, reserve and retired personnel, federal Civil Service employees of the Marine Corps and their

dependents concerning the movement of household goods, personal effects and passenger or personnel transportation by rail, bus, air or other means involving expenditures of Marine Corps funds.

Authority for maintenance of system:

Title 37, U S Code/Title 10, U S Code and Marine Corps Orders within the 4600 Series.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps, Marine Corps activities for analysis and research for budget forecasting; audit, verification, certification of O&MMC, Stock Fund, Reserve, Procurement, MPMC expenditure of Marine Corps funds; identifying movement of material by weight, commodity within areas by FY historical data of commodity movements, related cost, budget forecasting, validation, and special studies.

Marine Corps Supply Center to monitor and certify for payment transportation charges concerning the movement of personal property and personnel and to initiate collection/reimbursement action for cost incurred that exceeds entitlements.

Department of Defense and its components - By officials and employees of the Department in the performance of their offical duties.

The Attorney General of the U S - By officals and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch Agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - The Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the Files.

The Comptroller General of the U S - By the Comptroller or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes and discs, computer printouts, microfiche and microfilm.

Retrievability:

Information is accessed and retrieved by name, social security number, etc. Conventional and computerized indices are required to retrieve individual records from the system.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and Disposal:

Records are maintained until statute of limitations has expired and/or litigation is concluded.

System manager(s) and address:

The Commandant of the Marine Corps (Code LFS), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:
Commanding General (Code A470)
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704
Telephone: Area Code 912/439-5674/5675/5676/5677

Record access procedures:

Written requests from individuals should be addressed to the address listed under the heading LOCATION.

Written requests for information should contain social security number, full name and current address, Government Bill of Lading number (if known), date of shipment or move of household goods.

For personal visits, the individual should be able to provide positive personal identification, such as valid military identification card, drivers license, etc.

Contesting record procedures:

The rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Government and commercial carriers.
Installation Transportation Officers.
Authorized order writing activities.
Paying or disbursing officers.
Marine Corps Manpower Management System

Systems exempted from certain provisions of the Act:

None

MJA00003

System name:

Magistrate Court Case Files

System location:

All Marine Corps activities.

Categories of individuals:

Civilians pending and tried by the assigned Federal magistrate for crimes committed on military reservation.

Categories of records in the system:

Investigative reports, complaints, summons and warrants.

Authority for maintenance of system:

Title 18, U S Code 3041; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Military Prosecutor for preparation of cases for trial by military prosecutor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by name. Conventional indices are required for retrieval.

Safeguards:

Maintained in file cabinet in locked building.

Retention and Disposal:

Retained and destroyed in accordance with SECNAVINST 5212.5B.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Individual is personally served with a subpoena and is shown the file. Requires name for entry.

Record access procedures:

Contact SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Law enforcement reports, bad check transmittal letters from Government agencies.

Systems exempted from certain provisions of the Act:

None

MJA00004

System name:

In Hands of Civil Authorities Case File

System location:

All Marine Corps activities.

Categories of individuals:

All military personnel who are in hands of civil authorities or have charges pending against them by civil authorities.

Categories of records in the system:

Civil court documents, advice to respondent, health statements/certificates and supporting documents pertaining to individual's status.

Authority for maintenance of system:

Title 10, U S Code 814; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Working file utilized in administrative processing of individuals in hands of civil authorities. Used by command personnel in the execution of their official duties in processing individual for report of misconduct and discharge proceedings in accordance with Marine Corps Separation Manual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of individual by calendar year in which processing is completed.

Safeguards:

Records are stored in metal file cabinets in Base Adjutant's office in Building 1, where full-time security is maintained during off-duty hours. Accessible only to authorized personnel in the execution of their official duties.

Retention and Disposal:

On discharged personnel, record incorporated into administrative discharge file. Others retained for two years after completion of calendar year in which processed, then destroyed in accordance with the Navy and Marine Corps Records Disposal Manual.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Service records, health records, civil court documents, law enforcement personnel and various DOD Agencies.

Systems exempted from certain provisions of the Act:

None

MJA00005

System name:

Financial Assistance/Indebtedness Files

System location:

All Marine Corps activities.

Categories of individuals:

Marines identified as owing debts and/or having dependents requiring financial aid.

Categories of records in the system:

File contains name, rank, social security number, military occupational specialty, component, marital and dependency status and supporting documents pertaining to indebtedness and/or financial assistance required.

Authority for maintenance of system:

Title 10, U. S. Code; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Working file once inquiry initiated. Used by command personnel in the execution of their official duties of processing inquiry. Once processing is completed, record is filed in command office of record official correspondence file.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Chronologically by date of response.

Safeguards:

File accessible only to authorized personnel in the execution of their official duties. Maintained in locked building with full time duty personnel present during non-working hours.

Retention and Disposal:

Retained for two years and disposed of in accordance with Navy Marine Corps Records Disposal Instructions.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Previous and current commanders, private individuals and agencies.

Systems exempted from certain provisions of the Act:

None

MJA00008

System name:

Letters of Indebtedness/Credit Inquiry

System location:

All Marine Corps activities.

Categories of individuals:

File on all Marines who receive letters of indebtedness

Categories of records in the system:

All correspondence and findings pertaining to the letter in question.

Authority for maintenance of system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintain a record of credit inquiries and alledged letters of indebtedness received from various firms and individuals, to conduct an investigation to determine validity prior to taking final action. Available to Personnel Officer, Legal Officer, and Commanding Officer, Headquarters Battalion.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Individual file folders

Retrievability:

By name and date

Safeguards:

Maintained in Headquarters files

Retention and Disposal:

One year

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Information may be obtained from:
Commanding Officer, Headquarters Battalion (Code 200)
Marine Corps Supply Activity
Philadelhpia, Pennsylvania 19146

Record access procedures:

Requests from individuals should be addressed to: Commanding Officer, Headquarters Battalion (Code 200), Marine Corps Supply Activity, Philadelphia, Pennsylvania 19146

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Complaintant, other investigating officials and individual concerned

Systems exempted from certain provisions of the Act:

None

MJA00012

System name:

Individual Accounts of Mail Order Clothing (bill file)

System location:

Clothing Section (MAU), Direct Support Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals:

File pertains to all Marine Corps personnel, active, reserve and retired who have a requirement and are authorized clothing, textiles and other related supplies.

Categories of records in the system:

Record includes individual's name, rank, SSN, military address, bill number, dollar amount of the shipment, shipping date and zip code.

Authority for maintenance of system:

NAVCOMPT Manual, Part C, Collection and Reporting of Debts Due the United States.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia. To facilitate in a mechanized atmosphere the collection of information necessary to provide the capability of continued follow up on funds owed and due the U S Government through daily billing, cross referencing and processing of mail order clothing individual accounts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is stored on magnetic tapes and computer paper printouts.

Retrievability:

Data can be retrieved by account number, name and social security number.

Safeguards:

Computer printouts and source documents are retained in a single office accessible only to authorized personnel. Employees are properly trained in safeguarding information of a personal nature.

Retention and Disposal:

Computer records are retained until the bills are satisfied. Computer printouts and source documents are retained for a period of five years. Destruction of records is by mutilation.

System manager(s) and address:

Commanding General, Marine Corps Logistics Support Base, Atlantic Albany, Georgia 31704.

Notification procedure:

Information may be obtained from:
Clothing Section (MAU), Direct Support Stock Control Branch, Materiel Division
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704
Telephone: Area Code 912/439 5837

Record access procedures:

Written requests from individuals should be addressed to Clothing Section (MAU), Direct Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704.

Contesting record procedures:

The agency's rules for access to records, contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Accounting records of the Clothing Section, Direct Support Stock Control Branch, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia, supplemented with information from the employing activity of the individual.

Systems exempted from certain provisions of the Act:
None

MMN00002

System name:

Listing of Retired Marine Corps Personnel

System location:

The Commandant of the Marine Corps
Headquarters, U S Marine Corps
Washington, D C 20380

Categories of individuals:

All retired members of the Marine Corps, including those former Marines in the receipt of disability benefits from the Veteran's Administration.

Categories of records in the system:

The system is a microfiche listing derived from automated sources, depicting the retiree's name, Social Security Number, grade, mailing address and retirement component code.

Authority for maintenance of system:

Title 10, U S Code Section 5201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Marine Corps - For making necessary identification of retired members in the performance of their official duties related to retirement and veterans affairs programs, benefits, entitlements, transportation, hospitalization, education, dependent affairs, etc.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly with the purview of said court.

Congress of the U S - By the Senate or House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Leatherneck Magazine and Marine Corps Gazette - For maintaining their mailing lists of subscribers to these semi-official, professional publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Controlled distribution microfiche listing. Stock copies maintained in locked room.

Retrievability:

Listings in alphabetical order, with officer personnel listed separate from enlisted personnel.

Safeguards:

Building employs security guards. Distribution is strictly controlled.

Retention and Disposal:

Destroyed upon being superceded by updated monthly listing.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MS), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, Social Security Number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Columbia Pike & Arlington Ridge Road, Arlington, Virginia, Room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps
Columbia Pike & Arlington Ridge Road

Arlington, Virginia 20380
Telephone Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Staff agencies and subdivisions of Headquarters, U S Marine Corps
Veterans Administration

Systems exempted from certain provisions of the Act:

None

MMN00005

System name:

Marine Corps Education Program Applicant/Participant Information File

System location:

Primary system - Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Secondary system - Local activity or command to which individual is assigned (See list of activities in Navy Standard Distribution List OPNAV PO9B3-107).

Categories of individuals:

Marine Corps personnel who have submitted written applications for participation in full-time, tuition assistance, off-duty, PREP, or other voluntary education programs.

Categories of records in the system:

File contains copies of individual's applications for participation in an education program; copies of correspondence between the Marine Corps, the individual and academic institutions involved; copies of academic transcripts; miscellaneous academic records and correspondence; test results; previous enrollments and disenrollments; and educational qualification data addressing the individual concerned.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters relating to their assigned duties in connection with educational and vocational counseling, recommendation, evaluation, selection and assignment. Also in the management and control of various educational and vocational programs attended by Marine Corps personnel.

Department of Defense and it's Components - By officials and employees of the Department in the performance of their official duties.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Educational Institutions - By officials and employees of those educational institutions to which the individual applies or which the Marine Corps contracts with, to provide full-time, off-duty or other educational programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files as represented by card files, listings, log books, computer printouts, rosters and file folders stored in filing cabinets.

Retrievability:

Filed alphabetically by last name; by educational institution, educational program or unit of assignment. Cross referenced by SSN

Safeguards:

Records are maintained in limited access working areas and are made available to persons other than the individual addressed only on a strict 'need-to-know' basis. After duty hours storage areas are locked.

Retention and Disposal:

Records are maintained a maximum of three years and then destroyed. In instances where individual completes a program in less than three years, with no incurred service obligation, records are destroyed on program completion or transfer of individual from command maintaining record.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps (Code OTTI)
Washington, D C 20380
Telephone: Area Code 202/694-2109

Record access procedures:

Requests from individuals should be addressed to the commander of the activity to which they are assigned for duty. Activity addresses are contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

Requests from individuals who have made written application for the Special Education Program (SEP), Advanced Degree Program (ADP), Funded Legal Education Program (FLEP), College Degree Program (CDP), Marine Enlisted Commissioning Education Program (MECEP), Navy Enlisted Scientific Education Program (NESEP), Staff NCO Degree Completion Program (SNCODCP), or Marine Associate Degree Completion Program (MADCOP) should be addressed to the Commandant of the Marine Corps, Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Written requests for information should contain name of the individual, current address and telephone number, and the academic program originally requested or in which participated.

For personal visits, the individual should provide personal identification.

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Application and related documents including correspondence from the individual requesting an education program; correspondence originating in the Educational Services Branch or other Headquarters Marine Corps Staff Agencies; academic transcripts from educational institutions; and educational selection board results.

Systems exempted from certain provisions of the Act:

None

MMN00006

System name:

Marine Corps Military Personnel Records (OQR/SRB)

System location:

PRIMARY SYSTEM - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized Segments - Custody of the commanding officer of the organization to which the Marine officer or enlisted individual is assigned for duty or administration of official records (OQR/SRB).

Decentralized Segments - National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132

Categories of individuals:

Headquarters, U S Marine Corps official military personnel records on Marine officers consist of a copy of the appointment acceptance and record and all supporting documents furnished by the officer and generated by Marine Corps procurement procedures necessary to evaluate the individual for a commission in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to a Marine officer's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record

of courts-martial, martial and other disciplinary matters, and other data needed in managing the officer personnel of the Marine Corps and Marine Corps Reserve.

Headquarters, U S Marine Corps official military personnel records on enlisted Marines consist of a duplicate enlistment contract or induction record and all supporting documents furnished by the enlisted Marine or generated by the Marine Corps recruiting procedures necessary to evaluate and approve the Marine for enlistment in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to an enlisted Marine's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial and other disciplinary matters, and other data needed in managing the enlisted personnel of the Marine Corps and Marine Corps Reserve.

Officer Qualification Record (OQR) is a field record of a Marine Officer which accompanies the officer throughout the various assignments of service with the Marine Corps or Marine Corps Reserve. Maintenance and custody of the OQR rests with the commanding officer of the organization to which the Marine officer is assigned for duty or administration of records. This record consists of the original appointment acceptance and record and non-automated records' reflecting information pertaining to the officer's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, military orders and memoranda, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), leave and earnings statements, periodic print-outs of automated record contents, records of courts-martial and other disciplinary matters and any local orders or memoranda necessary for utilization of the Marine officer's background and experience in accomplishing the mission of the command.

Enlisted Service Record Book (SRB) is a field record of an enlisted Marine which accompanies the enlisted Marine throughout the various assignments of service with the Marine Corps or Marine Corps Reserve, maintenance and custody of the SRB rests with the commanding officer of the organization to which the enlisted Marine is assigned for duty or administration of records. This record consists of the original enlistment contract or record of induction and non-automated records furnished by the enlisted Marine or the recruiting procedures in effecting the enlistment or induction of the Marine. This record reflects information pertaining to the Marine's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, duty and conduct evaluations, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), Leave and Earnings statements, periodic print-outs of automated record content, courts-martial and other disciplinary matters, any other local military orders or memoranda necessary for the utilization of the Marine's background and experience in accomplishing the mission of the command.

Categories of records in the system:

Headquarters, U S Marine Corps, Official Military Personnel Records on Marine officers and enlisted are retained and maintained at Headquarters, U S Marine Corps, Washington, D C 20380 from acceptance/enlistment/induction to complete severance from the Marine Corps and the Marine Corps Reserve by retirement or discharge.

OQR/SRB's are retained and maintained by the commanding officer of the Marine Corps or Marine Corps Reserve field command to which the Marine is assigned.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties relating to management of personnel resources; screening and Selection for promotion, training and educational programs; administration of appeals, grievances, discipline, litigations and investigations adjudication of claims, benefits and entitlements; administration and management of retirement and veterans affairs programs; and, the providing of requested information from the records to the Veterans Administration, Social Security Administration, Selective Service System, National Guard, Public Health Service (HEW), U. S. Coast Guard, Immigration and Naturalization Service, Treasury Department, Department of Labor, Department of State, General Accounting Office and State Bonus Bureaus in connection with such functions as processing and adjudication of claims, updating of records, administration of work programs, processing naturalization proceedings and verification of eligibility and entitlement to various benefits and programs.

Officials and employees of other components of DoD in the performance of their official duties relating to screening and selection of members for interservice transfer; procedures for appeals for correction of service records; reviews of discharges from the service; physical evaluations; research analyses; litigations and investigations; clemency and awards reviews and evaluations.

By representatives of the Civil Service Commission in connection with evaluation of prospective federal employees.

By court order in connection with matters before a federal, state or municipal court.

By the Comptroller General or his representatives in the course of the performance of duties relating to decisions or procedures by the General Accounting Office on manpower management programs.

By agents of the Federal Bureau of Investigation, Secret Service and office of Naval Intelligence in connection with matters under the jurisdiction of these investigative bodies upon presentation of credentials.

By private organization under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By investigative, security and law enforcement agents of federal agencies who have submitted written requests for access to Marine Corps military personnel records with justification thereof as pertaining to the conduct of government business under their respective jurisdictions and providing the names of specified agents having a need for such access.

By state and county law enforcement bodies processing applications for employment, when applicants have given written authorization for access to respective military personnel records.

By officials and employees of the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 acting as agent for Headquarters, U S Marine Corps in storage and processing of Marine Corps maintained by that center.

By a Marine or former Marine or such individual(s) designated by him/her in writing for whatever purpose access to or release of their respective records is desired.

By the White House, Secretary of Defense, Secretary of the Navy, and members of Congress in response to inquiries regarding individual Marines.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U S Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U S Marine Corps, by the U S Marine Corps, the Department of the Navy, or the Department of Defense.

By officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders in open shelf filing equipment

Retrievability:

The records maintained at Headquarters, U S Marine Corps (all active and reserve officer records, all temporary disability retired records, all active and organized reserve and Fleet Marine Corps reserve enlisted records of personnel joined/transferred to these components subsequent to 30 June 1974, all former Commandants, all living retired officers (who served in a General Officer grade, records of all personnel separated/retired four months or less) are retrieved by Social Security Number (SSN) and name. Except for OQR's and SRB's of participating members, all other categories of Marine Corps military personnel records are maintained at the National Personnel Records center, St. Louis, Missouri. Those retired

to St. Louis prior to 1 January 1964 and/or those with military service numbers (MSN) below 1800000 are retrieved by MSN and name. All other Marine Corps records retired to St. Louis are accessed by MSN and/or SSN, name and are assigned a Registry Number. These records are retrieved by Registry Number.

Safeguards:

Buildings employs security guards, records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and Disposal:

Records are permanent. Records maintained at Headquarters, U S Marine Corps are transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 four months after separation, placement on the Permanent Disability Retired List, retirement, retirement from Fleet Marine Corps Reserve, death of an officer who served in a General Officer grade and former Marines no longer considered of newsworth status.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Correspondence pertaining to records maintained by Headquarters, U S Marine Corps should be addressed to:
Commandant of the Marine Corps (Code MS)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1043

Correspondence pertaining to records maintained by National Personnel Records Center should be addressed to:
Director, National Personnel Records Center
9700 Page Boulevard
St. Louis, Missouri 63132
Telephone: Area Code 314/268-7155

Correspondence pertaining to OQR and SRB records maintained by the respective commanding officers should be addressed to the command concerned as is shown in the Standard Navy Distribution List - Part 1 (OPNAV P09B3-107)

Correspondence should contain the full name, Social Security Number and signature of the requester. The individual may visit any of the above activities for review of records. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:
Commandant of the Marine Corps (Code MS)
Headquarters, U S Marine Corps
Columbia Pike & Arlington Ridge Road
Arlington, Virginia 20380
Telephone: Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Staff agencies and subdivisions of Headquarters, U S Marine Corps
Marine Corps commands and organizations
other agencies of federal, state, and local governments
Medical reports
Correspondence from financial and other commercial enterprises
Correspondence and records of educational institutions
Correspondence of private citizens addressed directly to the Marine Corps or via the U S Congress and other agencies
Investigations to determine suitability for enlistment, security clearances, and special assignments
Investigations related to disciplinary proceedings

Systems exempted from certain provisions of the Act:

None

MMN00007

System name:

Marine Corps Motion Picture/Instructional Television (ITV) Archives

System location:

Motion Picture and TV Archives, Marine Corps Development and Education Command, Quantico, Virginia

Categories of individuals:

Personnel who have been photographed while participating in Marine Corps related events.

Categories of records in the system:

The archives contains motion picture photography and videotape footage documenting Marine Corps related events.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Material contained in the archives is used for Marine Corps reports, education programs, public information, training programs, recruiting purposes, and for general release to the public. Material is available to other DOD and Federal agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Films and videotapes are stored on film racks in film vaults.

Retrievability:

Personnel identified in the films and videotapes are listed alphabetically in an index system.

Safeguards:

Film vaults are locked when not in use. Only authorized personnel have access. During non-working hours, rooms and buildings containing the films and videotapes are locked.

Retention and Disposal:

Films and videotapes are maintained indefinitely.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code HD)
Headquarters, U. S Marine Corps
washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine Corps (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests should contain full name of the individual, current address and telephone number.

For personal visits, the individual concerned should contact the Director of History and Museums Division, (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380, Telephone: Area Code: 202-433-2616

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Material within the archives is from Marine Corps Field Motion Picture and ITV Facilities.

Systems exempted from certain provisions of the Act:

None

MMN00008

System name:

Marine Corps Still Photographic Archives

System location:

Director of History and Museums Division (Code HD), Headquarters, U. S. Marine Corps, Building 159E, Washington Navy Yard, Washington, D C 20380

Decentralized system - organizational elements of the U. S. Marine Corps maintaining still photographic files.

Categories of individuals:

Personnel who have been photographed while participating in Marine Corps related events.

Categories of records in the system:

The Archives contains documentary photography of Marine Corps related events.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Material contained in the archives is used for Marine Corps reports, education programs, manuals, public information, training programs, recruiting purposes, and for general release to the public. Material is available to other DOD and Federal agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Photographic records are maintained in large Dibold file machines.

Retrievability:

Personnel identified in the photographic records are listed alphabetically in an index system.

Safeguards:

Photographic records are maintained in large Dibold file machines which are locked when not in use. Only authorized personnel have access. During non-working hours, rooms containing the records are locked.

Retention and Disposal:

A 25-year archives is maintained. Older records are trans- ferred to the National Archives, Washington, D C

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized systems managed by local commands.

Notification procedure:

Information may be obtained from:

Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine Corps (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests should contain full name of the individual, current address and telephone number.

For personal visits the individual should proceed to: Washington Navy Yard, Building 159E, Washington, D C

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

All material within the archives is from either Marine Corps Field Photographic Facilities or from Private donations.

Systems exempted from certain provisions of the Act:

None

Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine

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federal register

WEDNESDAY, FEBRUARY 8, 1978
PART III

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

■

AREA DEVELOPMENT ASSISTANCE PLANNING GRANTS

Rural Development

[78-3433]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FmHA Instruction 1948-A]

[7 CFR Part 1948]

AREA DEVELOPMENT ASSISTANCE PLANNING GRANTS

Section 306(a)(11) Area Development Assistance Planning Grants for Comprehensive Planning for Rural Development

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes regulations concerning Area Development Assistance Grants for comprehensive planning for rural development. The intended effect of this action is to provide regulations for the making of grants to eligible organizations for comprehensive planning for rural development. This action is required in order to comply with Pub. L. 92-419.

DATES: Comments must be received on or before March 10, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Kugler, 202-447-2573.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration proposes to establish a new Subpart A and Part 1948, in Subchapter K of Chapter XVIII, Title 7, Code of Federal Regulations. This part will set forth proposed policies and procedures to implement Sec. 306(a)(11) of the Consolidated Farm and Rural Development Act concerning Area Development Assistance Planning Grants for comprehensive planning for rural development.

As added, Subpart A of Part 1948 reads as follows:

Subpart A—Area Development Assistance Planning Grants

Sec.

1948.1 General.
1948.2 [Reserved].
1948.3 Objectives.
1948.4 [Reserved].
1948.5 Definitions.
1948.6 [Reserved].
1948.7 Source of funds.
1948.8-.9 [Reserved].
1948.10 Financial support.
1948.11-.12 [Reserved].
1948.13 Applicant eligibility.
1948.14 [Reserved].
1948.15 Comprehensive Planning Projects for Rural Development.
1948.16-.17 [Reserved].
1948.18 Grant purposes.
1948.19 [Reserved].
1948.20 Ineligible activities.
1948.21-.22 [Reserved].
1948.23 Environmental Impact requirements.
1948.24 Historic Preservation requirements.
1948.25-.26 [Reserved].
1948.27 Equal Opportunity requirements.
1948.28 [Reserved].
1948.29 Application procedure.
1948.30-.31 [Reserved].
1948.32 Grant selection.
1948.33-.34 [Reserved].
1948.35 Grant approval and announcement.
1948.36-.39 [Reserved].
1948.40 Grant closing and fund disbursement.
1948.41-.42 [Reserved].
1948.43 Grant monitoring.
1948.44 [Reserved].
1948.45 Reporting requirements.
1948.46 [Reserved].
1948.47 Grant Agreement.
1948.48-.50 [Reserved].
Exhibit A—Grant Agreement Comphensive Planning for Rural Development.

AUTHORITY—7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart A—Area Development Assistance Planning Grants

§ 1948.1 General.

This Subpart sets forth the policies and procedures for making grants under Section 306(a)(11) of the Consolidated Farm and Rural Development Act, Area Development Assistance Planning Grants for comprehensive planning for rural development. The Farmers Home Administration (FmHA) will fully consider all A-95 clearinghouse review comments and recommendations in selecting applications for funding. The appropriate vehicle for State Rural Development Committee comments shall be the A-95 review process. Federall recognized Indian Tribes are exempted from the provisions of the Office of Management and Budget (OMB) Circular A-95.

§ 1948.2 [Reserved]

§ 1948.3 Objectives.

The objective of the Area Development Assistance Planning Grant Program is to contribute to the development of comprehensive planning for rural development, especially as such planning affects the unemployed, the underemployed, those with low family income, and minorities, by providing grants which will:

(a) Make possible the development of comprehensive planning processes for rural areas;

(b) Enable rural areas which already have plans to revise them and/or fill critical gaps when this is needed to ensure an integrated, usable package;

(c) Support the development of an aspect or aspects of a comprehensive planning process provided this will make it possible to put the plan into action. The actions should be consistent with other community plans..

§ 1948.4 [Reserved]

§ 1948.5 Definitions.

Terms used in this Subpart have the following meanings:

(a) "Clearinghouse" includes:

(1) "State Clearinghouse"—agency of the State Government designated by the Governor or by State law to carry out the requirements of OMB Circular A-95.

(2) "Areawide clearinghouse"—an areawide agency designated by OMB or by the Governor or by State law to carry out the requirements of OMB Circular A-95.

(b) "Comprehensive planning" means a continuing process which develops guides for action which include goals, objectives, priorities, policies, or procedures relating to the provision of community facilities and/or other governmental services, and the effective development and utilization of human and natural resources. Rural comprehensive planning includes but is not limited to: (1) The provision of leadership, coordination, citizen involvement, data collection, and technical analysis; (2) the determination of planning project effectiveness through continuing evaluation; (3) the establishment of mechanisms for implementation; and (4) the provision of opportunities for citizens and governmental units to affect the overall rural development policy-making process.

(c) "Grantee" means an entity with whom FmHA has entered into a grant agreement under this program.

(d) "Rural" and "rural area" shall not include any area in any city or town which has a population in excess of ten thousand inhabitants.

(e) "Rural development policy-making process" means a process of problem and issue identification, evaluation and selection of policy and strategy options, monitoring and assessing effectiveness of strategies, and program implementation which systematically involves relevant Federal, State, and local government agencies, public and consumer interest groups, and the private sector.

(f) "Rural development strategy" means a coordinated set of Federal, State, and local actions targeted to the specific needs of diverse rural areas.

(g) "State" means any of the fifty States, Puerto Rico, or the Virgin Islands.

(h) "Substate district" means a county or group of contiguous coun-

ties or other multijurisdictional areas having common or related social, economic, or physical characteristics indicating a community of developmental interests and which have been formally designated or recognized by the State as an appropriate area for planning.

(i) "Units of general local government" means any county, parish, city, town, township, village, or other general purpose political subdivisions of a State, authorized to engage in comprehensive planning by law or State designation.

§ 1948.6 [Reserved]

§ 1948.7 Source of funds.

All grants awarded will be made from appropriated funds specifically allotted for this program.

§ 1948.8–§ 1948.9 [Reserved]

§ 1948.10 Financial support.

(a) Grants will not exceed 75 percent of the total funds required for the planning project. The Grantee's share must equal at least 25 percent of the total project costs, half of this share being cash and the other half being services or cash or a combination of both.

(b) Indirect costs associated with the project must not exceed 25 percent of the direct costs. Indirect costs shall include those incurred for a common or joint purpose benefiting more than one of the Grantee's programs and which are not susceptible to assignment as direct costs without an effort disproportionate to the results achieved.

(c) Grantees may request subsequent grants for comprehensive planning purposes subject ot the criteria contained in these regulations.

§ 1948.11–§ 1948.12 [Reserved]

§ 1948.13 Applicant eligibility.

(a) Organizations eligible for grants include units of general local government, substate district organizations, areawide comprehensive planning agencies, regional and local planning commissions, State governments, Indian tribes or Nations on Federal or State reservations and Federally or State recognized Indian Tribes of Nations, and public, quasi-public, or private nonprofit organizations as may have authorization to prepare comprehensive plans for rural development or specific aspects of rural development. An applicant must have authority to receive and spend Federal and other funds and to contract for planning purposes. Applicants will furnish FmHA with evidence of legal existence and authority to prepare comprehensive plans for rural development or specific aspects of rural development.

(b) Except for Federally recognized Indian Tribes, an applicant for multijurisdictional area planning, if the applicant is other than the areawide comprehensive planning agency designated pursuant to OMB Circular A-95, shall submit an agreement between the applicant and such areawide between the applicant and such areawide agency covering the means by which their planning project activities will be coordinated. Such agreement will cover but need not be limited to the following:

(1) Identification of relationships between the planning project activities and the areawide comprehensive planning agency which will require coordination;

(2) The organizational and procedural arrangements for coordinating activities such as common board membership, procedures for joint reviews of projected activities and policies, and information exchange;

(3) Cooperative arrangements for sharing planning resources including funds, personnel, facilities, and services; and

(4) Agreements regarding social, economic, demographic, and environmental base data, statistics, and projections constituting the basis on which planning in the area will proceed.

When the applicant has been unable to develop such an agreement, a statement will be submitted to FmHA indicating what efforts have been made to secure an agreement and issues which have prevented obtaining it. In such case FmHA, in consultation with the State clearinghouse, will undertake to resolve these issues within 30 days of receipt of the application and before approving the application.

§ 1948.14 [Reserved]

§ 1948.15 Comprehensive Planning Projects for Rural Development.

(a) The rural area to be covered in a planning project may be any area where the people have common or closely related problems or interests. The area covered may not include any area in any city or town which has a population of more than ten thousand people.

(b) Planning projects financed with FmHA grants should consider present population distribution, projected population growth or decline, economic conditions and trends of the rural area concerned, and other area functions which are deemed essential for orderly growth of the rural area invovled. The planning projects may include, but need not be limited to, the addressing of rural needs in the areas of housing, energy, community facilities, health, transportation, education, recreation, resource conservation, and the development of land for residential, agricultural, commercial, and industrial uses.

(c) Each planning project should analyze planning alternatives for the rural area. Consideration should be given to the recommendations and services available from local, State, Federal, and private agencies and private individuals.

(1) If the rural area to be covered is in an area covered by a State or regional plan, the plan already developed for the larger area must be carefully considered to avoid conflict or duplication.

(2) Each planning project should be coordinated with other comprehensive or special purpose plans including overall economic development plans and local industrial development plans.

(3) To the fullest extent possible, planning projects should be coordinated with related planning and development activities presently carried out by the areawide A-95 clearinghouse agency.

§ 1948.16–§ 1948.17 [Reserved]

§ 1948.18 Grant purposes.

Grant funds may be used for the preparation of comprehensive plans and for comprehensive planning purposes, as set forth in the grant agreement, including but not limited to:

(a) Payment of salaries of professional, technical, and clerical staff to carry out rural comprehensive planning and evaluation;

(b) Payment of necessary reasonable office expenses such as office rental, office utilities, and office equipment rental;

(c) Purchase of office supplies;

(d) Payment of necessary reasonable administrative costs such as workmen's compensation, liability insurance, employer's share of social security, and travel;

(e) Payment of costs to undertake tests or surveys necessary for the planning activity.

§ 1948.19 [Reserved].

§ 1948.20 Ineligible activities.

Grant funds may not be used for:

(a) Acquisition, construction, repair, or rehabilitation of development items, or permanent construction items which may be used in final operation;

(b) Replacement or substitution of any financial support previously provided or assured from any other source.

(c) Duplication of current services.

(d) Political activities.

§ 1948.21–§ 1948.22 [Reserved]

§ 1948.23 Environmental Impact requirements.

The policies and regulations contained in Part 1901, Subpart G of this

Chapter apply to grants made under this Part.

§ 1948.24 Historic Preservation requirements.

The policies and regulations contained in Part 1901, Subpart F of this Chapter apply to grants made under this Part.

§ 1948.25–§ 1948.26 [Reserved]

§ 1948.27 Equal Opportunity requirements.

The policies and regulations contained in part 1901, Subpart E of this Chapter apply to grants made under this Part.

§ 1948.28 [Reserved]

§ 1948.29 Application procedure.

(a) Except for Federally recognized Indian Tribes, all applicants should notify the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A-95.

(b) Applicants will file Form AD-621, "Preapplication for Federal Assistance," which is available in all FmHA offices, with the appropriate FmHA County Office. The County Office will forward the preapplications with written comments within five working days to the State Office. The State Office will forward the preapplications with written comments within five working days to the Administrator, Farmers Home Administration, Washington, D.C. 20250.

(c) Nonprofit and substate district applicants should submit written concurrence from the county governments affected that the project is beneficial and does not duplicate county activities.

(d) All preapplications shall be accompanied by:

(1) Evidence of applicant's legal existence;

(2) Evidence of applicant's authority to prepare comprehensive plans for rural development or specific aspects of rural development; and

(3) A statement declaring whether multijurisdictional planning is contemplated.

(e) Upon receipt of a preapplication, FmHA National Office will:

(1) Determine whether the area to be included in the plan is a rural area;

(2) Determine whether the applicant organization has the authority to prepare comprehensive plans for rural development or specific aspects of rural development; and

(3) Respond to the applicant within 45 days of the date of receipt of the preapplication on Form AD-622, "Notice of Preapplication Review Action," indicating the action taken on the preapplication.

(f) Upon notification on Form AD-622 that the applicant is eligible to compete with other applicants for funding, an application on Form AD-623, "Application for Federal Assistance (Nonconstruction Programs)," may be submitted to FmHA consistent with paragraphs (a) through (e) of this section.

(g) Upon receipt of an application on Form AD-623 by FmHA National Office, a docket shall be prepared which will include the following:

(1) Preapplication on Form AD-621;

(2) Notice of Preapplication Review Action on Form AD-622;

(3) A-95 Clearinghouse comments;

(4) Application on Form AD-623;

(5) Evidence of the applicant's legal existence and authority to prepare comprehensive plans for rural development or specific aspects of rural development;

(6) Grant agreement;

(7) Form FmHA 440-1, "Request for Obligation of Funds;"

(8) Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request;"

(9) Form FmHA 442-14, "Association Project Fund Analysis;"

(10) Form FmHA 400-4, "Nondiscrimination Agreement;"

(11) From FmHA 400-1, "Equal Opportunity Agreement;"

(12) Multijurisdictional Agreement, if required;

(13) Form FmHA 449-10, "Applicant's Environmental Impact Evaluation;"

(14) Form FmHA 440-46, "Environmental Impact Assessment."

§ 1948.30–§ 1948.31 [Reserved].

§ 1948.32 Grant selection.

The following specific criteria will be considered in the competitive seletion of grant recipients:

(a) Current rural development planning needs and priorities of the rural area covered by the application;

(b) How well the applicant proposes to meet objectives of the program and the rural development planning needs and priorities of the rural area concerned;

(c) The extent to which the project will assist the unemployed, the underemployed, those with low family incomes, and minorities;

(d) The extent of citizen participation and involvement in the development of the application and project;

(e) Applicant's demonstrated capability and past performance in administering its programs;

(f) The nature of comments and recommendations from the A-95 clearinghouse;

(g) The extent of planned coordination with other Federal, State, substate, and local planning activities affected by the project;

(h) How well the proposed project will promote an effective rural development strategy.

§ 1948.33–§ 1948.34 [Reserved]

§ 1948.35 Grant approval and announcement.

(a) FmHA National Office will review the docket to determine whether the proposed grant complies with these regulations and that funds are available.

(b) If a grant is not approved after the docket is developed, FmHA National Office will notify the applicant in writing of the reasons for rejection.

(c) If a grant is recommended, Form FmHA 440-1, "Request for Obligation of Funds," and the proposed grant agreement will be prepared and forwarded to the Administrator. If the Administrator approves the grant he will: (1) Send completed Form FmHA 071-1, "Project Information Card," to the Director of Information, Farmers Home Administration. The Director of Information will make announcements as provided in FmHA Instruction 2015 Subpart C which is available in all FmHA offices.

(2) Five working days after sending form FmHA 071-1 to the Director of Information, the Administrator will: (i) Send executed Form FmHA 440-1 to the Finance Office and the applicant; and

(ii) Send four copies of the grant agreement to the applicant requesting that the applicant sign the agreements and return them to the Administrator, Farmers Home Administration, Washington, D.C. 20250.

(d) If it is determined that a project will not be funded or if major changes in the scope of the project are made after release of the approval announcement, the Administrator will notify the Director of Information by telephone giving the reasons for such action. The Director of Information will inform all parties who were notified by the project announcement if the project will not be funded or of major changes in the project, using a procedure similar to the announcement process. Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," will not be submitted to the Finance Office until five working days after notifying the Director of Information.

§ 1948.36–§ 1948.39 [Reserved]

§ 1948.40 Grant closing and fund disbursement.

Closing is the process by which FmHA determines that applicable administrative actions have been completed and the grant agreement is signed. The grant agreement (Exhibit A) will be executed by the Administrator at the time the initial request for grant funds is made. An executed original of the grant agreement shall be sent to the grantee and two copies sent to the appropriate FmHA State Director.

§ 1948.41–§ 1948.42 [Reserved]

§ 1948.43 Grant monitoring.

Each grant will be monitored by FmHA to ensure that the Grantee is complying with the terms of the grant and that the planning project activity is completed as approved. Ordinarily this will involve a review of quarterly and final reports by FmHA.

§ 1948.44 [Reserved]

§ 1948.45 Reporting requirements.

Standard Form 270, "Request for Advance or Reimbursement," and a project performance activity report will be required of all Grantees on a quarterly basis. Standard Form 269, "Financial Status Report," and a final project performance report will also be required. These final reports may serve as the last quarterly reports. Grantees shall constantly monitor performance to insure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. All Grantees should submit an original of each report to FmHA National Office and two copies to the appropriate FmHA State Office. The project performance reports shall include but need not be limited to the following:

(a) A comparison of actual accomplishments to the objectives established for the period;

(b) Reasons why established objectives were not met;

(c) Problems, delays, or adverse conditions which will materially affect attainment of planning project objectives, prevent the meeting of time schedules of objectives, or preclude the attainment of project work elements during established time periods; this disclosure shall be accompanied by a statement of the action taken or contemplated and any Federal assistance needed to resolve the situation;

(d) Objectives established for the next reporting period.

§ 1948.46 [Reserved]

§ 1948.47 Grant agreement.

Exhibit A of this subpart is a grant agreement which sets forth the procedures for making and servicing Area Development Assistance Planning Grants.

§ 1948.48–§ 1948.50 [Reserved]

EXHIBIT A

GRANT AGREEMENT

Comprehensive Planning for Rural Development

This Agreement is between ———— (name) ———— (address), (Grantee) and the United States of America acting through the Farmers Home Administration (Grantor or FmHA). Grantee has determined to undertake certain comprehensive planning at an estimated cost of $—— and has duly authorized such planning. Grantee shall finance $—— of the costs through cash and in-kind contributions. Of that amount, $—— shall be in cash. The Grantor agrees to grant to Grantee a sum not to exceed $—— subject to the terms and conditions established by the Grantor; provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306(a)(11) of the Consolidated Farm and Rural Development Act (7 USC 1926(a)(11)) for the purpose only of defraying a part of the planning costs as permitted by applicable Farmers Home Administration regulations:

Part A

Grantor and Grantee agree: 1. This agreement shall be effective when executed by both parties.

2. The work program set out below shall be completed within ———— days from the date of this agreement.

3. (a) The ratio of Federal and non-Federal contributions to the total budget is —— percent and —— percent, respectively. The same ratio will be used to establish the Federal and non-Federal share of allowable project cost, as determined by the Grantor, in accordance with provisions of FmHA regulations, the total of which costs will not exceed the grant total amounts shown in the approved grant budget. In no event will the grants exceed $—— or 75 percent of the total eligible costs of the Grantee whichever is the lesser. Use of grant funds for travel which is determined as being necessary to the program for which the grant is established may be subject to the travel policies of the Grantee institution if they are uniformly applied regardless of the source of funds in determining the amounts and types of reimbursable travel expenses of Grantee staff and consultants. Where the Grantee institution does not have such specific policies uniformly applied, the U.S. Standard Government Travel Regulations shall apply in determining the amount charged to the grant. Grantee may purchase furniture and office equipment only if specifically approved in the work program. Approval will be given only when Grantee demonstrates that purchase is necessary and would result in less cost to the Government in providing Federal-share funds or to the Grantee in providing its contributions. Commercial purchase under these circumstances will be approved only after consideration of Federal Supply sources.

(b) Expenses and Purchases Excluded: (i) In no event shall the Grantee expend or request reimbursement from Federal-share funds for obligations entered into or for costs incurred or accrued prior to the effective date of this grant.

(ii) Funds budgeted under this grant may not be used for entertainment expenses.

(iii) Funds budgeted under this grant may not be used to pay for capital assets, the purchase of real estate or vehicles, improvement and renovation of space, and repair and maintenance of privately-owned vehicles.

(c) Grant funds shall not be used to replace any financial support previously provided or assured from any other source. The Grantee agrees that the general level of expenditure by the Grantee for the benefit of program area and/or program covered by this agreement shall be maintained and not reduced as a result of the Federal share funds received under this grant.

4. (a) Grant funds will be disbursed as follows: (i) 30 percent of grant funds will be disbursed upon receipt from Grantee of the executed grant agreement.

(ii) A sum which, taken together with the sum provided in (i) above, will not exceed 70 percent of grant funds, will be based on projected needs for the ensuing quarter and will be disbursed after receipt of the first quarter performance report and Standard Form 270, "Request for Advance and Reimbursement."

(iii) A sum which, taken together with the sums provided in (i) and (ii) above, will not exceed 100 percent of grant funds will be based on projected needs for the ensuing quarter and will be disbursed after receipt of the second quarter performance report and Standard Form 270.

(iv) A sum which, taken together with the sums previously provided, will not exceed 100 percent of grant funds and will be based on the projected needs for the ensuing quarter will be disbursed after receipt of the third quarter performance report and Standard Form 270.

It is estimated that grant payments will be made on or near the beginning of each of the periods listed below, and in the corresponding amounts:

Period and Amount

———————————————

———————————————

———————————————

(b) All officers of Grantee organization authorized to receive and/or disburse Federal funds shall be covered by fidelity bond in the amount of $—— each. FmHA will delay all payments until it receives satisfactory evidence of such bonding from the Grantee.

(c) Contributions by the Grantee, whether in cash or in-kind, are expected to be paid out at the same general rate as Grantor funds. In any event, one-half of the Grantee's share of projected costs shall be available, incurred, or expended by the time one-half of the Grantor's share has been disbursed. Exceptions to this mid-point, pro rata requirement must be approved in writing by the Grantor.

(d) Where the Grantee shall have claimed credit for contributions-in-kind to the total cost of allowable expenses, the evaluation of such contributions-in-kind shall be subject to reevaluation by the Grantor at any time, and any deficiency so determined by the Grantor shall be compensated by supplemental contributions by the Grantee as a condition for further disbursements by the Grantor.

(e) Grant funds will be placed in a bank account(s) which shall be insured by Federal Deposit Insurance Corporation (FDIC). If for any reason grant funds are invested, income earned on such investments shall be identified as interest income on grant fund and forwarded to the Finance Office, FmHA, St. Louis, Missouri, unless the grantee is a State. "State" includes instrumen-

talities of a State but not political subdivision of a State. A State grantee is not accountable for interest earned on grant funds. Investments may be in obligations of the United States or accounts insured by the FDIC,which investments may be readily liquidated.

5. The Grantee will submit Performance and Financial reports as indicated below:

(a) Quarterly, an original and 2 copies of Standard Form 270, "Request for Advance or Reimbursement," and a Project Performance report according to the Schedule below:

Period and Due Date

_____

_____

_____

(b) Final, an original and 2 copies of Standard From 269, "Finanical Status Report," and a Project Performance report according to the schedule below:

Period and Due Date

_____

_____

_____

NOTE.—Final reports may serve as the last quartely reports.

(c) The original copy of reports and forms is to be submitted to the Administrator, Farmers Home Administration, Washington, D.C. 20250. The two copies of reports should be submitted to the appropriate FmHA State Office.

6. The budget covered by this agreement is:

(a) Federal Contribution: $———. Grantee Contribution—Cash: $———. In-kind: $———. Total $———.

(b)

Budget categories	Federal funds	Non-Federal share		Total
		Cash	in kind	
Direct costs:				
1. Personnel	$	$		$
2. Fringe benefits				
3. Travel				
4. Equipment				
5. Supplies				
6. Contractual				
7. Other				
Total direct costs	$	$		$
8. indirect costs				
Total	$	$		$

(c) Authorized maximums for annual staff salaries chargeable to this grant are set out below. Any deviation must have prior written approval by the Administrator, Farmers Home Administration.

Position	Maximum annual salary	Percentage chargeable to the grant (if under 100 pct and maximum salary)
	$	

(d) Funds may be transferred within budget categories except for authorized maximums listed in (c) above. Any expenditure above the amount approved for travel must have prior written approval from FmHA.

7. (a) The work program is described in the attached exhibit 1. The Grantee accepts responsibility for establishing a development process which will expand the capacity of citizens to improve local conditions and alleviate problems associated with unemployment, underemployment, those with low family incomes, and minorities in the Grantee area. The Grantee shall:

(i) Endeavor to coordinate and provide liaison with State development organizations, where they exist.

(ii) Provide continuing information to FmHA on the status of Grantee programs, projects, related activities, and problems.

(iii) Contribute to a national rural development policy-making process.

(iv) Contribute to development of a national rural development strategy.

(b) The Grantee shall inform the Grantor as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which materially affect the ability to attain program objectives, prevent the meeting of time schedules or goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Grantor assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

PART B

Grantee agrees: 1. To comply with property management standards established by Attachment N of OMB Circular A-102 for expendable and nonexpendable personal property. "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence—such as patents, inventions, and copyrights. "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquistion cost of $300 or more per unit. A Grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above. "Expendable personal property" refers to all tangible personal property other than nonexpendable property. When nonexpendable tangible property is acquired by a Grantee with project funds, title shall not be taken by the Federal Government but shall vest in the Grantee subject to the following conditions:

(a) Right to transfer title. For items of nonexpendable personal property having a unit acquistition cost of $1,000 or more, FmHA may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(1) The property shall be appropriately identified in the grant or otherwise made known to the Grantee in writing.

(2) FmHA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If FmHA fails to issue disposition instructions within the 120 calendar day period, the Grantee shall apply the standards of paragraph (4) below.

(3) When FmHA exercises its right to take title, the personal property shall be subject to the provisions for federally owned nonexpendable property discussed in paragraph (4), below.

(4) When title is transferred either to the Federal Government or to a third party and the Grantee is instructed to ship the property elsewhere, the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(b) Use of other tangible nonexpendable property for which the Grantee has title.

(1) The Grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the grantee shall use the property in connection with its other federally sponsored activities, in the following order of priority:

(a) Activities sponsored by FmHA.

(b) Activities sponsored by other Federal agencies.

(2) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the Grantee shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was not originally acquired. First preference for such other use shall be given to other projects or programs sponsored by FmHA; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissable if authorized by FmHA. User charges should be considered if appropriate.

(c) Disposition of other nonexpendable property. When the Grantee no longer needs the property as provided in 1(a)(4) above, the property may be used for other activities in accordance with the following standards:

(1) Nonexpendable property with a unit acquisition cost of less than $1,000. The Grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(2) Nonexpendable personal property with a unit acquistion cost of $1,000 or more. The Grantee may retain the property for other uses provided that compensation is made to FmHA or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the Grantee has no need for the property and the property has further use value, the Grantee shall request disposition

instructions from the original Grantor agency.

FmHA shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by FmHA to determine whether a requirement for the property exists in other Federal agencies. FmHA shall issue instructions to the Grantee no later than 120 days after the Grantee request and the following procedures shall govern:

(a) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the property and reimburse FmHA an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(b) If the Grantee is instructed to dispose of the property other than as described in 1(a)(4) above, the Grantee shall be reimbursed by FmHA for such costs incurred in its disposition.

(c) Property management standards for nonexpendable property. The Grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include:

(a) A description of the property.

(b) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(c) Source of the property including grant or other agreement number.

(d) Whether title vests in the Grantee or the Federal Government.

(e) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(f) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government.)

(g) Location, use and condition of the property and the date the information was reported.

(h) Unit acquisition cost.

(i) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a Grantee compensates the Federal agency for its share.

(2) Property owned by the Federal Government must be marked to indicate Federal ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The Grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the porperty. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the Grantee shall promptly notify FmHA.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the Grantee is authorized or required to sell the propery, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(7) Expendable personal property shall vest in the Grantee upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant and if the property is not needed for any other federally sponsored project or program, the Grantee shall retain the property for use on nonfederally-sponsored activities, or sell it, but must in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

2. To provide Financial Management Systems which will include:

(a) Accurate, current, and complete disclosure of the financial results of each grant. Financial Reporting will be on an accrual basis.

(b) Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Accounting records supported by source documentation.

3. To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee which are pertinent to the specific grant program for the purpose of making audit, examination, excerpts, and transcripts.

4. To provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

5. To provide information as requested by the Grantor concerning the Grantee's actions in soliciting citizen participation in the application process, including published notice of public hearings, actual public hearings held, and content of written comments received.

6. To provide an audit report prepared in sufficient detail to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations, and this agreement.

7. To account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes unless the Grantee is a State. See Part A 4.(e) above.

8. Not to encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in Part B 1.

9. To provide Grantor with such periodic reports as it may require of its operations by designated representative of the Grantor.

10. To execute Form FHA 400-1, "Equal Opportunity Agreement," to execute FHA 400-4, "Nondiscrimination Agreement," and to execute any other agreements required by Grantor to implement the civil rights requirements.

11. To include in all contracts in excess of $100,000 a provision for compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Grantor and the Regional Office of the Environmental Protection Agency.

12. That, upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to Grantor forthwith the original principal amount of the grant stated hereinabove, with interest at the rate of five percentum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulation under which this grant is made.

13. That no member of Congress shall be admitted to any share or part of this Grant, or any benefit that may arise therefrom; but this provision shall not be construed to bar as a contractor under the Grant a publicly held corporation whose ownership might include a member of Congress.

14. That all non-confidential information resulting from its activities shall be made available to the general public on an equal basis.

15. That the purpose and scope of work for which this grant is made shall not duplicate programs for which monies have been received, are committed, or are applied for from other sources, public and private.

16. That the Grantee shall relinquish any and all copyrights and/or copyright rights and/or privileges to the materials developed under this grant, such material being the sole property of the Federal Government. In the event any developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

17. That the Grantee shall submit to FmHA for review and approval all contracts with consultants to be paid by grant funds under this agreement. The contract, including the schedule of fees and charges and provisions for payment, muist be reviewed and approved by FmHA before it is executed by the recipient organization.

18. To the following termination provisions:

(a) Termination for cause: The Grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. The Grantor agency shall promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) Termination for convenience. The Grantor agency or Grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Grantor agency shall allow full credit to the Grantee for the Federal share of the noncancelable obligations, properly incurred by the Grantee prior to terminations.

PART C

Grantor agrees: 1. That it will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans and with any State or area plans for the area in which the project is located.

2. That at its sole discretion, Grantor may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

This agreement is subject to current Grantor regulations and any future regulations not inconsistent with the express terms hereof.

Grantee on ————, 19—, has caused this agreement to be executed by its duly authorized ———— and attested and its corporate seal affixed by its duly authorized ————.

Attest:

Grantee ————

By ————
(Title)

By ————
(Title)

Grantor: U.S. OF AMERICA,
FARMERS HOME ADMINISTRATION,

By ————
(Title)

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

Dated: February 2, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-3433-Filed 2-7-78; 8:45 am]