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federal register

TUESDAY, FEBRUARY 21, 1978

highlights

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

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

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

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

federal register

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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.

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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture; Department of Health, Education, and Welfare; U.S. International Trade Commission; Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Subpart C of Part 213 is amended as follows:

Department of Agriculture—(1) one position of Confidential Assistant to the Administrator, Rural Development Service, is revoked because the need for the position no longer exists. (2) One position of Assistant to the Administrator (Assistant Administrator, Policy Coordination and Training), Rural Development is excepted under Schedule C because it is confidential in nature.

Department of Health, Education, and Welfare—one additional position of Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare) is excepted under Schedule C because it is confidential in nature.

U.S. International Trade Commission—one position of Secretary to a Commission is reestablished under Schedule C, because it is confidential in nature, under the new title of Staff Assistant to a Commissioner.

Department of Housing and Urban Development—one position of Executive Assistant to the Assistant Secretary for Policy Development and Research is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(t)(1), 213.3316(f)(9), 213.3339(a), and 213.3384(i)(5) are amended; and 213.3313(t)(3) is added as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

(t) *Rural Development Service.* (1) Two Confidential Assistants to the Administrator.

* * * * *

(3) One Assistant to the Administrator (Assistant Administrator, Policy Coordination and Training).

* * * * *

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(9) Two Special Assistants to the Deputy Assistant Secretary for Legislation (Welfare).

* * * * *

§ 213.3339 U.S. International Trade Commission.

(a) One Staff Assistant, one Administrative Assistant, and one Staff Assistant (Legal) to a Commissioner.

* * * * *

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(i) *Office of the Assistant Secretary for Policy Development and Research.* * * *

(5) Two Special Assistants, one Staff Assistant, and one Executive Assistant to the Assistant Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-4549 Filed 2-17-78; 8:45 am]

[3410-07]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 424.1]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart A—Planning and Performing Development Work

THERMAL PERFORMANCE STANDARDS; CORRECTION

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction.

SUMMARY: The Farmers Home Administration corrects a document published on January 23, 1978, 43 FR 3075. This action is necessary because a page was inadvertently omitted from the original document, and this correction will therefore complete the document.

EFFECTIVE DATE: March 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Ball, 202-447-3394.

SUPPLEMENTARY INFORMATION: In FEDERAL REGISTER Document 78-1880 appearing on pages 3075-3078 of the issue for Monday, January 23, 1978, a page of the document submitted was inadvertently omitted. There is no change in the regulation omitted from that published in the FEDERAL REGISTER of Tuesday, October 25, 1977. The regulations omitted follow immediately after paragraph III D. 3. a. (2) in the third column, line 52, on page 3077. The omitted regulations read as follows:

b. Recommendation:

(1) Forced air heating/cooling systems should include humidification/dehumidification systems where conditions indicate.

IV. *General Design Recommendations:* A. Orient homes with greatest glass areas facing south with adequate overhangs to control solar gain during non-heating periods. Roof overhangs, or extensions of the roof, over south walls are usually easy to incorporate into house designs. To determine the *width of overhang* needed to shade a south wall or window, follow this method:

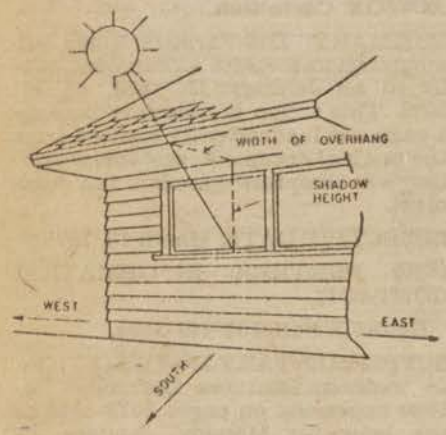
(1) Consider the *latitude* of the geographical area in which your house is located. (See map below.) Latitude, together with season of the year, determines the angle at which

the sun's rays strike the earth at different times a day.

(2) Measure on your plan or house the number of feet the south windows extend below the eave of the roof or horizontal overhang. This measurement is the *shadow height.*

(3) Then for that specific latitude and shadow height, you will find, from the table given here, the exact width of overhang needed.

For example, in a latitude of 35° and for a shadow height of 5 feet, the width of overhang needed is 3 feet.



NORTH LATITUDE (DEGREES)	SHADOW HEIGHT (FEET)					
	3	4	5	6	7	8
	WIDTH OF OVERHANG (FEET)					
25	1.1	1.5	1.9	2.2	2.6	3.0
30	1.4	1.9	2.4	2.9	3.4	3.8
35	1.8	2.4	3.0	3.5	4.1	4.7
40	2.1	2.8	3.6	4.3	5.0	5.7
45	2.6	3.4	4.3	5.1	6.0	6.8
50	3.0	4.1	5.1	6.1	7.1	8.2

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.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: February 6, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-4431 Filed 2-17-78; 8:45 am]

[3410-07]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations on development grants for community domestic water and waste disposal systems. The amendments concern grant determinations to applicants who furnish bulk service to rural residents that are served by another separate water and waste system. These amendments will allow the other systems to be considered as a part of the total by averaging the median incomes and debt service of all the systems being served, or by considering the median incomes and debt service of each system separately. This action provides more efficient and responsive service to rural communities.

EFFECTIVE DATE: February 21, 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:

Gary L. Smith, telephone 202-447-5717.

SUPPLEMENTAL INFORMATION: Section 1823.472 of Subpart P of Part 1823, Chapter XVIII, Title 7 in the Code of Federal Regulations (39 FR 20475, as amended at 40 FR 27475; 41 FR 53009; 41 FR 56626) is amended. Paragraph (b)(1), (b)(3)(i) and (e)(1) of this section are amended to provide more efficient and responsive service to rural communities that have need for grant assistance. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to provide lower income rural areas with grant determinations based on the revised information source; and because the change will permit currently needed water and waste projects in rural areas to be constructed, any delay would be contrary to the public interest. The Agency, however, is interested in receiving comments which should be submitted to the address given above.

Accordingly, as amended, § 1823.472 (b)(1), (b)(3)(i) and (e)(1) are set forth below:

§ 1823.472 Application processing.

* * * * *

(b) *Determining the need for development grant.* * * *

(1) Ordinarily, a grant will be considered only when the debt service portion of the average user cost for either water or waste service for only those users in the applicant service area as specified in paragraph (b) of this section exceeds one percent (1%) of the median income (average income if median income is not available) as determined in accordance with paragraph (b) (3) of this section and it will be limited to an amount necessary to reduce the debt service portion of such user cost to such one percent (1%) level. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section. When the applicant will be furnishing bulk service to rural residents served by another system, a grant to such applicant may also be considered for an amount to reduce the user costs on a similar basis as provided in this paragraph for users of such other system. An agreement between the applicant and the other system (entity) will be obtained that clearly shows that the benefits of the grant will accrue only to the users intended to be benefited by the grant. For purposes of grant determination, all other systems which will receive bulk service may either:

(i) Be considered as part of the total by averaging the median incomes of the systems involved and averaging the debt service portion for the particular service of the other system; or

(ii) Consider the median income and the debt service portion for the particular service for each entity separately.

* * * * *

(3) * * *

(i) The median income will be determined from the U.S. Department of Commerce, Bureau of the Census, Publication PC (i)-C series or from reliably extracted unpublished Bureau of Census data for individual enumeration districts; or

* * * * *

(e) *Grant closing and delivery of funds.*

(1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds will be disbursed before the disbursal of any FmHA grant funds.

(i) FmHA loan funds will be disbursed before the disbursal of any FmHA grant funds except when:

(A) Interim financing of the total FmHA loan amount is arranged;

(B) All interim funds have been disbursed; and,

(C) FmHA grant funds are needed before the FmHA loan can be closed.

(ii) The FmHA loan should be closed as soon as possible after the disbursal of all interim funds; however, the loan should be closed no later than construction completion. If grant funds are available from other agencies and are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed proportionately in accordance with the agreement governing such agencies' participation in the grant. Any grant funds remaining will be handled in accordance with § 1933.17 (a)(13)(viii) of this Chapter.

(7 USC 1989; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Excutive Order 11821 and OMB Circular A-107.

Dated: February 3, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-4526 Filed 2-17-78; 8:45 am]

[3410-07]

SUBCHAPTER J—LOAN AND GRANT PROGRAMS (GROUP)

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Community Facility Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) amends its loan regulations with respect to the handling of funds remaining after the completion of construction of water and waste projects. These amendments also specify that contract documents may be obtained only from local FmHA offices. Editorial and other changes are made to provide items of consideration in assigning priorities. These changes are intended to clarify current regulations.

EFFECTIVE DATE: February 21, 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:

Gary L. Smith, telephone 202-447-5717.

SUPPLEMENTAL INFORMATION: The Farmers Home Administration (FmHA) amends various sections of Subpart A of Part 1933, Chapter XVIII, Title 7, Code of Federal Regulations (42 FR 24233; 42 FR 54402), as follows:

1. The second sentence of § 1933.9(f) (ending with the words "to effectively monitor each project.") is amended to state that the purpose of FmHA development inspections is solely to benefit the FmHA.

2. Section 1933.17(a)(2)(vii)(A) is expanded to include the addition of items of highest priority; § 1933.17(a)(2)(viii)(C) is redesignated to new paragraph (a)(2)(vii)(D) without change; a new paragraph (a)(2)(vii)(C) is added to include an additional item for project priority consideration; § 1933.17(a)(13)(ii) is amended to clarify interim financing relating to loan closing; § 1933.17(a)(13)(vii) is amended to prescribe the manner in which loan and/or grant funds, remaining after construction is completed, will be handled.

3. Section 1933.18(a) is amended to include inspections among the services listed and to state that the borrower is not relieved from the contractual obligation arising from the procurement of the services; § 1933.18(a)(4)(i) is amended to provide for the situation in which FmHA determines that an alternative water supply cannot be arranged; § 1933.18(a)(7) is amended to provide that copies of standard contract documents may be obtained from local FmHA offices rather than from sources previously named; § 1933.18(a)(9)(ii)(G) is amended to clarify the situations in which a conflict of interest arises on behalf of the bidder.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the changes will permit the construction of currently needed water and waste projects in rural areas and any delay in publication would be contrary to the public interest. However, the Agency is interested in receiving further public comments which should be submitted to the address given above. Accordingly, the various sections of Subpart A of Part 1933 as amended, are set forth below.

§ 1933.9 Planning and performing development.

* * * * *

(f) *Development inspections.* The State Director will designate an FmHA representative to assist the County Supervisor in monitoring the construction of all projects being financed, wholly or in part, with FmHA funds. This assistance will include construction inspections and a review of each project inspection report, each change order and each partial payment estimate and other invoices such as payment for engineering and legal fees and other materials determined necessary to effectively monitor each project. These activities will not be performed on behalf of the applicant/borrower, but are solely for the benefit of FmHA and in no way are intended to relieve the applicant/borrower of his corresponding obligations to conduct similar monitoring and inspection activities. Project monitoring will include periodic inspections to review partial payment estimates prior to their approval and review project development in accordance with plans and specifications. Each inspection will be recorded using Form FmHA 424-12, "Inspection Report." The original Form FmHA 424-12 will be filed in the project case folder and copies furnished the State Director, the District Director and the designated FmHA representative. The State Director will review each inspection report and will determine that each project is being effectively monitored.

* * * * *

§ 1933.17 Appendix A—Community facilities.

(a) * * *

(2) *Applicant eligibility and priority.*

* * *

* * * * *

(vii) * * *

(A) Water and Sewer System applications from any municipality or other public agency (including an Indian Tribe on a Federal or State reservation or other Federally, recognized Indian tribal group) in a rural community having a population not in excess of 5,500 having an inadequate water or sewer system. Highest priority shall be given to such applications in which:

(1) An existing community water supply system requires immediate action as the result of unanticipated dimunition or deterioration of its water supply; or

(2) An existing waste disposal system is not adequate to meet the needs of the community as the result of unexpected occurrences.

(B) * * *

(C) Those projects which will provide service to communities having a large portion of its population with low incomes, as determined by Department of Labor, Bureau of Labor Statistics, and, therefore, having a greater financial need because of the low income population.

(D) (Redesignated)

* * * * *

(ii) *Interim financing.* In all loans, exceeding $50,000, where it is possible for funds to be borrowered at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained so as to preclude the necessity for multiple advances of FmHA funds. When interim commercial financing is used, the application will be processed, including obtaining construction bids, to the stage where the FmHA loan would normally be closed, that is immediately prior to the start of construction. The FmHA loan should be closed as soon as possible after the disbursal of all interim funds. Interim financing may be for a fixed term provided the fixed term does not extend beyond time projected for completion of construction. For this purpose, a fixed term is when the interim lender cannot be repaid prior to the end of the stipulated term of the interim instruments. When an FmHA Water and Waste Disposal grant is included, any interim financing involving a fixed term must be for the total FmHA loan amount. Multiple advances may be used in conjunction with interim commercial financing when the applicant is unable to obtain sufficient funds through interim commercial financing in an amount equal to the loan. The FmHA loan proceeds (including advances) will be used to retire the interim commercial indebtedness. Before the FmHA loan is closed, the applicant will be required to provide FmHA with statements from the contractor, engineer, architect, and attorney that they have been paid to date in accordance with their contracts or other agreements and, in the case of the contractor, that he/she has paid his/her suppliers and subcontractors. If such statements cannot be obtained, the loan may be closed provided:

* * * * *

(viii) *Funds remaining after construction is completed.* Should loan and/or grant funds remain available, including obligated funds not advanced, after all costs incident to the basic project have been paid or provided for, such funds may be used for needed extensions, enlargements, and improvements of the project with the prior permission of the FmHA State Director. If the additional work is to be undertaken by the contractor(s) already engaged in the construction of the project, the additional work may be authorized by a change order. Remaining project funds not needed for authorized extensions, enlargements, or improvements shall be considered to include FmHA loan, FmHA grant, and funds from other sources. The amount of each will be in direct proportion to the amount of funds obtained or obligated from each funding source. The FmHA grant funds will be refunded to FmHA. The FmHA loan funds will be returned to FmHA as a repayment on the loan, unless other disposition is required by the bond ordinance or resolution, or by State statute. When the amount of remaining grant funds, as determined in this paragraph, constitutes a substantial portion of the total FmHA share of the project funding, eligibility for such funds to make extensions, enlargements, or improvements to the project must be in accordance with § 1823.472 (b) of this Chapter.

§ 1933.18 Appendix B—Community Facilities—Planning, bidding, contracting, constructing.

(a) This section includes information and procedures specifically designed for use by applicants including the professional or technical consultants and/or agents who provide such assistance and services, as architecture, engineering, inspection, financial, legal, or other services related to planning, bidding, contracting, and constructing community facilities. These procedures do not relieve the borrower of the contractural obligations that arise from the procurement of these services. This section is made available as needed for such use.

* * * * *

(4) * * *

(i) Include a definite commitment by the supplier to furnish at a specified point a specified minimum quantity of water or other service and provide that in case of shortages, all of the supplier's users will share the shortages proportionately. If it is impossible to obtain a firm commitment for a minimum supply at all times, a contract may be executed and approved, provided that adequate evidence is furnished to enable FmHA to make a positive determination that the supplier has adequate supply and treatment facilities to furnish its other users and the applicant for the foreseeable future, and:

(A) That a suitable alternative supply could be arranged within the repayment ability of the borrower if it should ever become necessary, or

(B) If a suitable alternative supply cannot be arranged within the repayment ability of the borrower, prior approval must be obtained from the National Office.

(7) *Construction contract forms.* Standard contract documents prescribed for use by borrowers and grantees in Federally assisted projects may be used for all community facility projects including water and waste disposal systems and buildings, such as hospitals and nursing homes. These standard documents are published by FmHA as § 1933.20(a)(19) and may be reviewed at the local FmHA office. Applicants may obtain copies of the documents from the local FmHA office. When these standard contract documents are used, it will normally not be necessary to obtain prior approval of OGC.

(9) * * *

(ii) * * *

* * * * *

(G) No engineer or architect (individual or firm, including persons they employ) who has prepared plans and specifications or who will be responsible for supervising the construction will be considered acceptable as a bidder. Any individual, firm or corporation in which such architect or engineer (including persons in their employ) is an officer, employee, or holds or controls a substantial interest will not be considered an acceptable bidder. Contracts or purchases by the construction contractor may not be awarded or made to a supplier or manufacturer if the engineer or architect (firm or individual) who prepared the plans and specifications has a corporate or financial affiliation with the supplier or manufacturer. Bids will not be awarded to firms or corporations which are owned or controlled wholly, or in part by a member of the governing body of the applicant or to an individual who is such a member. Arrangements, which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting, and multiplicity of small contracts on the same job), should be avoided whenever it is practical to do

so. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and delivered to the job site in a finished or semifinished state, such as prefabricated buildings and lift stations. Contracts may also be awarded for materials delivered to the job site and installed by a patented process or method.

* * * * *

(7 U.S.C. 1989; Delegation of authority by the Secretary of Agriculture; 7 CFR 2.23; Delegation of Authority by the Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 3, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-4527 Filed 2-17-78; 8:45 am]

[6720-01]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 78-93]

PART 545—OPERATIONS

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

Definition of "Principal Supervisory Agent"

AGENCIES: Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: Under present regulations the Board's "Principal Supervisory Agent" (PSA) is normally the President of each Federal Home Loan Bank, who may under certain conditions designate a substitute with written approval of two members of the Federal Home Loan Bank Board. This resolution deletes the Presidents' authority to designate substitute PSAs and provides that the Board may designate substitute or additional PSAs at any time. This change is needed to permit the Board to designate a substitute PSA where a Bank President is unable to do so, or where a presidency becomes vacant.

EFFECTIVE DATE: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Telephone number: 202-377-6440.

SUPPLEMENTARY INFORMATION: Under the definition of PSA in § 545.14(a)(3)(i) of the Federal Regulations (12 CFR 545.14(a)(3)(i)), a FHLB President may designate a substitute PSA during his "absence or incapacity" for a period exceeding ten business days. That procedure requires approval of at least two Board members. This Resolution removes that authority and substitutes the following: (1) Permits the Board to designate substitute or additional PSAs and (2) does not condition that authority upon a FHLB President's absence or incapacity. The Board may specify the conditions and duration of the service of such substitute or additional PSAs.

This resolution also conforms the definition of PSA in § 561.35 of the Insurance Regulations (12 CFR 561.35).

The Board finds that: (1) Notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because the amendments are related to Board management and rules of Board organization, procedures, and practice, and (2) publication of said amendments for the 30-day period specified in 5 U.S.C. 553(d) and 12 CFR 508.14 prior to effective date are unnecessary for the same reason.

Accordingly, 12 CFR 545.14(a)(3)(i) and 561.35 are hereby amended to read as follows, effective February 14, 1978.

§ 545.14 Branch office.

(a) *General provisions.* * * *

(3) All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to a Supervisory Agent of the Board. As used in this section: (i) The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant's home office is located or any other person designated in writing as Principal Supervisory Agent by the Board to serve as such for such term and under such conditions as may be specified; and (ii) * * *

* * * * *

§ 561.35 Principal supervisory agent.

The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the principal office of the insured institution is located or any other person designated in writing as Principal Supervisory Agent by the Board to serve as such for such term and under such conditions as may be specified.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464), secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp. p. 1071.)

Dated: February 14, 1978.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-4553 Filed 2-17-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NW-3-AD; Amdt. 39-3140]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737-100/200/200C/T43A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On January 13, a telegraphic emergency Airworthiness Directive (AD) was issued and made effective January 16, 1978, to all known U.S. operators of Boeing Model 737-100/200/200C, including T43A, series airplanes. This publication is to provide general public notice of the AD, which requires a one-time inspection of the horizontal stabilizer hinge outboard fitting attach bolts for looseness or absence from the installation.

DATES: Effective date: February 21, 1978.

The Airworthiness Directive was effective on January 16, 1978. Compliance was required within 75 flight hours time-in-service.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION, CONTACT:

Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: An operator reported that fourteen (14) of the sixteen (16) bolts which attach the horizontal stabilizer hinge outboard fitting to the body structure

were found missing on one side of an airplane. One of the remaining bolts was backed out. There was evidence that the bolts were in fact present at one time. Backing out of the bolts is attributed to insufficient protrusion of the bolt through the nut plate and resultant inadequate self-locking. Insufficient protrusion can be the result of tolerance build-up in the assembly. Loss of the attachment of the fitting could result in adverse stabilizer movement and, if not corrected, could lead to loss of the stabilizer. Since this condition is likely to exist in other Boeing Model 737-100/200/200C series airplanes, including military type 737-T43A airplanes, an Airworthiness Directive was issued requiring a one-time inspection of the horizontal stabilizer hinge outboard fitting attach bolts for looseness. Approximately 440 Boeing 737-100/200/200C series airplanes including military type 737-T43A airplanes are to be inspected. Since, at the time the condition became known, it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators by individual telegrams dated January 13, 1978. Airplanes which have had Boeing Service Bulletin No. 737-53-1048 or equivalent accomplished are not affected by the AD. That service bulletin replaces the bolts with long thread bolts where possible and drilled head bolts which are safety-wired at four locations where long thread bolts are impractical.

A forthcoming amendment will require repetitive inspections until bolt replacement per the Boeing Service Bulletin No. 737-53-1048 is accomplished.

This rule was coordinated with the Boeing Commercial Airplane Company and the operators through the Air Transport Association (ATA) prior to issuance.

Drafting Information

The principal authors of this document are Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive: BOEING: Applies to all Boeing Model 737-100/200/200C/T43A series airplanes, listed in Boeing Service Bulletin No. 737-53-1048 which have not had the bolt replacment accomplished per figure 1 of that service bulletin, certificated in all categories.

A. Within the next 75 flight hours time-in-service after January 16, 1978, unless accomplished within the last 3,000 flight hours time-in-service, accomplish paragraph B below.

B. Remove panels 9126 L.H. and 9226 R.H. and check all attach bolts (16 per side) of the two horizontal stabilizer hinge outboard fittings for looseness. If found loose, before further flight, tighten bolt(s) to 65-80 in-lbs or accomplish the bolt replacement of figure 1 of Boeing Service Bulletin No. 737-53-1048, or later FAA approved revisions, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. In the event it is impracticable to perform the inspection within 75 flight hours time-in-service after January 16, 1978, permission to ferry an airplane to a location where the inspection can be accomplished, may be obtained by contacting the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repetitive inspection requirements will be incorporated at a later date.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commerical Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective February 21, 1978.

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

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

Issued in Seattle, Wash., on February 7, 1978.

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

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-4394 Filed 2-17-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-54]

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

Alteration of VOR Federal Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of January 26, 1978, Volume 43, page 3553, the Hinch Mountain, Tenn., 306° radial was incorrectly stated as 304° in the amendatory paragraph numbered 2. This correction reflects the correct radial of Hinch Mountain to be 306°.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: FEDERAL REGISTER Document 78-1960 was published on January 26, 1978, (43 FR 3553) and amended the description of a segment of V-16 north alternate to be designated via the Hinch Mountain 304° radial. This 304° radial was published incorrectly because of miscalculation in transposition from the magnetic radial required and the true radial representing that value. This radial should have been published as 306°. Action is taken herein to correct this error.

Drafting Information

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FEDERAL REGISTER Document 78-1960 as published in the FEDERAL REGISTER on January 26, 1978 (43 FR 3553) is amended in the description of a segment of V-16 north alternate by deleting "Mountain 304° radials;" in the amendatory paragraph numbered 2 and substituting "Mountain 306° radials;" therefor.

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

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

Issued in Washington, D.C., on February 10, 1978.

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

[FR Doc. 78-4395 Filed 2-17-78; 8:45 am]

[4910-13]

[Docket No. 77-SO-69]

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

Designation of Loris, S.C., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area in the vicinity of Loris, S.C. It will lower the base of controlled airspace from 1,200 to 700 feet above ground level. This action provides necessary controlled airspace for accommodation of Instrument Flight Rules (IFR) operations at the Twin City Airport.

EFFECTIVE DATE: 0901 Gmt, March 23, 1978.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on December 8, 1977, (41 FR 62015) which proposed the designation of the Loris, S.C., 700-foot transition area. The transition area is required to provide controlled airspace for aircraft executing a new NDB approach procedure to runway at the Twin City Airport.

The Department of the Navy felt that the users of the Twin City Airport should be made aware that the centerline of a VFR Low Altitude Training Route (TR-104) lies less then 4 NM south of the airport. This route has existed for several years and its continued use is anticipated for the indefinite future. Establishment of the proposed Transition Area will not preclude use of TR-104.

Aircraft operating on TR-104 VFR Low Altitude Training Route must have at least a ceiling of 3,000 feet and visibility of five miles. With these weather minimums, both military and civil aircraft in the vicinity of the Twin City Airport will be operating on a "see and be seen" basis, in accordance with Federal Aviation Regulations.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

ADOPTION OF AMENDMENT

Accordingly, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 Gmt, March 23, 1978, by adding the following:

§ 71.181 [Amended]

LORIS, S.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Twin City Airport (Lat. 34°05'19" N, Long. 78°52'02" W); within 3 miles each side of the 079° bearing from the Benton NDB (Lat. 34°05'25" N, Long. 78°52'06" W); extending from the 6-mile radius area to 8.5 miles east of the RBN.

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

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

Issued in East Point, Ga., on February 6, 1978.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc. 78-4393 Filed 2-17-78; 8:45 am]

[4910-13]

[Docket No. 17660; Amdt. 91-147]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Removal of References to Obsolete Compliance Dates and Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The amendment revises an operating rule by deleting reference to obsolete compliance dates and equipment requirements. Those dates, which set up a timetable for the installation of a new class of ATC transponder equipment, have passed, and the prescribed equipment no longer satisfies revised requirements. The intended effect of this amendment is to clarify current equipment requirements.

EFFECTIVE DATE: March 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice Taylor, Air Traffic Rules Branch, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3128.

SUPPLEMENTARY INFORMATION:

HISTORY

Paragraph 91.97(a)(4)(i) describes transponder equipment that is not consistent with, and no longer satisfies the equipment requirements of § 91.24. Additionally, § 91.97(a)(4)(i) refers to obsolete compliance dates in § 91.24 for installing new transponder equipment. References to obsolete compliance dates and equipment are confusing and tend to derogate current safety requirements prescribed in § 91.24. Accordingly, this amendment merely references § 91.24 which prescribes the current equipment requirements.

This amendment is issued without a Notice of Proposed Rulemaking since the FAA has found, for good cause, that notice and public procedure are unnecessary since this amendment is an editorial change that merely removes reference to obsolete equipment and compliance dates without prescribing any additional requirements.

DRAFTING INFORMATION

The principal authors of this document are Maurice Taylor, Air Traffic Service, and Phillip Kolczynski, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended, effective March 20, 1978, by revising § 91.97(a)(4)(i) to read as follows:

§ 91.97 Positive control areas and route segments.

(a) * * *

(4) * * *

(i) The applicable equipment specified in § 91.24; and

* * * * *

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

NOTE.—The Federal Aviation Administration has determined that this document

does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 9, 1978.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc. 78-4392 Filed 2-17-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76F-0477]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

2-Sulfoethyl Methacrylate, Sodium Salt

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to increase the maximum use level for 2-sulfoethyl methacrylate, sodium salt as a component in copolymer coatings intended for food-contact use. Dow Chemical U.S.A. filed a petition for such use.

DATES: Effective February 21, 1978; objections by March 23, 1978.

ADDRESSES: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Notice was published in the FEDERAL REGISTER of February 22, 1977 (42 FR 10340) that a food additive petition (FAP 7B3261) had been filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, Mich. 48640, proposing that §§ 175.320 and 176.170 (21 CFR 175.320 and 176.170) be amended under the item "2-Sulfoethyl methacrylate, sodium salt," to provide for an increase in the use level to 2.0 percent by weight of the dry copolymer coating.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that §§ 175.320 and 176.170 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 175 and 176 are amended as follows:

1. In Part 175, § 175.320(b)(3)(i) is amended by revising the limitation for the item "2-Sulfoethyl methacrylate, sodium salt," to read as follows:

§ 175.320 Resinous and polymeric coatings for polyolefin films.

* * * * * * *

(b) * * *
(3) * * *

List of substances	Limitations
(i) Resins and polymers:	
* * *	* * *
2-Sulfoethyl methacrylate, sodium salt [Chemical Abstracts Service No. 10595-80-9]	For use only in copolymer coatings under conditions of use E, F, and G described in table 2 of § 176.170(c) of this chapter and limited to use at a level not to exceed 2.0 percent by weight of the dry copolymer coating.
* * *	* * *

* * * * * * *

2. In Part 176, § 176.170(b)(2) is amended by revising the limitation for the item "2-Sulfoethyl methacrylate, sodium salt," to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * * *

(b) * * *
(2) * * *

List of substances	Limitations
* * *	* * *
2-Sulfoethyl methacrylate, sodium salt [Chemical Abstracts Service No. 10595-80-9]	For use only in copolymer coatings under conditions of use E, F, and G described in paragraph (c) of this section, table 2, and limited to use at a level not to exceed 2.0 percent by weight of the dry copolymer coating.
* * *	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 23, 1978 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the hearing of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective February 21, 1978.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: February 2, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-4480 Filed 2-17-78; 8:45 am]

[6820-34]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-44]

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Requesting Dispatch Motor Vehicle Service

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The present method of identifying agency accounts to be billed for motor vehicle dispatch service results in considerable administrative cost. Recently developed procedures enable GSA to readily identify agency accounts when processing bills for payment, thereby reducing the administrative cost. This amendment takes the necessary action to amend the FPMR.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Divi-

sion, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

The table of contents for Part 101-39 is amended to include the following revised entries:

Subpart 101-39.5—Services

1. Section 101-39.502 is revised as follows:

§ 101-39.502 Services available.

Motor pool system services shall be used in connection with official travel only. To the extent justified by the work requirements of using agencies, motor pool system services will be available as follows:

(a) Dispatch vehicles on trip or daily assignment;

(b) Vehicles for indefinite assignment;

(c) Shuttle run or similar services;

(d) Bus or transit service; and

(e) Other related services, including servicing and storage of motor vehicles.

2. Section 101-39.503 is revised as follows:

§ 101-39.503 Obtaining services and procedures for billing.

§ 101-39.503-1 Seasonal or unusual requirements.

Agencies or activities having seasonal or unusual requirements for motor vehicles or motor vehicle services shall inform the motor pool system thereof as far in advance as possible. Normally, such advice shall be given not less than 3 months in advance of the need.

§ 101-39.503-2 Obtaining dispatch motor vehicles for trip or daily assignment.

Dispatch vehicles are available as a source of short term transportation for personnel of any Federal agency, bureau, or activity that is located within the service area of a particular interagency motor pool system or those employees in a travel status needing a vehicle at their destination. These vehicles shall be made available only to personnel who present a valid travel order authorizing travel by a Government- owned or controlled motor vehicle or a GSA Form 2649, Motor Pool Charge Plate. (See § 101-39.503-5.) When a travel order is used to obtain a dispatch vehicle, it shall contain the complete billing address and the GSA assigned bill office address code (BOAC). Agencies requiring a BOAC may obtain one by writing to the General Services Administration (FZM), Washington, D.C. 20406. Dispatch vehicles shall be returned to the motor pool system where they were obtained.

§ 101-39.503-3 Obtaining vehicles for indefinite assignment.

An agency requiring a motor pool vehicle for indefinite assignment shall submit a written request to the motor pool system serving the area in which the vehicle is to be used. When the vehicle is required in an area not served by a motor pool system, the agency shall direct its request to the GSA regional office having jurisdiction over the area concerned. The request shall include the agency's billing address and BOAC. A justification shall accompany each request and shall include, but need not be limited to:

(a) The reason for need of the vehicle; e.g., a new or expanded program;

(b) Authority for the requirement;

(c) The number and types of vehicles required;

(d) A certification that the request for the vehicle(s) has not been denied by the Congress, the Office of Management and Budget, or departmental headquarters; and

(e) A statement that any required departmental approvals have been obtained.

§ 101-39.503-4 Motor pool vehicles removed from defined areas.

(a) Normally, vehicles shall not be permanently removed from the defined area of the local interagency motor pool system. However, when agency programs necessitate removal of interagency motor pool vehicles from the defined area of the motor pool system that issued the vehicles for a period exceeding 90 calendar days, the agency shall notify the issuing interagency motor pool system of the following:

(1) The location at which the vehicles are currently in use;

(2) The date the vehicles were moved to the present location; and

(3) The expected date the vehicles will be returned to the original location.

(b) When motor pool vehicles have been removed from the defined area for a period exceeding 90 calendar days, the issuing interagency motor pool system shall arrange for the transfer of accountability for the vehicles to the nearest interagency motor pool system.

§ 101-39.503-5 GSA Form 2649, Motor Pool Charge Plate.

GSA Form 2649, Motor Pool Charge Plate (illustrated at § 101-39.4901), is designed for use by all Federal agencies to identify the activity to be billed for dispatch service. This form is a plastic credit card-type plate which contains an embossed in-the-clear address and the billed office address code assigned by GSA. The charge plate will be honored at any GSA operated or controlled interagency motor pool system; *Provided*, That credentials identifying the holder as an employee of the agency requesting the dispatch vehicle are presented to the motor pool system. The agency receiving the GSA Form 2649 shall assume all liabilities for services obtained through its use.

§ 101-39.503-6 Availability of GSA Form 2649.

Agencies may request embossed GSA Form 2649 from the Motor Equipment Services Division of the appropriate GSA regional office serving that agency. Agencies shall provide the following information to GSA when requesting supplies of GSA Form 2649:

(a) The BOAC which has been assigned by GSA:

(b) The agency fund code, if applicable; and

(c) The appropriate agency billing address.

§ 101-39.503-7 Lost or stolen GSA Form 2649.

When a GSA Form 2649 is lost or stolen, the agency to which the charge plate was issued shall immediately notify the GSA motor pool system that furnished the charge plate. The reverse side of the form provides a request that lost charge plates be returned to the General Services Administration, Federal Supply Service, Washington, D.C. 20406.

Subpart 101-39.49—Forms and Reports

Section 101-39.4901 is revised as follows:

§ 101-39.4901 GSA Form 2649, Motor Pool Charge Plate.

NOTE.—The illustration in § 101-39.4901 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

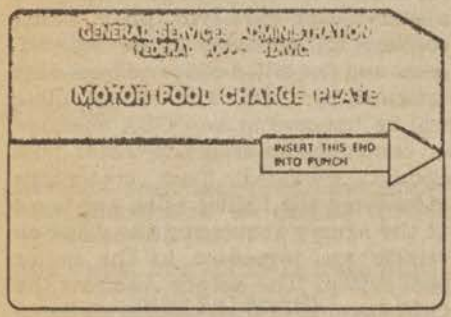
(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

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

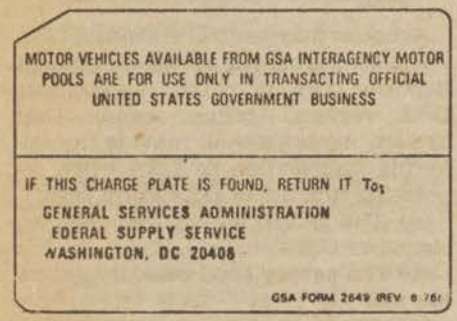
Dated: January 24, 1978.

JAY SOLOMON,
Administrator of General Services.

§ 101-39.4901 GSA Form 2649, Motor Pool Charge Plate.



FACE



REVERSE

[FR Doc. 78-4550 Filed 2-15-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21482; RM-2905]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station Jacksonville, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein reserves television Channel 14, already assigned to Jacksonville, Ill., for noncommercial educational use. West Central Illinois Educational Communications Corp. which holds a permit for this channel states that reserving the channel for noncommercial educational use protects the continuity of public television service to the west central portion of Illinois.

EFFECTIVE DATE: March 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: February 10, 1978.

Released: February 14, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Jacksonville, Ill.), Docket No. 21482, RM-2905.

1. The Commission herein considers the Notice of Proposed Rule Making, adopted November 14, 1977, 42 FR 59765, inviting comments on a petition filed by West Central Illinois Educational Telecommunications Corp. ("WCIETC"), proposing the reservation of television Channel 14, assigned to Jacksonville, Ill., for noncommercial educational use. The only comments received were from WCIETC in support of its proposal.

2. Jacksonville (pop. 20,554), seat of Morgan County (pop. 36,174),[1] is located in west central Illinois, approximately 50 kilometers (31 miles) west of Springfield, Ill. Jacksonville has one television assignment, Channel 14, on which WCIETC has been granted a construction permit (BPCT-4979) for Station WJPT. WCIETC states that Station WJPT, together with the station in Moline for which it holds a construction permit (BPET-554), will extend public television service to the west central portion of Illinois for the first time.

3. WCIETC asserts that the State of Illinois Board of Higher Education has approved the concept of regional not-for-profit consortia for the delivery of educational television, and these consortia were to include private and public elementary and secondary schools as well as public and private institutions of higher education. WCIETC states that its stations are essential elements in carrying out this legislative mandate and contends that reservation of Channel 14 in Jacksonville for noncommerical educational use would protect the continuity of this proposed public television service to the west central portion of the State.

[1] Population figures are taken from the 1970 U.S. Census.

4. We believe the public interest would be served by reserving television Channel 14 in Jacksonville, Ill., for noncommercial educational use. The proposed educational station would provide a public television service to the west central portion of Illinois for the first time. There are other television channels available for assignment to this area and the change in the classification of the only assigned channel to Jacksonville would not foreclose the future establishment of local commercial television if interest in it were to develop.

5. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. *Accordingly, it is ordered,* That effective March 27, 1978, the Television Table of Assignments (§ 73.606(b) of the Commission's rules) is amended as follows for the community listed below:

City: Jacksonville, Ill., Channel No. *14.

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

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-4474 Filed 2-17-78; 8:45 am]

[3510-22]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 652—SURF CLAM AND OCEAN QUAHOG FISHERIES

Notice of Reduction of Fishing Time

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency amendments to regulations.

SUMMARY: This amendment contains notice that 50 percent of the quota of surf clams for the first quarter of 1978 has been taken and, consequently, beginning February 20, 1978 all vessels engaging in the surf clam fishery in the Fishery Conservation Zone shall be restricted to fishing two days per week until April 1, 1978.

EFFECTIVE DATE: February 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National

Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: Regulations were published on February 17, 1978 (43 FR 6952) implementing the surf clam and ocean quahog fisheries management plan. Section 652.7(c) of these regulations provides that when the Regional Director determines that 50 percent of the allowable quarterly quota of surf clams has been taken, a notice to that effect shall be published in the FEDERAL REGISTER together with a determination of the appropriate action necessary under the circumstances. Accordingly, notice is hereby given that available information indicates that 50 percent (175,000 bushels) of the surf clam quarterly quota of 350,000 bushels established by § 652.6(a) of the regulations were taken by the end of the fishing day on February 14, 1978. It is anticipated that the quota of 350,000 bushels established for surf clams landed from the Fishery Conservation Zone (FCZ) during the first quarter of 1978 will be exceeded if the present level of effort continues for the remainder of the quarter. To reduce the likelihood that the quota will be exceeded during this period, vessels harvesting surf clams from the FCZ will be permitted to fish for surf clams only two days per week beginning 12:01 a.m. February 20, 1978. The permitted fishing days for surf clams for each vessel will be those two designated fishing days on which the vessels elected to fish for surf clams during December 1977, or which shows on the vessel permit if the vessel did not fish during December 1977.

Several comments received by the agency in response to the proposed final surf clam and ocean quahog fisheries regulations addressed the type of management measure being implemented by this regulation. The Regional Director considered the various means proposed to provide vessel owners greater flexibility in choosing the two days they could fish during the four day fishing week. Each of the means presented certain regulatory, enforcement and/or administrative problems which will require additional consideration. Until an acceptable alternative to the present system of choosing the two days on which a vessel can fish can be developed, the Regional Director has determined that the management measure in this regulatory amendment is the best available system and that conservation of the resource requires its implementation. In order to determine if there is an acceptable alternative, the Regional Director will hold at least three public hearings and consult with the appropriate Fishery Management Councils. The hearings are tentatively scheduled for March 6-10, 1978. The exact dates and locations will be established in the near future and public notice provided. Anyone wishing to make written comments should address them to the Regional Director.

The conservation needs of this resource and the fact that the Secretary determines that an emergency exists, dictate that notice and public procedure on this amendment is impractical, unnecessary, and contrary to the public interest.

Signed at Washington, D.C. on this 16th day of February 1978, on behalf of the Regional Director.

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

Section 652.7(a) is hereby revised to read as follows:

§ 652.7 Effort restrictions.

* * * * *

(a) *Surf Clams.* Fishing for surf clams shall be permitted during four days per week, from 12:01 a.m. (0001 hours) Monday to 12 midnight (2400 hours) Thursday. However, no fishing vessel shall engage in fishing for surf clams on more than two days in any week. For the period from February 20, 1978 through March 31, 1978, inclusive, the authorized fishing days for surf clams for each vessel shall be the two days (among Monday, Tuesday, Wednesday, Thursday) on which the owner or operator of the vessel elected to fish pursuant to the earlier version of this section (§ 652.8(a) which appeared at 42 FR 59948 on Tuesday, November 22, 1977). Fishing for any part of a day will be counted as one day of fishing. In this paragraph, "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to or from the fishing grounds.

[FR Doc. 78-4669 Filed 2-17-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Distribution of Environmental Impact Statements

AGENCY: Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations relating to the distribution of environmental impact statements to reflect the transfer to the Environmental Protection Agency from the Council on Environmental Quality of certain responsibilities for the receipt and filing of such statements and to change certain statutory citations to make them conform to the citations provided for by present law.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Bennett L. Harless, Division of Site Safety and Environmental Analysis, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301-492-8421.

SUPPLEMENTARY INFORMATION: Pursuant to the President's reorganization plan for the Executive Office of the President (Reorganization Plan No. 1 of 1977, July 15, 1977) the functions of the Council on Environmental Quality (CEQ) relating to the receipt and filing of environmental impact statements were transferred to the Environmental Protection Agency (EPA). Effective December 5, 1977, Federal agencies, including NRC, are required to deliver five (5) copies of all draft, final, or supplemental environmental impact statements filed pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 directly to the Environmental Protection Agency and to discontinue sending such statements to the Council on Environmental Quality (42 FR 62183). The following amendments to 10 CFR part 51 of the Commission's regulations entitled "Licensing and Regulatory Policy and Procedures for Environmental Protection," implement this change.

Paragraph 2.104(b)(3)(i) of 10 CFR Part 2, and §§ V(f)(3), VI(c)(1)(v), VI(c)(3)(i), and VIII(b)(7) of Appendix A of Part 2, and §§ 51.20(a)(5) and 51.52(c)(1) of 10 CFR Part 51 cite "section 102(2)(D)" of the National Environmental Policy Act (NEPA). Public Law 94-83, 89 Stat. 424 (42 U.S.C. 4332), amended NEPA so as to redesignate section 102(2)(D) as section 102(2)(E). The following amendments change the citations to conform them to the redesignation.

Since these amendments relate solely to minor procedural matters, notice of proposed rulemaking and public procedure thereon are unnecessary and good cause exists to make the amendments effective on February 21, 1978.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2 and 51, are published as a document subject to codification.

§ 2.104 [Amended]

1. Paragraph (b)(3)(i) of § 2.104 of 10 CFR Part 2 is amended by deleting "section 102(2) (A), (C) and (D)" and substituting therefor "section 102(2) (A), (C) and (E)".

Appendix A—[Amended]

2. In Appendix A of 10 CFR Part 2, paragraph V(f)(3) is amended by deleting "section 102(2) (C) and (D)" and substituting therefor "section 102(2) (C) and (E)".

3. In Appendix A of 10 CFR Part 2, paragraph VI(c)(1)(v) is amended by deleting "section 102(2) (C) and (D)" and substituting therefor "section 102(2) (C) and (E)"; and paragraph VI(c)(3)(i) is amended by deleting "section 102(2) (A), (C) and (D)" and substituting therefor "section 102(2) (A), (C) and (E)".

4. In Appendix A of 10 CFR Part 2, paragraph VIII(b)(7) is amended by deleting "section 102(2) (A), (C) and (D)" and substituting therefor "section 102(2) (A), (C) and (E)".

§ 51.20 [Amended]

5. Section 51.20(a)(5) of 10 CFR Part 51 is amended by deleting "section 102(2)(D) of NEPA" and substituting therefor "section 102(2)(E) of NEPA".

6. Section 51.24(a) of 10 CFR Part 51 is amended to read as follows:

§ 51.24 Distribution of draft environmental impact statement; news releases.

Draft environmental impact statements will be distributed as follows:

(a) Five (5) copies of the draft environmental impact statement, the Applicant's Environmental Report, and any comments received on the statement or report will be provided to the Environmental Protection Agency.

* * * * *

7. Section 51.24(c)(2) is amended by deleting the words "The Environmental Protection Agency;" and is reserved.

§ 51.25 [Amended]

8. The first sentence in § 51.25 is amended by deleting the words "Council on Environmental Quality" and substituting therefor the words "Environmental Protection Agency".

§ 51.26 [Amended]

9. The final sentence in § 51.26(c) is amended by deleting the words "Council on Environmental Quality" and substituting therefor the words "Environmental Protection Agency".

10. The fourth sentence in § 51.50(b), the first and second sentences in § 51.50(c)(1) and the second sentence in § 51.50(c)(2) are revised to read as follows:

§ 51.50 "Federal Register" notices; distribution of reports; public announcements; public comment.

* * * * *

(b) * * * The publication requirement of this paragraph may be satisfied by forwarding the notice of intent to the Environmental Protection Agency for publication in the FEDERAL REGISTER. * * *

(c) Environmental impact statements; notice of availability.

(1) The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards or their designee, as appropriate, will forward copies of draft and final environmental impact statements to the Environmental Protection Agency in accordance with §§ 51.24, 51.26 and 51.41. The Environmental Protection Agency will publish weekly in the FEDERAL REGISTER lists of environmental impact statements received during the preceding week that are available for public comment. * * *

(2) * * * The summary notice will request, within forty-five (45) days from the date of publication of a FEDERAL REGISTER notice by the Environmental Protection Agency announcing the availability of the draft statement, or within such longer period as the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards or their designee, as appropriate, may specify, comment from interested persons on the proposed action and on the draft statement. * * *

§ 51.51 [Amended]

11. Section 51.51 is amended by deleting the words "Council on Environmental Quality" in the first sentence and substituting therefor the words "Environmental Protection Agency"; and by deleting the words "Council" in the second and third sentences and substituting therefor the words "Environmental Protection Agency".

§ 51.52 [Amended]

12. Section 51.52(a) is amended by deleting the words "Council on Environmental Quality" and substituting therefor the words "Environmental Protection Agency".

13. 51.52(c)(1) is amended by deleting "section 102(2) (A), (C), and (D)" and substituting therefor "section 102(2) (A), (C), and (E)".

14. In § 51.54, the last sentence in paragraphs (a) and (b) is revised to read as follows:

§ 51.54 Required lists.

(a) * * * The list will be forwarded immediately after each revision to the Environmental Protection Agency for publication in the FEDERAL REGISTER.

(b) * * * The list will be forwarded immediately after each revision to the Environmental Protection Agency for publication in the FEDERAL REGISTER.

15. The first sentence of § 51.56 is revised to read as follows:

§ 51.56 Application of part to proceedings.

The provisions of this part are applicable to all draft and final environmental impact statements filed with the Council on Environmental Quality during the period August 19, 1974 through December 4, 1977 and to all draft and final environmental impact statements filed with the Environmental Protection Agency on or after December 5, 1977. * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 2d day of February 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-4430 Filed 2-17-78; 8:45 am]

[7590-01]

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Revision of Fee Schedule

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The rule which follows revises the Commission's schedule of fees for applications, permits, and licenses. It establishes fees for requests filed by vendors and architect-engineers for standardized reference design approvals; amendments; renewals; routine inspections; special projects or reviews; approval of spent fuel casks, and shipping containers; and approval of sealed sources, and devices containing or utilizing byproduct, source, or special nuclear material. The fees are based on the Commission's costs of providing services in accordance with guidelines published on May 2, 1977.

DATE: This amendment will be effective March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. W. O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7225.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 2, 1977, the U.S. Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 22149-22168) for public comment proposed amendments to its regulations in 10 CFR Part 170 which would revise its schedule of fees for facilities and materials applications and licenses. It would establish fees for (1) requests filed by vendors and architect-engineers for standardized design approvals; (2) license amendments and renewals; (3) routine inspections; (4) special projects and reviews; (5) requests for approval of spent fuel casks and shipping containers; and (6) requests for approval of sealed sources and devices containing or utilizing byproduct, source, or special nuclear material. The notice invited interested persons to submit written comments for consideration in connection with the proposed amendments on or before June 1, 1977. Upon request, the Commission extended the comment period for an additional 30 days to July 1, 1977.

On May 12, 1977, the Commission held a public meeting in Bethesda, Md. Data used in developing the proposed schedule of fees were discussed at this meeting and copies of these data were provided to all interested persons.

The Commission has placed in its Public Document Room at 1717 "H" Street, Washington, D.C., all manpower, cost data, and more than 200 other documents used in developing the schedule of fees. In addition, computer printouts of manpower usage and workpapers have been made available for inspection at the Commission's office at 7920 Norfolk Avenue, Bethesda, Md 20014.

The May 2, 1977, notice set forth the Commission's guidelines for fees under the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a. These guidelines are based on the Supreme Court decisions in *National Cable Television Association, Inc.* v. *United States*, 415 U.S. 336 (1974), and *Federal Power Commission* v. *New England Power Company*, 415 U.S. 345 (1974), and further guidance provided by the United States Court of Appeals for the District of Columbia Circuit in *National Cable Television Association, Inc.* v. *Federal Communications Commission*, 554 F. 2d 1094 (1976); *National Association of Broadcasters* v. *Federal Communications Commission*, 554 F. 2d 1118 (1976); *Electronic Industries Association* v. *Federal Communications Commission*, 554 F. 2d 1109 (1976); and *Capital Cities Communication, Inc.* v. *Federal Communications Commission*, 554 F. 2d 1135 (1976).

In summary, the guidelines provide that:

1. Fees may be assessed to persons who are identifiable recipients of "special benefits" conferred by specifically identified activities of the NRC. The term "special benefits" includes services rendered at the request of a recipient and all services necessary for the issuance of a required permit, license, approval, or amendment, or other services necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations;

2. All direct and indirect costs incurred by the NRC in providing special benefits may be recovered by fees;

3. It is not necessary to allocate costs in proportion to the degree of public or private benefit resulting from conferring a special benefit on a recipient;

4. Where the identification of the specific beneficiary of NRC activity is obscure, the cost of the activity may not be included in the cost basis for fees;

5. A fee shall not exceed the sum on the average of the direct and indirect costs which the NRC incurs in furnishing the services for a member of the class of recipients for which the fee is assessed; and

6. Calculation of agency costs shall be performed as accurately as is reasonable and practical, and shall be based on specific expenses identified to the smallest practical unit associated with the rendering of the type of agency service to the particular class of recipients.

These guidelines determine whether or not the Commission may charge a fee for a particular service and what the maximum fee may be. In keeping with the sense of Congress expressed in the Independent Offices Appropriation Act of 1952 that agency activities performed on behalf of persons the agency serves "shall be self-sustaining to the full extent possible," the Commission is generally obliged to impose the fees allowed by these guidelines where it is fair and equitable to do so. The Commission recognizes that in exceptional circumstances fairness may require that a fee be set at a level below the cost of rendering the service. However, the Commission's discretion to reduce fees for certain service categories is limited by the IOAA mandate and by the requirement that a consistent and fundamentally fair fee structure must accord equal treatment to similarly situated recipients of agency services.

The fees in this notice are based on these Commission guidelines. Several changes have been made, however, in the schedule of fees contained in the May 2, 1977 notice in response to comments received from the public. Copies of the comments received by the Commission have been placed in our Public Document Room.

The May 2, 1977, notice contained a description of the functional activities of the various Commission offices and identified the special services for which costs were included in fees and those activities for which costs were excluded from fee recovery. It also described the method of fee computation; discussed the costs of major NRC offices; and estimated the amount of fees the Commission would collect under the proposed fee schedule.

In accordance with Commission instructions, the staff analyzed the functions performed and services rendered by each NRC office to determine which activities, if any, provided special benefit to applicants, licensees, or permittees. After each NRC service was properly categorized, contractual services analyzed, and the professional manpower figures obtained for each fee category, the cost per man-year to maintain a professional employee (professional man-year rate) was developed for the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel. These rates were developed by using (1) each office's costs of personnel compensation (salaries), personnel benefits, administrative support and travel, (2) the number of professional employees who were identified as working on licensing, inspection, and other special projects (excluding administrative, supervisory and management direction employees), and (3) the overhead support provided by the Program Direction and Administration and the Program Technical Support offices to the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel, and Atomic Safety and Licensing Appeal Panel (operating offices). To determine overhead support, the Program Direction and Administration and the Program Technical Support offices were analyzed to identify what service, if any, they provided to the operating offices.

After the analysis, the manpower and other costs of the Offices of the Secretary, Controller, Management Information and Program Control, Administration, Executive Legal Director, and the Executive Director for Operations, were allocated as overhead support to other NRC offices. Each of these offices, with the exception of the Offices of Controller and Administration, analyzed its operations in terms of the support it provides to the various operating offices. Based on this analysis, each office allocated its effort on a percentage basis. This overhead was applied to

the total cost of the office receiving the support. The costs for the Offices of Administration and Controller were distributed to all of the NRC offices on a pro-rata basis based on distribution of manpower. This procedure was followed for the Offices of the Controller and Administration because their support is directly correlated with the needs of the various NRC offices. Program Direction and Administration and the Program Technical Support offices excluded from fees are the Office of the Commissioners, General Counsel, Policy Evaluation, Inspector and Auditor, Congressional Affairs, Public Affairs, Planning and Analysis, Equal Employment Opportunity, and International and State Programs.

COMMENTS

Several comments contended that the proposed fee schedule was inconsistent with the guidelines established by the United States Supreme Court in *National Cable Television Association, Inc.* v. *United States*, 415 U.S. 336 (1974), and *Federal Power Commission* v. *New England Power Company*, 415 U.S. 345 (1974). In particular, they argued that the activities for which the Commission contemplated charging fees benefited not only the licensee, but also the public and that the Commission may not assess the licensee for those services which benefited the public.

The United States Court of Appeals for the District of Columbia Circuit rejected this argument in *Electronic Industries Association* v. *F.C.C.*, 554 F. 2d 1109 (1976). The court explicitly endorsed a Federal Communications Commission assertion that: "The fact that the general public may also benefit by Commission authorization of such activities, in that the activities may directly or indirectly provide a service to the public, does not limit the Commission's authority to charge a fee to the recipients of the services that will allow those services provided by the Commission to be operated on a self-sustaining basis as mandated by Title V (of the IOAA)," 554 F. 2d at 1114, fn. 12.

Several comments cited a Federal district court decision, *Public Service Company of Colorado, et al.* v. *Andrus, et al.*, No. 76-F-48 (D. Col. May 31, 1977) as authority for the contrary proposition that an agency may not recover through fees the cost of a service which benefits the public as well as the licensee. The case held that agency costs associated with the implementation of the National Environmental Policy Act (NEPA) cannot be collected from licensees under the Independent Offices Appropriation Act because NEPA primarily benefits the public. The Commission views this result as inconsistent with the recent decisions of the United States Court of Appeals for the District of Columbia Circuit, cited above. As the quotation in the previous paragraph makes clear, the reasoning of these decisions supports inclusion of the costs associated with the implementation of NEPA and the Commission finds these decisions to be the better view. Accordingly, the Commission has not changed the guidelines upon which the fee schedule is based.

Many comment letters focused on the Commission's proposal to charge fees for routine inspections, contending for the most part that fees should not be charged for the conduct of routine inspections since the benefits of those inspections accrue solely to the public and because inspections provide no "special benefit" to the licensees. Some argued that inspections are (1) not part of the process of obtaining a license, (2) not services requested by licensees, and (3) not justified, because inspections are conducted solely to enable the Commission to meet its statutory obligation of assuring that licensed activities are conducted in a manner so as to protect the public's health and safety. The Commission believes these arguments overlook the essential point that continuing assurance that the licensed activity is being properly conducted is a necessary condition under the Atomic Energy Act for a license to remain in effect. Routine inspections give the licensee the opportunity to provide this assurance. Thus, the conduct of routine inspections comes under the Commission's guidelines for assessing fees to persons who are identifiable recipients of services which are necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations.

Several persons commented that the Commission was attempting in the proposed fee schedule to recover the full cost of licensing and inspection services and other persons contended that the schedule was designed to recover the full costs of regulatory services. It was suggested that this perceived policy exceeded the IOAA mandate to charge only for specific services rendered to identifiable beneficiaries. The fact is that if the revised schedule had been in effect in fiscal year 1977, the Commission would have recovered approximately 12 percent of its fiscal year 1977 budget.

After analysis of benefits and beneficiaries, those NRC activities and services that have been determined to be excludable from cost recovery are:

1. *Research.*—This covers all NRC research activities including the regulatory confirmatory assessment program ($85 million in costs) which deals specifically with NRC decisions for the safe and environmentally compatible operation and protection of nuclear facilities and materials. The research program develops and analyzes technical information on reactor safety, safeguards, and environmental protection, as a basis for licensing and other decisions in the regulatory process. These activities relate directly to the licensing of reactors and other facilities; however, because these activities are generic in nature or because it would be difficult to allocate the costs of research between various recipients of the benefits, the total budgeted cost of research has been excluded ($127.5 million in fiscal year 1977).

2. *Generic licensing activities.*—The Commission reviews many safety issues on a generic basis, i.e., issues not readily identified with a specific application or group of in-house applications. This means that a significant portion of the NRC professional staff is reviewing licensing or inspection matters for which no costs were included in fees because there is no immediate identifiable recipient. In fiscal year 1977, the budgeted costs of these services were estimated to be $30.6 million.

3. *Standards development.*—These activities cover site safety and environmental impact standards for nuclear facilities; safety engineering standards for design, procurement, constuction, testing, operation and decommissioning of nuclear power plants; fuel cycle facility safety engineering standards; safeguards standards for physical protection and control of nuclear materials and facilities; standards for safe transport of radioactive materials in medical, industrial and consumer products; and radiation protection standards. These standards are supportive of the NRC licensing and inspection programs. None of the budgeted costs of these services ($16.2 million) are recovered by fees since they are not limited to specific applications or classes of applications.

4. *Safeguards.*—A significant part of the NRC safeguards effort is concerned with the development of contingency plans to deal with threats, thefts, and sabotage; assessment studies; and the monitoring, testing, and upgrading of safeguards systems. These activities, which were budgeted at $7.1 million for fiscal year 1977, have been excluded from recovery because they are generic in nature. The remaining safeguards effort is concerned with processing license applications and inspection casework and, therefore, provides benefit to the applicant and licensee. The $5.8 million in budgeted costs for these programs were included for fee consideration.

5. *Contested applications.*—Part 50 applications for facilities may be subjected to contested hearings and appeals under the Commission's regulations. As a matter of policy, the Commission has determined that to the

extent the costs of contested hearings exceed those of uncontested hearings, these costs would not be recovered through fees. The Commission's budget costs in fiscal year 1977 for contested hearings are estimated at $5.6 million.

6. *International and State Programs.*—These programs are responsible for the development and implementation of plans, policies and programs for the coordination and integration of Federal and State regulation of nuclear materials and facilities, and for the negotiation and implementation of regulatory and safety programs and information exchange with other countries. As a matter of Commission policy, their budgeted costs of $2.9 million are excluded from fees.

7. *Non-routine inspections.*—Non-routine inspections are concerned with incidents, investigations, or allegations involving licensed materials or facilities; reports that have been made alleging unusual occurrences pursuant to Part 19; management-audits; and enforcement activities. These activities, which are unscheduled, have not been included in fees based on Commission policy. Budgeted costs for this program are $1.6 million.

8. *Establishment of overall policy, administration and management of NRC by the Office of the Commissioners.*—Since it is not practical to isolate and allocate the services of this office to individual activities, the budgeted costs of this office ($1.3 million) have not been used in fee computation.

9. Services for policy evaluation and plans and analysis are not directly concerned with the review of applications or routine inspection activities and their budgeted costs totaling $1.9 million have been excluded from fees.

10. The activities of the Offices of Inspector and Auditor ($1 million), Congressional Affairs ($0.2 million), Public Affairs ($0.7 million), and Equal Employment Opportunity ($0.2 million), have been excluded from cost recovery because the activities are not concerned with the review of applications or routine inspections and appear to constitute an independent public benefit.

11. The legal service provided by the Office of the General Counsel and its services in contested hearings and litigation is excluded from fees because the services, except those involved in contested hearings, are not directly concerned with the licensing and inspection process. Commission policy provides that the services of the Office of the General Counsel in contested hearings are to be excluded from fees. Total exclusion is $0.6 million.

12. All activities related to government owned reactors were excluded. Budgeted costs of $0.1 million were excluded.

13. The costs of the facility indemnity program were excluded since these costs are recoverable under another program. Budgeted costs of $0.2 million were excluded.

14. The costs of providing services under the Freedom of Information Act, Privacy Act, and the Federal Reports Act, have been excluded from fees. Budgeted costs of $0.5 million were excluded.

15. The costs of special projects in the Office of the Executive Director for Operations were excluded since they are not directly concerned with licensing or inspection services. Budgeted costs of $0.4 million were excluded.

16. Capital equipment budgeted costs of $0.8 million, which cover inspection vans, radiation monitoring equipment, instrumentation, reproduction equipment, etc., were excluded from fees.

Based on the Commission's guidelines and a detailed analysis of the regulatory services provided by NRC, $199.4 million, or approximately 80 percent of the Commission's budgeted regulatory costs, were excluded from consideration for recovery because the services do not provide special benefit to applicants or licensees, because the recipient of the benefit is not readily identifiable, or because the program is conducted on behalf of the public. Those regulatory services which provide special benefit to applicants and licensees include:

1. The processing and reviewing of applications or requests for construction permits, operating licenses, manufacturing licenses, materials licenses, amendments, renewals, approval of standardized reference designs, special projects (such as early site review, topical report reviews, and amendments or renewal of standardized reference design approvals), approval of packages and containers for shipping radioactive materials, and evaluation of sealed sources and devices containing or utilizing radioactive material. The NRC's budgeted costs of providing these services are $30.9 million.

These services are provided by the reactor licensing staff ($22.9 million); materials and non-reactor facilities licensing staff ($6.4 million); the Advisory Committee on Reactor Safeguards ($1.3 million); and the Atomic Safety and Licensing Board Panel and Atomic Safety and Licensing Appeal Panel in their licensing effort ($0.3 million).

2. Routine health, safety, safeguards, and quality assurance inspections. The NRC's budgeted costs of providing these services are $22.3 million.

The costs of licensing and inspection include the costs of professional manpower and their overhead and support costs.

NRC services which provide special benefit to applicants and licensees and that meet the criteria of the Commission guidelines for fees were approximately $53.2 million in fiscal year 1977. Under this revised schedule, it is anticipated that the Commission would recover approximately $30 million of its Fiscal Year 1978 budget of $281.4 million and $20 million of the Fiscal Year 1979 budget. The reasons for the small percentage of recovery in relation to the NRC budget are threefold: (1) Approximately 80 percent of the regulatory services have been determined to fall outside the guidelines for fees, (2) specific activities such as the review of an application for a construction permit for a power reactor, extend over a period greater than one year, and (3) the revised schedule would not be in effect for the entire fiscal year 1978.

One person commented that overhead or support costs should be excluded from fees since such activities provide no benefit to applicants and licensees. It is common practice in business and industry to include in a fee or charge for consultation, service or product, a portion of management, space, communications, and administrative costs. It is reasonable to include in the fee base that portion of overhead costs incurred in support of professional staff work on applications, licenses, and inspections.

Several vendors and architect-engineers who have filed standardized reference designs for power reactors for review and approval contend that the schedule of fees fails to provide an incentive for the industry to standardize and, in fact, may serve as a disincentive. They note that the schedule of fees does not show a savings in the effort required to review and approve a standard design or plant when compared to the effort required for an application for a power plant that embodies a custom design nuclear steam supply system and balance of plant. The primary difference in review requirements for custom and standard designs arises from the treatment of interfaces between the standardized portions and the custom portion of the plant. In the custom plant there are no interface problems between the nuclear steam supply system and the balance of the plant because the unit is reviewed as a complete package. In the standard plant the nuclear steam supply system design must be evaluated and described so that it can be referenced by any one of several different balance-of-plant systems. This means that all portions of the nuclear steam supply system that must be met by the balance of the plant must be pulled out and identified for future reference and compatibility.

The standard reference design also differs in that more complete preliminary design information is required. Because of these situations the manpower is reflected in higher review

costs for standard designs at the construction permit stage. Since standardization in the nuclear power industry is in the developing stages, it is reasonable to assume that the NRC staff may have been in the upper part of a learning curve with respect to the review and evaluation of such applications when the manpower averages were developed for these facilities. The Commission believes that as standardization increases, the review time and, hence, the accompanying fees will decrease. It is also expected that, as experience is gained by the industry, the NRC effort required to process applications for standard designs and standardized plants will decrease because interface problems will be resolved, and custom and standard plant designs will approach each other with regard to completeness of preliminary design. Because of the changing state in standardization, and reactor licensing, the charges for all construction permits and operating licenses; facility manufacturing licenses; and for review of Preliminary Design Approvals and Final Design Approvals (including amendments and renewals thereto) will be based on the expenditures for professional manpower and appropriate support services required to process the specific application. The respective fees will be determined when the review of the project is completed.

It is important to realize that, in the standardization of nuclear facilities, the significant benefits to industry would be predictability, repeated use of a design, and commonality in analysis, procedures, and purchase specifications. Additionally, as these benefits develop, licensing time and costs should decrease.

It should be noted that, with respect to the licensing of a standard nuclear power plant, much of the effort required to process the application is independent of the standardization option. The effort related to environmental, antitrust, and safeguards reviews and considerations as well as quality assurance inspections and evaluations, considerations of the Advisory Committee on Reactor Safeguards, and hearings, are independent of the type of plant or design.

It was observed by one person that the proposed schedule of facility fees did not contain a schedule of fees for renewal of licenses for test and research reactors. It is intended that renewals of such licenses will be handled by amendments under the appropriate class in the license amendment schedule of § 170.22, and that a separate fee schedule is unnecessary.

It was suggested that the six classes of amendment fees for facility permits, licenses, or approvals, be revised for clarification purposes. The licensing staff has reviewed the classes of amendments and made revisions to the class definitions so that they would be more specific. The schedule in § 170.22 has also been revised to provide that, at the time an application for amendment or other required approval is filed, the applicant shall determine the class of amendment or approval being filed, state the basis for the classification, and remit the corresponding fee with the application. The Commission will evaluate the application or request to determine accuracy of the fee classification and inform the applicant if reclassification is required. Where a reclassification results in overpayment by the applicant, a refund will be made. If the reclassification results in placing the application into a higher fee class, the applicant will be billed for the additional charge. The Commission's processing of an application or request by consolidation or by separation into parts will not result in increased charges. The processing of an application for an amendment or approval will not be delayed pending resolution of proper fee payment: *Provided*, The applicant has classified the application and remitted what it believes to be the correct fee.

Proposed § 170.22 provided that amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204 of this chapter, or amendments resulting in an initial increase in power to 100 percent of the initial design power, are exempt from fees. The section was amended to provide that, in addition, the Commission will consider exempting from fees those applications for amendments in Classes I, II, and III, when the application results from a written NRC request for an application to amend a license; provided, however, that the request is to simplify or clarify license or technical specifications, the amendment has no, or only minor safety significance, and the amendment is issued for the convenience of the NRC. Examples of such amendments would include, but are not limited to, conversion to standardized technical specifications, revision of reporting requirements, Commission initiated changes to simplify interpretation of specifications, and removal of unnecessary technical specifications after satisfactorily completing environmental studies.

Several persons commented that the Commission should specify a maximum level of inspection frequency rather than a minimum frequency so that licensees would know how many inspections would be performed in a given period of time, as well as the costs thereof. Some licensees argued that unless a maximum inspection frequency was provided for in the rule, the NRC could perform numerous inspections at will and charge the licensees for each inspection. We agree that the rule should provide for maximum charges, and thus, have revised the inspection fee schedules accordingly to show the maximum number of charges which will be assessed against a license during a specified period.

One person commented that the proposed schedule of facility fees did not recognize the case of a duplicate plant project utilizing a reference nuclear steam supply system and a balance of plant. This approach to standardization is covered by § 170.21, fee Category A.4.b.

It was suggested by one person that NRC costs incurred in the review of applications for approval of standardized reference designs filed by vendors and architect-engineers be incorporated in the charges assessed to a utility filing for a construction permit for a nuclear power plant. The writer argued that the utility is the ultimate recipient of any benefit of standardization. We have not done this because vendors and architect-engineers file the applications and request approval of their designs and are therefore the identifiable recipients of special benefits conferred by NRC approval of standardized reference designs.

One person commented that any fees paid for an early site review should be deducted from the charge assessed for a construction permit. We agree that, where an application for a construction permit is filed proposing to build a facility on a site which has been approved for a facility by the NRC, and a fee has been paid for the early site review, the fee will be subtracted from the charge imposed on the applicant for the construction permit. In no instance will an applicant be required to pay more than one fee for review of a single site, except where the time lapse since the review is such that an update of the review must be completed.

Two parties commented that it would be unfair to assess fees for Preliminary Design Approvals and Final Design Approvals for standardized reference designs where the application was on file prior to the effective date of this notice. As of December 16, 1977, the Commission has reviewed and issued 11 approvals without assessing fees. To be fair and equitable in those cases where no fees are presently being charged, the Commission will exempt from payment of fees (1) approvals of Preliminary Design Approvals and Final Design Approvals, (2) special projects, e.g., early site reviews, topical reports, and amendment or renewal of Preliminary Design Approvals and Final Design Approvals, (3) approvals issued for the evaluation of casks, packages, and containers, used in transportation of radioactive material, and (4) approvals for standardized spent fuel facility designs, provided such complete and acceptable applications were filed prior to the ef-

fective date of this notice. In those cases where no fees are presently being charged for license amendments and license renewals, and where a complete and acceptable application for amendment or renewal is filed prior to the effective date of this notice, the Commission will exempt the application from fees.

In the case of Part 50 construction permits, manufacturing licenses, and operating licenses, where the permit or license review is completed on or after the effective date of this amendment to Part 170, the revised schedule of fees shall apply. Under the present regulations in Part 170, the application fee for Parts 30, 40 and 70 licenses covers the review and licensing process. Accordingly, no additional license fees would be imposed on those applications filed prior to the effective date of this amendment.

One person questioned how charges would be determined for facility Reference System Preliminary Design Approvals and Final Design Approvals when more than one standard design is included in a single application. The point was made that it would be unfair to charge a full fee for each approval when there is likely to be an amount of commonality in designs. The charge for vendor and architect-engineer standard design approvals will be based on the expenditures for professional manpower and appropriate support services required to review the particular application with an upper ceiling specified in the rule. The charge for the approval of a single design will not exceed that shown in the fee schedule (application fee plus approval fee). When one application for a Preliminary Design Approval or a Final Design Approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee. Consequently, where a design has commonality with a previously approved design, the reduced effort will be reflected in the charge. Where a Preliminary Design Approval or Final Design Approval is amended or renewed the amendment fee or renewal fee will be based on expenditures for professional manpower and appropriate support services required and be considered as a special project.

Two parties suggested that the colection of fees for Preliminary Design Approvals and Final Design Approvals be deferred until the design is sold and a construction permit issued and the fee be spread over several units. The Commission has decided that collection of review costs for Preliminary Design Approvals and Final Design Approvals will be as follows: the applicant will be required to remit an application fee of $50,000 with the application and pay 20 percent of the remaining review costs (which are limited by the rule) for each of the first five units of the approved design as they are referenced in applications filed by a utility or utilities.

Several parties argued that collection of fees for regulatory services may lead to inefficiency and redundancy in NRC's review of applications. This argument appears to be without merit. The Commission is committed to the expeditious review of each application; however, the review must be conducted within the established guidelines and regulations of the NRC and applicable statutes. In addition, the Commission is committed to the effective use of its resources and accordingly, budget and staffing proposals are carefully reviewed by internal review committees, by the Commission, by the Office of Management and Budget in the Executive Office of the President, and by the Congress.

Several persons commented that the NRC's assessing of fees, while the Agreement States do not, puts the Commission licensees at a competitive disadvantage with licensees operating under Agreement State licenses. The extent and significance of this problem is not serious because at this time, several Agreement States have license fees and it is expected that other states will adopt a fee program. The Commission has furnished model license fee legislation to all 50 states and to the Council of State Governments. In addition, there are few instances where Commission licensees are in close and direct competition with Agreement State licensees. Finally, assessment of fees here is consistent with the judicial guidelines utilized in promulgating this fee schedule.

One person commented that the length of time is too short between renewals for materials licenses, and that renewal fees should be deleted since the renewal of a materials license can be addressed as an amendment.

The matter of the length of time between issuance and expiration of a license is not directly related to fees. It is noted, however, the staff is currently reviewing the five-year renewal requirement for materials licenses. With regard to whether or not a separate fee category is warranted for renewals, it should be noted that the nature and scope of license renewals and license amendments are sufficiently different to warrant categorizing them separately. License amendment reviews normally focus on one or more narrow aspects of a licensed operation, while a license renewal involves a broad review of nearly all aspects of licensed operations.

Two persons commented that the terms "major amendment" and "minor amendment" for materials licenses should be defined and that the cost difference between the major and minor amendment fees may not be fair. The proposed fee schedule did define the two classes of materials license amendments. Because of limited licensing experience in the fuel cycle area, commercial waste disposal by burial, and the evaluation of packages and containers used in transportation of licensed material, the fees shown in the schedules will be the maximum charges and the fee will be based on the actual expenditures for professional manpower and appropriate support services.

Several persons commented that Category 11, the fees for review and approval of shipping packages and containers, should be broadened to differentiate between small and large shipping containers. The proposed rule has been revised to take into account the various types of shipping containers on the basis of the decay heat for spent fuel casks. The number of categories has also been expanded to make a distinction with respect to the quantity and form of radioactive material that may be present in the shipping package and whether the contents of the package are fissile.

Numerous colleges and universities questioned whether nonprofit educational institutions would be required to pay license, amendment, and inspection fees for research reactor facilities under the proposed schedule of fees when the facility is used for purposes other than teaching, training, or medical activities. They argued that to impose such charges may in some instances jeopardize their research programs. On the other hand, there were also comments from industry that it was unfair for an educational institution to use a research reactor for commercial purposes in competition with private industry without being subject to the payment of license and inspection fees. Currently, there are 54 colleges and universities licensed by the Commission to operate research reactors. The Commission does not have data concerning how extensively these facilities may be used for purposes other than teaching, training, or medical. It is not practical to resolve this matter with this amendment to Part 170. The Commission will pursue this matter at a later date and issue a separate notice.

Several parties argued that the Commission should not impose fees on vendors and architect-engineers for review of facility topical reports. These reports deal with subjects such as design, analytical models, or techniques or performance testing of components, and systems of nuclear power plants, which can be reviewed independently of any specific license application for a construction permit or operating license. The basis for the argument is that these reports benefit the Commission's licensing process and

the utility by reducing the time required to process a permit or license. They argue that imposition of fees for topicals may discourage the submission of such reports since the vendor and architect-engineers are not particularly interested in this review system in any event.

The May 2, 1977 notice left the charge for topical report reviews open; to be based on actual expenditures for professional manpower and appropriate support services with no upper limit. The topical report review involves the evaluation of an application filed by a vendor or architect-engineer. It comes under the Commission's guidelines for assessing fees to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the NRC. The Commission has decided to assess fees for topical reports because the service provided in the review of the application or report falls within the guidelines which were based on the court's decisions. The Commission has, however, set an upper limit of $20,000 for a topical report review because it believes that the submission of topical report requests should not be discouraged by the possibility of an open-ended fee. In this exceptional circumstance the Commission has, therefore, set a maximum fee for the topical report review. It is to be noted that the upper limit applies equally to all persons who request topical report reviews and is consistent with the guidelines.

One licensee commented that the steady-state power, which characterizes a research reactor, is the level which the Commission should use in setting the frequency of routine inspections. The classification of each licensed research reactor is described in the Commission inspection manual which is in the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C. This classification is based on various characteristics of the facility as they relate to safety and, in general, are related to licensed steady-state power levels. As suggested, steady-state power will be used to determine the frequency of inspections for research reactors.

One person commented that it is inequitable to propose a safeguards inspection fee for a reactor fuel reprocessing facility that is substantially higher than the fee for a power reactor. Most of the difference in fees result from costs attributable to the inspection of the material control and accountability aspects of the licensee's program. This is directly related to the fact that considerable special nuclear material is in an uncontained state while in various process streams and, therefore, is much more vulnerable to theft and/or diversion through sabotage in a fuel reprocessing plant. By contrast, inspection for a reactor is concerned with control and accountability involving only verification of sealed fuel element inventory and burn-up calculations and physical security.

Several parties commented that fees should be related to revenue earned by the licensee or to the volume of sales so that smaller businesses pay lower fees. The Court of Appeals found that the value conferred standard means that the fee assessed cannot exceed approximate costs to the agency rendering the service. Fees based on revenue or the volume of business would not conform to the Court's guidance because these variables are unrelated to the NRC's costs of performing the service.

It was suggested by one person that the new schedule should include a provision for situations where the licensee places a licensed plant in a standby situation for an indeterminate period. This situation would be handled by license amendment. When a plant is placed in standby, the license may be modified to authorize "possession only" and this would be considered a minor amendment. When the licensee plans to resume operations, the license would be amended to authorize "possession and use".

CHANGES INCORPORATED IN FINAL RULE

1. The schedule of facility fees has been revised to provide that charges for construction permits, operating licenses, facility manufacturing licenses, review of standardized reference designs filed by vendors and architect-engineers, and topical report reviews will be based on the expenditures for professional manpower and appropriate support services required to process the application or request. Such charges will not exceed the fees shown in § 170.21.

2. A new term "Advanced Reactors" has been added to § 170.21 and will replace the category identified as "Breeder Reactors". The new category is defined as any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors and will accommodate new reactor concepts which may be submitted to the Commission for review.

3. The category identified as Fuel Reprocessing Complex has been deleted in Proposed 170.21 E. Any processing of such applications in the future will be handled as special projects.

4. Footnote 4 of § 170.21 (previously designated footnote 10) has been revised to provide that, where a fee has been paid for a facility early site review, the charge will be deducted from the fee assessed for a construction permit issued for the approved site. Also, the revised footnote clarifies the intent that a separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit concurrently on file for the same site, except where the application for the construction permit is withdrawn by the applicant or denied by the Commission.

5. The classes of amendments for facility permits, licenses, or approvals, have been revised extensively. Although six classes remain, the descriptions have been amplified and clarified. The footnote in § 170.22, which would exempt from fees amendments issued pursuant to Commission orders, has been broadened to provide that Classes I, II, and III amendments, which result from written NRC requests, may be exempted from fees at the discretion of the Commission when the amendment is issued for the convenience of the Commission.

6. The definition of special projects has been broadened to cover applications or requests to amend or renew Preliminary Design Approvals or Final Design Approvals for standardized reference designs filed by vendors and architect-engineers. Accordingly, fees for such applications or requests will be based on actual expenditures for professional manpower and support services.

7. The schedule of inspection fees has been modified to show the maximum number of charges which will be assessed against a license during a specified period. The proposed schedule did not set an upper limit. Licensees may be inspected more frequently than shown in the schedule, however, the number of charges will be limited by the schedule.

8. Several new fee subcategories have been developed for Category 1H licenses which authorize the receipt and storage of spent fuel. The new categories take into consideration factors which affect the scope of the licensing review. This includes whether or not the facility will be based on an approved standardized design or a custom design, and whether the facility will be located on a site for which an environmental and site safety review have been performed and documented when the license application is filed with the Commission. A new fee Category 12, covering the review of a standardized spent fuel facility design, has been established. The new categories will accommodate the new standardization concept in licensing.

9. Several new fee categories have been developed for the review of packages and containers used in the transportation of licensed radioactive materials. The new categories are designed to cover the smallest practical units used in transportation.

10. Materials license fee Categories 1A through 1G, 2A through 2C, and 4A, of § 170.31 have been modified to

split the application fee shown in the proposed schedule into an application fee and license fee. The total charge will remain the same as shown in the May 2, 1977 notice. The modifications make the method of assessing fees for fuel cycle applications and licenses consistent with that used for Part 50 facility licenses.

11. The definition of materials license fee Categories 1A, 1C, 1D, 1E, 1F, and 1G, of § 170.31 and § 170.32 have been modified to make the language consistent with Part § 73.1 and equivalent sections of Part 70 with respect to safeguards application requirements.

12. Footnote 1 to § 170.31 has been revised to provide that an application for a license, license renewal, or license amendment, covering more than one fee category of special nuclear material, except Category 1H (spent fuel storage), will be subject to the category having the highest fee, provided, however, the use of the material is confined to one location. The purpose of this change is to clarify the intent of the Commission to limit fees to the direct and indirect costs of the licensing review or inspection.

13. § 170.31 has been revised to clarify the intent that applications for licenses to manufacture and distribute encapsulated byproduct material or special nuclear material for use in power generation are not subject to the charges in fee Categories 1J and 3A. Also, fee Category 10 covering power sources has been revised to clarify that reactor start-up sources are not considered sources used for power generation.

14. Fee Categories 1D through 1G, and 1J have been revised to clarify the intent that these categories cover licenses which authorize research and development and that the radioactive material is in an unsealed form.

15. A footnote has been added to § 170.31 which specifies that an applicant for a license or license amendment which would authorize both byproduct material and special nuclear material contained in sealed sources for use in gauging devices will pay a single fee under fee Category 1I. This change takes into account the Commission's intent to limit fees to the direct and indirect costs of the licensing review.

16. Fees have been established for renewal of Commission "Approvals" for packages and containers used in the transport of radioactive materials. The renewal fee was inadvertently omitted in the proposed schedule.

17. The terms "duplicate unit", "replicate unit", "reference systems concept", and "Advanced Reactors", have been added to § 170.3 for clarification purposes. The definition of "waste disposal license" has been deleted as unnecessary.

18. A footnote has been added to § 170.32 which provides that, where more than one permanent radiography installation is shown on a materials license as authorized locations of use, a separate fee will be assessed for the routine inspection of each location, provided, however, that if the multiple installations can be inspected during one visit a single inspection fee will be assessed.

19. The regulation in § 170.12 concerning the remittance of fees by applicants and licensees has been revised in its entirety to accommodate the amended rule.

20. The schedule of amendment fees for materials license Categories 1A through 1H, 2A through 2C, 4A and 4B, and 11A through 11D, have been modified to add fees for "Administrative" type amendments. Footnote 3 to § 170.31 has been amended to define administrative amendments. The modification will accommodate those requests from licensees which are routine or administrative in nature (e.g. name changes, minor word changes in licenses or approvals, etc.).

21. The proposed amendment fee for materials fee Category 2B has been redesignated as a major safety and environmental amendment fee. A new category designated as minor safety and environmental amendment has been established for fee purposes. These changes make the amendment fees for Category 2B consistent with those established for other major fuel cycle licenses.

22. Footnote 4 of § 170.21 (previously designated as footnote 10) has been broadened to provide for a maximum fee of $20,000 for the review of a topical report. The fee will be based on actual expenditures incurred for professional manpower and support services. The fee in the proposed schedule was open-ended.

23. Footnote 1.d. of § 170.31 has been revised to provide that the Commission may exempt from fees applications for amendments to materials licenses and approvals which result from a written NRC request and the amendment is issued for the convenience of the Commission.

24. Footnote 4, of § 170.31, which provides for the charging of fees based on actual manpower and support services required to process the application, has been added to Categories 1D through 1G of § 170.31. This approach is consistent with other fuel cycle licenses where the professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in § 170.31.

25. The method of payment for Preliminary Design Approvals or Final Design Approvals has been modified to require the application for approval to be accompanied by an application fee of $50,000, and to require the approval fee to be paid in five installments based on payment of 20 percent of the fee for each of the first five units of the approved design referenced in an application filed by a utility or utilities. Approval fees for additional designs, filed in a single application are subject to a maximum fee which is the sum of the application fee and the approval fee.

Rulemaking Petitions

On May 2, 1974, Conner, Hadlock and Knotts, a Washington, D.C., law firm, filed a petition for rulemaking on behalf of 13 electric utilities with the Nuclear Regulatory Commission (at that time the Atomic Energy Commission) to amend the license fee schedules specified in 10 CFR Part 170 by reducing the fees for nuclear power reactor licenses. The petition cited the March 4, 1974 decisions of the Supreme Court, referred to previously. This petition was docketed as RPM-170-2 and a notice was published in the Federal Register on May 21, 1974.

In a letter dated February 7, 1975, the petitioners moved the Commission to limit fees to be charged in the future to the amounts specified in their petition of May 2, 1974, with respect to application fees, construction permit fees, and operating license fees, until the matter of appropriate fees is finally resolved by court or legislative action and to consolidate into Docket PRM-170-2 the Commission initiated rulemaking proceeding regarding the proposed amendments to 10 CFR Part 170. The Commission denied the petitioner's request for a temporary reduction of fees as made in the request to consolidate Docket PRM-170-2 with the Commission's ongoing rulemaking proceeding in connection with the proposed amendment of 10 CFR Part 170 (40 FR 33736).

The Nuclear Regulatory Commission has developed a revised schedule of license fees in 10 CFR Part 170 consistent with the holdings of the Supreme Court decisions and the United States Court of Appeals for the District of Columbia Circuit in its December 16, 1976 decisions in the Federal Communications Commission cases.

Under these Courts' decisions, we find no basis for granting the petitioner's request for a reduction of licensing fees to approximately five percent of the current level in 10 CFR Part 170. Under the guidance provided by the Court of Appeals, fees may be assessed to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the NRC. Special benefits include services rendered at the request of a recipient, all services necessary for the issuance of a required license, and all services necessary to assist a recipient in complying with statutory obliga-

tions or obligations under the Commission regulations. Under the revised schedule, the direct and indirect costs incurred in providing special benefits as described above were used in fee calculations.[1]

The Atomic Industrial Forum also filed a petition to amend the license fee schedule (PRM 170-1, 39 FR 15521). The Commission's independent rule making proceeding on license fees has rendered the petition moot. Accordingly, it is denied.

Following the Supreme Court decisions on March 4, 1974, in *National Cable Television Association, Inc.* v. *United States* 415 U.S. 336 (1974), and *Federal Power Commission* v. *New England Power Co.*, 415 U.S. 345 (1974), the Commission eliminated annual license fees and notified licensees that a request may be filed for refund of annual fees collected. We again advise licensees that a refund of annual fees is available. A request for refund should include the name and address of the licensee and the license number. Each specific annual fee refund claim should include the invoice number, the amount paid by year, the amount of the refund requested, and the amount of any previous refund.

Request for refunds should be mailed to the Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, are published as a document subject to codification to be effective March 23, 1978.

1. The title of the license fee schedule (Part 170) is hereby amended to read:

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

2. Section 170.2 is revised to read as follows:

§ 170.2 Scope.

Except for persons who apply for or hold the permits, licenses, or approvals exempted in § 170.11, the regulations in this part apply to a person who is an applicant for, or holder of, a specific byproduct material license issued pursuant to Parts 30 and 32-35 of this chapter, a specific source material license issued pursuant to Part 40 of this chapter, a specific special nuclear material license issued pursuant to Part 70 of this chapter, a specific approval of spent fuel casks and shipping containers issued pursuant to Part 1 of this chapter, a specific request for approval of sealed sources and devices containing byproduct material, source material, or special nuclear material, or a production or utilization facility construction permit and operating license issued pursuant to Part 50 of this chapter, to routine safety and safeguards inspections of a licensed person, to a person who applies for approval of a reference standardized design of a nuclear steam supply system or balance of plant, for review of a facility site prior to the submission of an application for a construction permit, for review of a standardized spent fuel facility design, and for a special project review which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

3. Section 170.3 is amended as follows: Paragraph (o) is deleted as not necessary and the paragraph is reserved, and paragraphs (q)-(x) are added as follows:

§ 170.3 Definitions.

(o) [Reserved] * * *

* * * * *

(q) "Nuclear Steam Supply System" consists of the reactor core, reactor coolant system, and related auxiliary systems including the emergency core cooling system; decay heat removal system; and chemical volume and control system.

(r) "Balance of plant" consists of the remaining systems, components, and structures that comprise a complete nuclear power plant and are not included in the nuclear steam supply system.

(s) "Special projects" means those projects submitted to the Commission for review and for which specific fees are not prescribed in this chapter. Examples of special projects include, but are not limited to, topical reports, early site reviews, waste solidification facilities, fuel reprocessing facilities, and amendment or renewal of standardized reference design approvals.

(t) "Routine inspection" means an inspection performed at frequencies or during a certain period of time prescribed by the Commission for purposes of reviewing a licensee's authorized activities to assure that they are being conducted in accordance with regulatory or statutory requirements and that associated facilities and equipment are being operated in a safe manner.

(u) "Duplicate unit" means one of a limited number of the same kind of units which are to be constructed within a limited time span and subject to review at the same time by the staff.

(v) "Replicate unit" means a unit based on the reuse of a plant design, previously reviewed and approved for construction by the same utility or by another utility as part of another construction permit application.

(w) "Reference systems concept" means a concept that involves the review of an entire facility design or major fraction of a facility design outside of the context of a license application. The standard design would be referenced in subsequent license applications.

(x) "Advanced reactor" means any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors.

§ 170.11 [Amended]

4. The introductory language in paragraph (a) and paragraph (a)(9) of § 170.11 is revised to read as follows:

(a) No application fees, license fees, amendment fees, renewal fees, approval fees, or inspection fees shall be required for:

* * * * *

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof, except for licenses which authorize distribution of byproduct material, source material, or special nuclear material, or products containing byproduct material, source material, or special nuclear material, or licenses authorizing services to any person other than an agency or political subdivision of the State.

* * * * *

5. Paragraph (b)(3) of § 170.11 is deleted.

6. Section 170.12 is revised in its entirety to read as follows:

§ 170.12 Payment of fees.

(a) *Application Fees.* Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *License Fees.* Fees for construction permits, operating licenses, manufacturing licenses, and materials li-

[1] Under its current regulations the Commission recovered approximately 3.7 percent of its regulatory budget in fiscal year 1977. If the revised schedule had been in effect during fiscal year 1977, the Commission would have recovered about 12 percent of its fiscal year 1977 budget of approximately $250 million.

censes, are payable upon notification by the Commission when the review of the project is completed.

(c) *Amendment Fees.* The appropriate amendment fee shall accompany the application for amendment when filed with the Commission. Where applicable, the applicant shall provide a proposed determination of the amendment class and state the basis therefor as part of the amendment request and shall remit the fee corresponding to this determination with the application for amendment. The Commission will examine the amendment fee and will, where applicable, refund any overcharges or bill the applicant for the additional amendment fee.

(d) *Renewal Fees.* The appropriate renewal fee shall accompany the renewal application when filed with the Commission.

(e) *Approval Fees.* Fees for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. Fees for facility reference standardized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design are referenced in an application(s) filed by a utility or utilities.

(f) *Special Project Fees.* Fees for special projects are payable upon notification by the Commission when the review of the project is completed.

(g) *Inspection Fees.* Inspection fees are payable upon notification by the Commission.

(h) *Method of Payment.* Fee payments shall be by check, draft, or money order made payable to the U.S. Nuclear Regulatory Commission.

7. Section 170.21 of Part 170 is revised to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of reference standardized designs, and special projects.

(a) Applicants for construction permits, manufacturing licenses, operating licenses, and approvals of reference standardized facilities designs, shall pay the fees set forth in the table below.

(b) Applicants for special project reviews shall pay fees as separately determined by the Commission.

SCHEDULE OF FACILITY FEES

Facility categories	Types of fees	Fee[1]
A. Power reactors:		
1. Custom[2]	Application—Construction permit	$ 125,000
	Construction permit—First unit	944,000
	Construction permit—Concurrent unit[3]	174,000
	Operating license—First unit	1,024,500
	Operating license—Concurrent unit[3]	302,800
2. Standardized design—duplicate unit[2].	Application—Construction permit	125,000
	Construction permit—First unit	944,000
	Construction permit—Concurrent unit[3]	174,000
	Construction permit—First identical unit additional site(s)	757,100
	Operating license—First unit	1,024,500
	Operating license—Concurrent unit[3]	300,200
	Operating license—First identical unit additional site(s)	712,000
3. Standardized design—replicate unit[2].	Application—Construction permit	125,000
	Construction permit—First unit	811,600
	Construction permit—Concurrent unit[3]	164,200
	Construction permit—First identical unit additional site(s)	725,900
	Operating license—First unit	914,400
	Operating license—Concurrent unit[3]	293,900
	Operating license—First identical unit additional site(s)	691,500
4. Standardized design—Reference systems concept:[2]		
a. Utility referencing a standardized nuclear steam supply system and custom balance of plant for both CP and OL stages.	Application—Construction permit	125,000
	Construction permit—First unit	853,600
	Construction permit—Concurrent unit[3]	162,500
	Construction permit—First identical unit additional site(s)	725,900
	Operating license—First unit	934,100
	Operating license—Concurrent unit[3]	292,100
	Operating license—First identical unit additional site(s)	669,200
b. Utility referencing a standardized nuclear steam supply system and standardized balance of plant for both the CP and OL stages.	Application—Construction permit	125,000
	Construction permit—First unit	721,800
	Construction permit—Concurrent unit[3]	162,500
	Construction permit—First identical unit additional site(s)	725,900
	Operating license—First unit	829,100
	Operating license—Concurrent unit[3]	292,100
	Operating license—First identical unit additional site(s)	669,200
5. Manufacturing license concept:[2].		
a. Vendor—review of preliminary design.	Application	125,000
	Manufacturing license	1,477,500
b. Vendor—review of final design.	Final design amendment	448,100
c. Utility referencing a manufacturing license.	Application—Construction permit	125,000
	Construction permit—First unit	730,000
	Construction permit—Concurrent unit[3]	61,500
	Operating license—First unit	1,001,200
	Operating license—Concurrent unit[3]	221,000
6. Advanced reactors[2]	Application—Construction permit	125,000
	Construction permit	1,781,000
	Operating license	1,954,900
B. Standard reference design review:[4]		
1. Vendor—Standardized nuclear steam supply system:		
a. Review of preliminary reference design.	Application	50,000
	Approval	412,100
b. Review of final reference design.	Application	50,000
	Approval	483,400
2. Architect-engineer—Standardized balance of plant:		
a. Review of preliminary reference design.	Application	50,000
	Approval	412,100
b. Review of final reference design.	Application	50,000
	Approval	501,200
C. Test facility:[2]	Application—Construction permit	5,000
	Construction permit	67,200
	Operating license	100,300
D. Research reactor:[2]	Application—Construction permit	5,000
	Construction permit	34,900
	Operating license	55,000
E. Uranium enrichment plants:[4]	Application—Construction permit	125,000
	Construction permit	388,400
	Operating license	457,200
F. Special projects and reviews[4]		

[1] Where a partial fee for a power reactor operating license has been paid prior to the effective date of this amendment, the amount paid shall be deducted from the fee prescribed by this amendment and the difference will be due when the operating license for 100 pct power is issued.

[3] *Concurrent unit.* A concurrent unit is defined as a power reactor of the same design at a single power station that was subject to concurrent licensing review.

(Continued)

(Continued)

[3] When review of the permit, license, approval, or amendment is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees. When one application for a preliminary design approval or final design approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee.

[4] Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred. Where a fee has been paid for a facility early site review, the charge will be deducted from the fee for a construction permit issued for that site. A separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit on file for the same site, except where the application is withdrawn by the applicant or denied by the Commission. The maximum fee for review of a topical report shall not exceed $20,000.

8. A new § 170.22 is added to read as follows:

§ 170.22 Schedule of fees for facility license amendments.

SCHEDULE OF AMENDMENT FEES FOR REACTOR FACILITY PERMITS, LICENSES, AND OTHER APPROVALS REQUIRED BY THE LICENSE OR COMMISSION REGULATIONS

Class of Amendment[1]	Fee[2]	
	Power reactors	Test and research reactors
CLASS I: Amendments that are a duplicate of an amendment for a second essentially identical unit at the same site, where both proposed amendments are received, processed, and issued at the same time	$400	
CLASS II: Amendments that are pro forma, administrative in nature, or have no safety or environmental significance	1,200	$600
CLASS III: Amendments, exemptions, or required approvals that involve a single environmental, safety, or other issue, have acceptability for the issue clearly identified by an NRC position, or are deemed not to involve a significant hazards consideration	4,000	2,000
CLASS IV: Amendments, exemptions, or required approvals that involve a complex issue or more than one environmental, safety, or other issue, or several changes of the class III type incorporated into the proposed amendment, or involve a significant hazards consideration, or require an extensive environmental impact appraisal, or result from dismantling or license termination orders	12,300	6,000
CLASS V: Amendments, exemptions, or required approvals that require evaluation of several complex issues, or involve review by the ACRS, or require an environmental impact statement	25,800	12,000
CLASS VI: Amendments, exemptions, or required approvals that require evaluation of a new Safety Analysis Report and rewrite of the facility license (including technical specifications), such as may be required for a license renewal	45,900	20,000

[1] At the time the application is filed, the licensee or applicant shall provide a proposed determination of amendment class and state the basis therefor as part of the amendment or modification request and shall remit the fee corresponding to this determination. The Commission will evaluate the proposed amendment class determination and inform the licensee or applicant if reclassification is required. Reclassification that changes the class of amendment will result in the refund of over-charges to the licensee or applicant or billing the licensee or applicant for additional fees.

[2] License amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204, and amendments resulting in an initial increase in power to 100 percent of the initial design power level are not subject to these fees, except as provided in footnote 1 to § 170.21. Class I, II, or III amendments which result from a written Commission request for the application may be exempt from fees when the amendment is to simplify or clarify license or technical specifications; the amendment has only minor safety significance, and is issued for the convenience of the Commission.

9. A new § 170.23 is added to read as follows:

§ 170.23 Schedule of fees for routine health, safety and environmental inspections of facilities.

SCHEDULE OF FACILITY ROUTINE HEALTH, SAFETY AND ENVIRONMENTAL INSPECTION FEES [1]

Category	Fee[1]	Maximum frequency[2]
(1) Power reactor:		
First unit	$75,700 per year	Continuous.
Additional units at same site[3]	$60,400 per year	Do.
(2) Test reactor	$4,500 per inspection	2 per year.
(3) Research reactor	$4,200 per inspection	1 every 2 years.
(4) Other production or utilization facility[4]	$42,100 per year	Continuous.
(5) Production or utilization facility licensed for possession but not operation.	$650 per year	1 per year.

[1] Routine inspections are safety, environmental, and health physics inspections performed at specified frequencies for purposes of reviewing a licensed program to assure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954, as amended, Commission regulations, and the terms and conditions of the license.

[2] The frequency shown in the schedule is the maximum number of routine inspections for which a fee will be assessed.

[3] A reduced fee will be charged when the inspection of an additional unit at the same site is conducted concurrently with the first unit.

[4] Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

10. A new § 170.24 is added to read as follows:

§ 170.24 Schedule of fees for routine safeguards inspections of facilities

SCHEDULE OF FACILITY ROUTINE SAFEGUARDS INSPECTION FEES

Category	Fee	Maximum frequency[1]
(1) Power reactor:		
First unit	$11,800 per year	2 per year.
Additional unit at same site[2]	$9,500 per year	Do.
(2) Test reactor (fuel of high strategic importance)	$6,500 per inspection	1 per year.
(3) Research reactor (fuel of moderate strategic importance).	$1,300 per inspection	1 every 2 years.
(4) Other production or utilization facility[3]	$38,700 per year	3 per year.

[1] The frequency shown in the schedule is the maximum number of safeguards inspections for which a fee will be assessed. Power reactors and other production and utilization facilities will be assessed the yearly inspection fee shown in the above table.

[2] A reduced fee will be charged when the inspection of additional unit(s) at the same site is conducted concurrently with the first unit.

[3] Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

11. Section 170.31 is amended to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services.

Applicants for materials licenses and other regulatory services and holders of materials licenses shall pay the following fees.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of materials licenses	Type of fee[1]	Fee
1. Special nuclear material:[2]		
A. Licenses for possession and use of 5 kg or more of contained uranium 235 in uranium enriched to 20 pct or more, or 2 kg or more of uranium 233, for fuel processing and fabrication.[4]	Application	$14,000
	New license	122,600
	Renewal	76,800
	Amendment:[3]	
	Major—Safety and environmental	34,600
	Major—Safeguards	8,300
	Minor—Safety and environmental	1,400
	Minor—Safeguards	3,500
	Administrative	150
B. Licenses for possession and use of 5 kg or more of contained uranium 235 in uranium enriched to less than 20 pct, for fuel processing and fabrication.[4]	Application	12,000
	New license	112,800
	Renewal	71,900
	Amendment:[3]	
	Major—Safety and environmental	34,600
	Major—Safeguards	6,900
	Minor—Safety and environmental	1,400
	Minor—Safeguards	3,500
	Administrative	150
C. Licenses for possession and use of 2 kg or more of plutonium for fuel processing and fabrication.[4]	Application for construction approval	50,000
	Construction approval	480,300
	License fee	241,600
	Renewal	170,800
	Amendment:[3]	
	Major—Safety and environmental	75,000
	Major—Safeguards	13,800
	Minor—Safety and environmental	1,400
	Minor—Safeguards	6,200
	Administrative	150
D. Licenses for possession and use of 5 kg or more of contained uranium 235 in unsealed form, or 2 kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication.[4]	Application	3,000
	New license	31,600
	Renewal	18,000
	Amendment:	
	Safety and environmental	1,400
	Safeguards	2,800
	Administrative	150
E. Licenses for possession and use of quantities of plutonium of 2 kg or more in unsealed form for activities other than fuel processing and fabrication.[4]	Application	6,000
	New license	56,300
	Renewal	38,100
	Amendment:	
	Safety and environmental	1,400
	Safeguards	6,900
	Administrative	150
F. Licenses for possession and use of 200 g but less than 2 kg of plutonium in unsealed form.[4]	Application	5,000
	New license	42,100
	Renewal	29,800
	Amendment:	
	Safety and environmental	1,400
	Safeguards	4,800
	Administrative	150
G. Licenses for possession and use of 350 g but less than 5 kg of contained uranium 235 in unsealed form, or 200 g but less than 2 kg of uranium 233 in unsealed form.[4]	Application	2,000
	New license	18,800
	Renewal	11,100
	Amendment:	
	Safety and environmental	1,400
	Safeguards	2,800
	Administrative	150
H. Licenses for receipt and storage of spent fuel:[4] (1) License application for a storage facility of custom design requiring a full design review:		
(a) Storage facility to be located at a new site.	Application	$35,000
	New license	290,000
	Renewal	32,000
	Amendment:[3]	
	Major—Safety and environmental	88,500
	Major—Safeguards	6,200
	Minor—Safety and environmental	3,500
	Minor—Safeguards	3,500
	Administrative	150
(b) Storage facility to be located at the site of an existing nuclear facility.[5]	Application	25,000
	New license	209,300
	Renewal	32,000
	Amendment:[3]	
	Major—Safety and environmental	88,500
	Major—Safeguards	6,200
	Minor—Safety and environmental	3,500
	Minor—Safeguards	3,500
	Administrative	150
(2) License application for a storage facility which references an approved standardized design:		
(a) Storage facility to be located at a new site.	Application	25,000
	New license	236,600
	Renewal	32,000
	Amendment:[3]	
	Major—Safety and environmental	88,500
	Major—Safeguards	6,200
	Minor—Safety and environmental	3,500
	Minor—Safeguards	3,500
	Administrative	150
(b) Storage facility to be located at the site of an existing nuclear facility.[5]	Application	15,000
	New license	130,000
	Renewal	32,000
	Amendment:[3]	
	Major—Safety and environmental	88,500
	Major—Safeguards	6,200
	Minor—Safety and environmental	3,500
	Minor—Safeguards	3,500
	Administrative	150
(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:		
(a) Storage facility to be located at a new site.	Application	15,000
	New license	159,200
	Renewal	32,000
	Amendment:[3]	
	Major—Safety and environmental	88,500
	Major—Safeguards	6,200
	Minor—Safety and environmental	3,500
	Minor—Safeguards	3,500
	Administrative	150
(b) Storage facility to be located at the site of an existing nuclear facility.[5]	Application	10,000
	New License	73,500
	Renewal	32,000
	Amendment:[3]	
	Major—Safety and environmental	88,500
	Major—Safeguards	6,200

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee[1]	Fee
	Minor—Safety and environmental	3,500
	Minor—Safeguards	3,500
	Administrative	150
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.[2]	Application—New license	110
	Renewal	110
	Amendment	40
J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of Part 150 which shall pay the same rate as Category 1G and special nuclear material for use in power generation which shall pay the fee in Category 10.[2]	Application—New license	460
	Renewal	460
	Amendment	110
2. Source material:		
A. Licenses for possession and use of source material in milling operations, except in in situ leaching and heap-leaching operations.	Application	11,000
	New license[4]	96,700
	Renewal[4]	100,800
	Amendment:[3]	
	Major—Safety and environmental[4]	20,800
	Minor—Safety and environmental[4]	3,500
	Administrative	150
B. Licenses for processing and recovery of source material in in situ leaching operations or heap-leaching operations.	Production scale activity:	
	Application	7,000
	New license[4]	59,500
	Research and development scale activity:	
	Application	2,000
	New license[4]	21,800
	Renewal[4]	*17,300
	Amendment:[3]	
	Major—Safety and environmental[4]	*4,200
	Minor—Safety and environmental	*760
	Administrative	*150
C. Licenses for refining uranium mill concentrates to uranium hexafluoride.	Application	11,000
	New license[4]	96,700
	Renewal[4]	45,800
	Amendment:[3]	
	Major—Safety and environmental[4]	20,800
	Minor—Safety and environmental[4]	3,500
	Administrative	150
D. All other source material licenses	Application—New license	140
	Renewal	70
	Amendment	40
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution, except byproduct material for use in power generation which shall pay the fee in category 10.	Application—New license	460
	Renewal	460
	Amendment	110
B. Licenses issued pursuant to § 32.72 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals containing byproduct material.	Application—New license	190
	Renewal	150
	Amendment	40
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license.	Application—New license	190
	Renewal	150
	Amendment	40
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) and at multiple temporary locations at the address(es) shown in the licenses or at temporary jobsites of the licensee in the field.	Application—New license	460
	Renewal	460
	Amendment	110
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (self-shielded units).	Application—New license	190
	Renewal	150
	Amendment	40
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application—New license	460
	Renewal	460
	Amendment	110
G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Application—New license	950
	Renewal	570
	Amendment	230
H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except: (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands, and dials.	Application—New license	950
	Renewal	570
	Amendment	230
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license	190
	Renewal	150
	Amendment	40
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license	190
	Renewal	150
	Amendment	40

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee[1]	Fee
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	Application—New license	190
	Renewal	150
	Amendment	40
L. All other specific byproduct material licenses, except those in categories 4A through 10A.[2]	Application—New license	110
	Renewal	110
	Amendment	40
4. Waste disposal:		
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material, from other persons for the purpose of commercial disposal by land or sea burial by the licensee.	Application	32,000
	New license[4]	291,100
	Renewal[4]	98,500
	Amendment:[3]	
	Major-Safety and environmental[4]	197,700
	Minor—Safety and environmental	690
	Administrative	150
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Application—New license	1,100
	Renewal	570
	Amendment:	
	Safety and environmental	570
	Administrative[3]	150
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Application—New license	190
	Renewal	4150
	Amendment	440
5. Well logging and well surveys and tracer studies: A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	Application—New license	460
	Renewal	460
	Amendment	110
6. Nuclear laundries: A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	Application—New license	460
	Renewal	460
	Amendment	110
7. Human use of byproduct material, source material, or special nuclear material:		
A. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Application—New license	300
	Renewal	270
	Amendment	40
B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	Application—New license	190
	Renewal	150
	Amendment	40
C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	Application—New license	190
	Renewal	150
	Amendment	40
8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	Application—New license	190
	Renewal	150
	Amendment	40
9. Device, product, or sealed source safety evaluation:		
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Application—Evaluation	570
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except: (1) Reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.	do	110
10. Power source: A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.	Application—New license	1,900
	Renewal	460
	Amendment	460
11. Transportation of radioactive material:		
A. Evaluation of spent fuel cask for greater than 20 kW decay heat.	Application	8,000
	Approval[4]	75,100
	Amendments:[3]	
	Major[4]	6,900
	Minor[4]	3,500
	Administrative	150
	Renewal	150
B. Evaluation of spent fuel cask for less than 20 kW decay heat; air shipping package for plutonium; high-level waste casks; and packages containing radioactive material greater than 2,000 times the type A quantity.[7]	Application	7,000
	Approval[4]	62,200
	Amendments:[3]	
	Major[4]	5,500
	Minor[4]	2,800
	Administrative	150
	Renewal	150
C. Evaluation of fissile packages containing greater than type A quantities of radioactive material; packages containing radioactive material less than 2,000 times the type A quantity[7]	Application	1,000
	Approval[4]	12,800
	Amendments:[3]	
	Major[4]	3,500
	Minor	690
	Administrative	150
	Renewal	150

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee[1]	Fee
D. Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 200 times the type A quantity.[7]	Application	700
	Approval[4]	6,200
	Amendments:	
	Major[4]	1,400
	Minor	350
	Administrative	150
	Renewal	150
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.[7]	Application	200
	Approval[4]	1,200
	Amendments:[5]	
	Major	350
	Minor	150
	Renewal	150
12. Review of standardized spent fuel facility design.[4,8]	Application	12,000
	Approval[4]	107,200
13. Special projects[9]		

[1] *Types of fees.* Separate charges as shown in the schedule will be assessed for applications for new licenses and approvals, issuance of new licenses and approvals, and amendments and renewals to existing licenses and approvals. The following guidelines apply to these charges:

(a) *Application fees.* Applications for materials licenses and approvals shall be accompanied by the prescribed application fee for each category, except that applications for licenses covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed application fee for the highest fee category. Where a license or approval has expired, the full application fee for each category shall be due, except for licenses covering more than one fee category of special nuclear material (excluding category 1H) for use at the same location, in which case the application fee for the highest category would apply.

(b) *License/approval fees.* New licenses and approvals issued in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A through 11E, and category 12, shall pay the license or approval fee for each category, as determined by the Commission when the review of the application or project is completed (see footnote 4), except that a license covering more than one fee category of special nuclear material in categories 1A through 1G shall pay a license fee for the highest fee category assigned to the license.

(c) *Renewal fees.* Applications for renewal of materials licenses and approvals shall be accompanied by the prescribed fee for each category, except that applications for renewal covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed renewal fee for the highest fee category. When the review of an application for renewal is complete for licenses in fee categories 1A through 1H, 2A, 2B, 2C, and 4A, the Commission will examine the renewal fee in accordance with footnote 4, and will refund any overcharges of the renewal fee, if applicable.

(d) *Amendment fees.* Applications for amendments shall be accompanied by the prescribed amendment fee(s). At the time an application for amendment is filed for licenses and approvals in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A, 11B, 11C, 11D, and 11E, the licensee or applicant shall provide an initial determination of the amendment class and state the basis therefor as part of the amendment or approval request, and shall remit the fee corresponding to that determination; however, when review of the amendment or approval is complete, the Commission will examine the amendment fee in accordance with footnote 4, if applicable, and will refund any overcharges to the licensee or applicant, or bill the licensee or applicant for the additional amendment fee. Amendments which result from written NRC requests may be exempted from these fees at the discretion of the Commission when the amendment is issued for the convenience of the NRC.

An application for amendment to a license or approval classified in more than one fee category shall be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply. An application for amendment to a materials license or approval that would place the license or approval in a higher fee category or add a new category shall be accompanied by the prescribed application fee for the new category, except for applications for amendments increasing the scope of a licensed program from fee categories 1F to 1E, 1G to 1D, 3C to 3D, and 7C to 7B, in which cases the amendment fee for the higher fee category would apply. An application for amendment reducing the scope of a licensee's program shall pay the amendment fee of the fee category assigned to the license at the time the application is filed. Applications to terminate licenses shall not be subject to fees.

[2] Licensees paying fees under categories 1A through 1H are not subject to fees under categories 1I and 1J for sealed sources authorized in the same license. Applicants for new licenses or renewal of existing licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application or renewal fee for fee category 1I only.

[3] A major amendment is defined as one requiring evaluation of many aspects of licensed activities where the proposed action could present a potential risk to the public's health and safety. A minor amendment is defined as one where safety, environmental, or safeguards considerations may be easily resolved. An administrative amendment is defined as an amendment that is pro forma routine in nature, or has no safety, environmental, or safeguards significance.

[4] When the review of an application is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of fees for materials licenses and other regulatory services. All administrative amendments are based on fixed charges.

[5] Fees would be applicable only in those instances where a site safety and environmental review has been performed and documented by the Commission for the site at which the storage facility is to be located.

[6] Fee is applicable to a license authorizing either production scale activity or research and development scale activity.

[7] A type A quantity is defined in § 71.4(q) of 10 CFR Part 71.

[8] Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred.

12. Section 170.32 is added to read:

§ 170.32 Schedule of fees for health and safety, and safeguards inspections for materials licenses.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of materials licenses	Type of fee[1]	Fee[2]	Maximum frequency[3]
1. Special nuclear material:			
A. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to 20 pct or more, or two (2) kg or more of uranium 233, for fuel processing and fabrication.	Health and safety	$5,300	3 per year.
	Safeguards	10,300	Do.
B. licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to less than 20 pct, for fuel processing and fabrication.	Health and safety	5,300	Do.
	Safeguards	10,300	1 per year.
C. Licenses for possession and use of two (2) kg or more of plutonium for fuel processing and fabrication.	Health and safety	4,600.	4 per year
	Safeguards	11,700	3 per year.
D. Licenses for possession and use of five (5) kg or more of contained uranium 235 in unsealed form, or two (2) kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication.	Health and safety	4,900	1 per year.
	Safeguards	7,600	2 per year.
E. Licenses for possession and use of quantities of plutonium of two (2) kg or more in unsealed form for activities other than fuel processing and fabrication.	Health and safety	780	1 per year.
	Safeguards	5,400	2 per year.
F. Licenses for possession and use of 200 g but less than two (2) kg of plutonium in unsealed form.	Health and safety	780	1 per year.
	Safeguards	2,300	Do.
G. Licenses for possession and use of 350 g but less than five (5) kg of contained uranium 235 in unsealed form, or 200 g but less than two (2) kg of uranium 233 in unsealed form.	Health and safety	780	1 every 2 years.
	Safeguards	4,000	1 per year.
H. Licenses for receipt and storage of spent fuel:			
(1) License application for a storage facility of custom design requiring a full design review:			
(a) Storage facility to be located at a new site.	Health and safety	780	Do.
	Safeguards	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facillity.	Health and safety	780	1 per year.
	Safeguards	2,900	2 per year.
(2) License application for a storage facility which references an approved standardized design:			
(a) Storage facility to be located at a new site.	Health and safety	780	1 per year.
	Safeguards	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety	780	1 per year.
	Safeguards	2,900	2 per year.
(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:			
(a) Storage facility to be located at a new site.	Health and safety	780	1 per year.
	Safeguards	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety	780	21 per year.
	Safeguards	2,900	2 per year.
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.	Health and safety	330	1 every 5 years.
J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of part 150 which shall pay the same rate as category 1G and special nuclear material for use in power generation which shall pay the fee in category 10.	....do	780	1 per year.
2. Source material:			
A. Licenses for possession and use of source material in milling operations, except in in-situ leaching and heap-leaching operations.	....do	1,800	Do.
B. Licenses for processing and recovery of source material in in-situ leaching operations or heap-leaching operations.	....do	1,800	Do.
C. Licenses for refining uranium mill concentrates to uranium hexafluoride.	....do	1,800	Do.
D. All other source material licenses	....do	460	1 every 2 years.
3. Byproduct material:			
A. Licenses for possession and use of byproduct material issued pursuant to parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution, except byproduct material for use in power generation which shall pay the fee in Category 10[4].	Health & Safety:[5]	1,600	1 per year.
	Large program	780	Do.
	Small program		
B. Licenses issued pursuant to § 32.72 of this chapter authorizing the processing or manufacture and distribution of radio-pharmaceuticals containing byproduct material.	Health & Safety	650	1 every 3 years.
C. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license[4].	....do	720	1 per year.
D. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiograph installation(s) and at multiple temporary locations at the address(es) shown in the license or at temporary jobsites of the licensee in the field[4].	....do	980	Do.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (Self-shielded units).	....do	390	1 every 5 years.

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee[1]	Fee[2]	Maximum frequency[3]
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Health and safety	390	1 every 3 years.
G. Licenses issued pursuant to Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under parts 31 or 35 of this chapter.	do	390	Do.
H. Licenses issued pursuant to Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	do	390	Do.
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of part 30 of this chapter.	do	390	Do.
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials, containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of part 30 of this chapter.	do	390	Do.
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	do	390	Do.
L. All other specific byproduct material licenses, except those in categories 4A through 10A.	do	390	1 every 5 years.
4. Waste disposal:			
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material, from other persons for the purpose of commercial disposal by land or sea burial by the licensee.	do	980	1 per year.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material, from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Health & Safety	650	1 every 3 years.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material, from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	do	650	Do.
5. Well logging and well surveys and tracer studies:			
A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	do	520	Do.
6. Nuclear laundries:			
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	do	590	Do.
7. Human use of byproduct material, source material, or special nuclear material:			
A. Licenses issued pursuant to parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	do	460	1 every 2 years.
B. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	do	460	1 every 3 years.
C. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	do	330	Do.
8. Civil defense:			
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	do	200	1 every 10 years.
9. Device, product, or sealed source safety evaluation:			
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter.	Not applicable		No inspections conducted.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee[1]	Fee[2]	Maximum frequency[3]
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except (1) reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.	Not applicable		No inspections conducted
10. Power source:			
A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.	Health and safety	780	1 per year.
11. Transportation of radioactive material:			
A. Evaluation of spent fuel cask for greater than 20 kW decay heat.	Not applicable		No inspections conducted.
B. Evaluation of spent fuel cask for less than 20 kW decay heat; air shipping package for plutonium; high-level waste casks; and packages containing radioactive material greater than 2,000 times the type A quantity.	....do		Do.
C. Evaluation of fissile packages containing greater than type A quantities of radioactive material; packages containing radioactive material less than 2,000 times the type A quantity.	....do		Do.
D. Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 200 times the type A quantity.	....do		Do.
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.	....do		Do.
12. Review of standardized spent fuel facility design.	....do		Do.

[1] *Types of Fees*—Separate charges as shown in this schedule will be assessed for each routine inspection which is performed.

[2] Inspection fees are due upon receipt of notice from the Commission. The inspection fee for licenses covering more than one fee category will be charged only for the highest fee category assigned the license, if the inspection of the entire license is done at the same time. Where a licensee holds more than one materials license at a single location, a fee equal to the highest fee category covered by the licenses will be assessed, if the inspections are conducted at the same time.

[3] The frequency shown in the schedule is the maximum number of each type of inspection for which a fee will be assessed.

[4] Where a license authorizes shielded radiographic installations or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, provided, however, that if the multiple installations are inspected during a single visit a single inspection fee will be assessed.

[5] For inspection purposes, large and small programs in Category 3A are defined as follows: A. *Large Programs*—Those licensees handling or processing loose or unsealed material for the manufacture of tagged compounds or products such as sealed sources and distribution of same to others. *Small Programs*—Those licensees who are processors of "finished products," such as previously tagged compounds and sealed sources for introduction into products or repackaging for sale to others.

13. Section 170.41 of Part 170 is revised to read as follows:

§ 170.41 Failure by applicant or licensee to pay prescribed fees.

In any case where the Commission finds that an applicant or a licensee has failed to pay a prescribed fee required in this part, the Commission will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, 70, and 71 of this chapter, and of the Act.

(Sec. 501, 65 Stat. 290; (31 U.S.C. 483a).)

Dated at Washington, D.C. this 9th day of February, 1978

For the U.S. Nuclear Regulatory Commission

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-4355 Filed 2-16-78; 8:45 am]

proposed rules

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

[Docket No. AO-352-A3]

OLIVES GROWN IN CALIFORNIA

Decision on Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Federal marketing agreement and order for olives grown in California. Olive producers will be given the opportunity to vote in a referendum to determine if they favor the proposed changes in the marketing order. The proposed amendment would provide authority to determine olive sizes by additional means other than a count-per-pound basis; change the name of the administrative committee; authorize addition of a public member to the committee; and provide that minimum standards for natural condition and packaged olives shall be those contained in the U.S. Standards for Grades of Canned Ripe Olives, or modifications thereof. Some additional administrative changes are included, such as authority to make producer nominations to the committee by mail voting and to charge interest on overdue assessments.

DATE: The representative period for purposes of the referendum herein ordered is September 1, 1976, through August 31, 1977.

FOR FURTHER INFORMATION CONTACT:
Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued February 25, 1977, published March 2, 1977 (42 FR 12063), and Notice of Recommended Decision—Issued October 7, 1977, published October 13, 1977 (42 FR 55095).

PRELIMINARY STATEMENT

A public hearing was held upon proposed further amendment of the marketing agreement, as amended,[1] and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), in Fresno, Calif., on April 5-6, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record therof, the Acting Administrator, on October 7, 1977, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing the notice of the opportunity to file written exceptions thereto. Exceptions were filed by Bell-Carter Olive Co., Berkeley, Calif.; Early California Foods, Inc., Visalia, Calif.; Oberti Olive Co., Madera, Calif.; the Olive Administrative Committee, Fresno, Calif.; and June M. Whelan, Porterville, Calif. In addition, a written comment was filed by Baker, Manock and Jensen, Attorneys, on behalf of Lindsay Olive Growers, Lindsay, Calif., indicating approval of the recommended decision and commenting that the text of the recommended amendment is responsive to the record of the public hearing.

The material issues, findings, and conclusions, rulings and general findings of the recommended decision published Thursday, October 13, 1977, in the FEDERAL REGISTER (42 FR 55095) are hereby incorporated herein and made a part hereof, subject to the minor addition in material issue (11), as hereinafter set forth.

The exceptions were as follows:

1. With respect to material issue (1) of the recommended decision, Early California Foods, Inc., objected to the proposed amendment of §932.12 to permit olive size to be determined by means other than the current count-per-pound method. The exception stated that the record failed to establish sufficient reasons for the change and any such change should require an amendatory proceeding. The recommended amendment provides only the authority whereby the administrative committee may (at some future time) recommend, subject to approval by the Secretary, other means of determining olive sizes. The recommended decision indicates, among other things, that any change from the current count-per-pound method would need to be based upon ample justification, and any such change would be accomplished under the Administrative Procedure Act by means of informal rulemaking in which all interested persons would be afforded ample opportunity to participate. These safeguards are sufficient to insure that any changes would be carefully considered and permit action without delay of amendatory action. Therefore, the exception is denied.

2. With respect to the recommended amendment of §932.23a contained in material issue (3), the Olive Administrative Committee filed and exception recommending that: (a) "minced" style be deleted from the styles of limited use olives included in §932.23a; and (b) references in the recommended decision to "segmented" style olives as those olives pitted and cut into four (or more) approximately equal parts be changed to refer to such style of olives as those cut into three (or more) approximately equal parts. This exception was supported by Early California Foods, Inc.

At the rime the hearing was conducted, April 5-6, 1977, the U.S. Standards for Grades of Canned Ripe Olives were being changed by means of informal rulemaking, and the rulemaking had not been completed. Thus, the conclusions in the recommended decision are correct and the recommended §932.23a is supported in the record. Section 932.23a contemplates that limited use would include the styles referred to in that section and defined in the current U.S. Standards for Grades of Canned Ripe Olives. Thus, a later change in such standards which deletes the minced style also deletes it under the order.

3. With respect to material issue (4), the Olive Administrative Committee (supported by Early California Foods, Inc.) objected to certain language in the recommended decision relative to nominating a public member because, in its view, the committee would be required to nominate a public member to fill the term of office ending May 31, 1979. The recommended decision merely suggests one course of action indicating that it would be desirable to implement the provision within a reasonable time, if and when the amendment authorizing such a member is made effective. Hence, no change in the recommended decision is necessary.

4. With respect to material issue (7), the Olive Administative Committee (supported by Early California Foods, Inc.) objected to certain language in the recommended decision regarding

[1] The marketing agreement was filed as a part of the original document.

mail balloting which stated that mail balloting should be confined to minor matters. The language was not intended as an impediment to the use of mail balloting, but rather to indicate that such procedure should not be used for major actions of the committee. In view of the fact that any qualification on the use of mail balloting cannot be defined with certainty, the recommended order provision contains no qualification and the appropriateness of the use of a mail ballot on any given subject is a matter for the committee to decide. Thus, no change in the recommended decision, or the proposed order provision, is necessary.

5. With respect to material issues (10) and (11), exceptions were filed by Bell-Carter Olive Co., (11); Early California Foods, Inc., (10); Oberti Olive Co., (10) and (11); the Olive Administrative Committee, (10) and (11); and June M. Whelan, (10) and (11). Generally, these exceptions, other than the exception from the Olive Administrative Committee, object to the adoption of the sizes contained in the current U.S. Standards for Grades of Canned Ripe Olives as the sizes applicable to natural condition and processed olives under the marketing order. One exception contends that more sizes (other than the five in the current U.S. Standards) may be appropriate; another that any proposed change should be tested for a 2-year period before becoming effective. Some of the exceptions indicate that some confusion may exist as to differentiation between U.S. Standards and marketing order standards. The United States Standards for Grades of Canned Ripe Olives are issued under the authority of the Agricultural Marketing Act of 1946, which provides for the development of U.S. grades to designate different levels of quality. Such grade standards are for use of producers, suppliers, buyers, and consumers and are designed to facilitate orderly marketing by providing a convenient basis for trading, for establishing quality control programs, and for determining loan values. Use of such standards is voluntary. Standards under the marketing agreement and order are issued under the Agricultural Marketing Agreement Act of 1937, as amended. This act authorizes the Secretary to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for specified commodities as will effectuate orderly marketing and be in the public interest. Any such standards are mandatory. The recommended amendment of the olive marketing order adopts by reference grade and size designations contained in the U.S. Standards for Grades of Canned Ripe Olives and includes authority whereby the committee may recommend (and the Secretary may approve) appropriate or needed changes in these standards for marketing order purposes. Thus, if circumstances should arise under which the U.S. Standards or a particular part of those standards are inappropriate for marketing order purposes, the committee would have the means available to it to recommend changes. However, such an action would change marketing order standards, not the U.S. Standards.

The Olive Administrative Committee's exception contended that the recommended decision was vague regarding the committee's authority in recommending changes in standards relative to the number of sizes for natural condition and processed olives. The recommended §§ 932.51(a)(1)(ii) and 932.52(a)(2) indicate clearly that size designations for natural condition and processed olives shall be in accordance with the applicable requirements set forth in the then current U.S. Standards for Grades of Canned Ripe Olives, or such modifications thereof as may be recommended by the committee and approved by the Secretary. To more clearly indicate this intent, the recommended decision with respect to the discussion of material issue (11) is amended by revising the final sentence of the first full paragraph, first column, page 55100 (FR Doc. 77-29944; 42 FR 55095) to read as follows:

"It is therefore concluded that the order should be amended to provide that the size designations under the order should be those contained in the U.S. Standards, or appropriate modification thereof, or such other sizes as may be recommended by the committee and approved by the Secretary."

The evidence of record indicates the desirability forsize designations for olives under the marketing order to be as closely aligned as practicable with the size designations in the U.S. Standards. The similarity between the basis upon which U.S. Standards are issued and the basis upon which marketing order standards are established, as reviewed in the first paragraph of this discussion of exceptions to material issues (10) and (11), further suggests such a close alignment. Thus, any variance between marketing order standards and U.S. Standards, including different sizes, recommended by the committee would require ample justification and industry support to secure approval by the Secretary and issuance of such a change by rulemaking.

Rulings on exceptions. In arriving at the findings and conclusions and the regulatory provisions of this decision, each of the exceptions to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Olives Grown in California", and "Order Amending the Order, as Amended, Regulating the Handling of Olives Grown in California", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referendum (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of olives grown in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area of the regulated commodity for market.

The representative period is hereby determined to be September 1, 1976, through August 31, 1977.

The agents of the Secretary to conduct such referendum are hereby designated to be O. C. Fuqua and Richard Van Diest, Fruit and Vegetable Division, Agricultural Marketing Service, 1130 "O" Street, Fresno, Calif. 93721, and Malvin E. McGaha, U.S. Department of Agriculture, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2532, South Building, Washington, D.C. 20250.

Signed at Washington, D.C., on February 14, 1978.

JERRY C. HILL,
Deputy Assistant Secretary.

Order[2] amending the order, as amended, regulating the handling of olives grown in California

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and

[2]This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of olives grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of olives grown in California shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Administrator on October 7, 1977, and published in the FEDERAL REGISTER on October 13, 1977 (42 FR 55095), shall be and are the terms and provisions of this order amending the order, and are set forth in full herein.

1. Section 932.12 is revised to read:

§ 932.12 Size.

"Size" means the number of whole olives contained in a pound and may be referred to in terms of size ranges: *Provided,* That, upon recommendation of the committee and approval of the Secretary, size may be specified in terms of weight, diameter, volume, length, or combinations thereof, of individual olives.

2. Section 932.18 is revised to read:

§ 932.18 Committee.

"Committee" means the California Olive Committee established pursuant to § 932.25.

3. Section 932.23a is revised to read:

§ 932.23a Limited use.

"Limited use" means the use of processed olives in the production of packaged olives of the halved, segmented, sliced, chopped, or minced styles, as defined in the then current U.S. Standards for Grades of Canned Ripe Olives, including modifications of the requirements for such styles under this part, and such additional styles (and the requirements applicable thereto) as may be specified pursuant to § 932.52(a)(7).

4. The center heading appearing between §§ 932.24 and 932.25 is revised to read:

CALIFORNIA OLIVE COMMITTEE

5. Section 932.25 is revised to read:

§ 932.25 Establishment and membership.

A California Olive Committee consisting of 16 members, with an alternate for each such member who shall have the same qualifications as the member for whom he is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the committee who are handlers or directors, officers, or employees of handlers are referred to in this subpart as "handler members" of the committee. In addition, there may be a "public member" and an alternate who shall not be a producer or handler nor an officer or employee or director of any producer or handler. District representation of the producer members shall be two from District 1, four from District 2, and two from District 3. Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers", and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided,* That whenever during the crop year in which nominations are made and in the prededing crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers, allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The public member or alternate public member shall be selected from any place within the area. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

6. Section 932.28 is revised to read:

§ 932.28 Eligibility.

Each producer member of the committee shall, at the time of his selection and during his term of office, be a producer in the district for which selected and, except for producers who are members of cooperative handlers, shall not be engaged in the handling of olives either in a proprietary capacity, or as a director, officer, or employee of a handler. Each handler member of the committee shall, at the time of his selection and during his term of office, be a handler in the group he represents or a director, officer, or employee of such handler. Each public member and alternate public member of the committee shall at the time of selection and during the term of office not be engaged in the commercial production, marketing, buying, grading, or processing of any agricultural product nor shall such member or alternate be an officer, director, member, or employee of any firm engaged in such activities.

7. Section 932.29 is amemded by revising paragraph (a), and adding a new paragraph (c), to read:

§ 932.29 Nominations.

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to

April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and voting on the candidates selected thereat as shall be fair to all persons concerned. In lieu of meetings for the purpose of nominating producer members of the committee, such nominations may be made by means of mail balloting. Prior to conducting producer nominations by mail balloting, the committee shall adopt, with approval of the Secretary, appropriate procedures to be observed.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members when nominations are made at meetings. Each producer in attendance shall be entitled to cast only one vote regardless of the number of business units he may represent, for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(b) * * *

(c) *Public member.* (1) Nominations for public member and alternate public member of the committee shall be made at a meeting called by the committee. The names of the nominees shall be sumitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the selection and voting for each candidate as shall be fair to all persons concerned.

8. Section 932.30 is revised to read:

§ 932.30 Alternates.

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members. The committee or the chairman of the committee may request one or more alternates to attend any or all meetings notwithstanding the expected or actual attendance of the respective member.

9. Section 932.36 is revised to read:

§ 932.36 Procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided,* That decisions requiring a recommendation to the Secretary on matters pertaining to grade or size regulations shall require at least five affirmative votes from producer members and five affirmative votes from handler members. A quorum shall consist of at least ten members of whom at least five shall be producer member and at least five shall be handler members. Except in case of an emergency, a minimum of five days advance notice shall be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When voted on by such method, at least 14 affirmative votes of which seven shall be producer member votes and seven shall be handler member votes, shall be required for adoption. The committee may recommend and the Secretary may approve changes in the number of affirmative votes required for adoption of any proposition voted upon by means of a mail ballot: *Provided,* That the number of affirmative votes required for adoption shall not be less than ten, of which five shall be producer member votes and five shall be handler member votes.

10. Section 932.37 is revised to read:

§ 932.37 Compensation and expenses.

The members of the committee, and alternates when acting as members, shall serve without compensation; but they shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. An alternate member shall be reimbursed for necessary expenses, as approved by the committee, incurred in attending committee meetings at the request of the committee or its chairman, notwithstanding that the committee member for whom he serves as alternate also attends such meeting, and for performing other committee business at the request of the committee or its chairman.

11. Section 932.39 is revised by adding a new paragraph (c) which reads as follows:

§ 932.39 Assessments.

* * * * *

(c) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be as recommended by the committee and approved by the Secretary. Subsequent to such approval, all assessments not paid within the period of time prescribed shall be subject to the interest or late payment charge, or both.

12. Section 932.45(e) is revised to read as follows:

§ 932.45 Production research, and marketing research and development projects.

* * * * *

(e) The committee shall, as soon as practicable, prepare and mail reports on current production research and marketing research and development projects to the Secretary and make a copy of such reports available at the committee office for examination by producers, handlers, or other interested persons.

13. Section 932.51(a)(1) is amended to read as follows:

§ 932.51 Incoming regulations.

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in the then current U.S. Standards for Grades of Canned Ripe Olives or such modifications thereof as may be recommended by the committee and approved by the Secretary: *Provided,* That for the purpose of this section, the size designations in said standards shall be deemed to include the following two additional size designations:

Designation(s)	Approximate count (per pound)	Average count (per pound)
Subpetite		181 and up.
Petite	100	141 to 180, inclusive.

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation, the quantity of olives classified as culls by the handler: *Provided,* That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls", the aforesaid quantity of

culls shall be determined on the basis of such definition and in accordance with such classification.

* * * * *

14. Section 932.52 is revised to read:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* No handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they have first been inspected as required pursuant to § 932.53 and meet each of the following applicable requirements:

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives or as modified by the committee, with the approval of the Secretary for purposes of this part.

(2) Canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the size designations set forth in the then current U.S. Standards for Grades of Canned Ripe Olives, or such other sizes by variety or variety group as may be recommended by the committee and approved by the Secretary.

(3) Subject to the provisions set forth in subparagraph (4) of this paragraph, processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as prescribed pursuant to subparagraph (2) of this paragraph. Olives smaller than those so prescribed, as recommended by the committee and approved by the Secretary, may be authorized, including authorization by variety or variety groups, for limited use. Each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary.

(4) The Secretary may, upon recommendation of the committee, restrict the total quantity of limited use size olives for limited use during any crop year. Such restricted quantity shall be apportioned among the handlers by applying a percentage established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of limited use olives during such crop year.

(5) Canned ripe olives of the "tree-ripened" type and green olives shall meet such grade, size, and pack requirements as may be established by the Secretary based upon the recommendation of the committee or other available information.

(6) The size designations used in this section mean the size designations described in paragraph (a)(1)(ii) of § 932.51.

(7) For the purposes of this part the committee may, with the approval of the Secretary, specify the styles of olives, including the requirements with respect thereto, for limited use.

* * * * *

[FR Doc. 78-4512 Filed 2-17-78; 8:45 am]

[3410-37]

Food Safety and Quality Service

[7 CFR Part 2858]

U.S. STANDARDS FOR GRADES OF ICE CREAM

Study Draft

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Poultry and Dairy Quality Division of the Food Safety and Quality Service, U.S. Department of Agriculture, has study drafts available for review and comments in its consideration of proposed U.S. Standards for Grades of Ice Cream.

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

ADDRESS: Send requests for study drafts and comments to: Richard W. Webber, Assistant Chief, Dairy Section, Standardization Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Richard W. Webber, 202-447-7473.

SUPPLEMENTARY INFORMATION: The preliminary proposal for grades for ice cream was developed following USDA's request for public comments on the feasibility of setting up a grading system for ice cream (42 FR 56717, October 28, 1977). Of the 396 comments received, 240 expressed interest in having grade standards for ice cream, 23 were opposed, and the rest expressed no opinion.

Official voluntary U.S. grade standards for ice cream would provide a uniform and nationally recognized system for identifying the quality of the product to consumers. If quality grade standards are established, manufacturers that are interested may identify consumer packages of their ice cream with the appropriate U.S. grade to inform consumers of the quality of ice cream they are buying.

In the development of this draft standard, the Department conferred with various recognized experts in the manufacturing of ice cream to obtain technical advice. This information, together with technical data, knowledge, and experience within the Department, forms a basis for establishing this draft standard. The concepts and basis for the grading procedure have been used for many years by colleges, universities, and the ice cream industry to evaluate the quality of ice cream.

The standard would be implemented on a voluntary basis and a charge made for the Department's services. When ice cream is officially graded, the regulations governing the inspection and grading services of manufactured or processed dairy products would be in effect. These regulations require all dairy ingredients and the finished product to be produced in a USDA-approved plant. The regulations also provide for the use of official identification to indicate the U.S. grade on consumer packages. The U.S. grade would be determined on the finished ice cream in consumer packages.

This advance notice of proposed rulemaking is issued under the authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621).

Done at Washington, D.C., this 15th day of February 1978.

ROBERT ANGELOTTI,
Administrator.

[FR Doc. 78-4684 Filed 2-17-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

[10 CFR Parts 208, 711, and 1021]

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Proposed Rulemaking; Public Hearing

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy (DOE) hereby gives notice of a proposal to establish Part 1021 of Chapter X of Title 10 of the Code of Federal Regulations, providing for compliance with the National Environmental Policy Act (NEPA). Written comments will be received and a public hearing will be held with respect to this proposal.

The proposed regulations are based primarily on policies and procedures which governed compliance with NEPA in the Federal Energy Administration (FEA), the Energy Research and Development Administration (ERDA), and the Federal Power Commission (FPC), the three major constituent agencies whose functions were transferred to DOE. In addition, certain initiatives, designed to meet the emerging NEPA responsibilities of DOE, have been incorporated. These regulations will be applicable to all oranizational units of DOE, except the

Federal Energy Regulatory Commission (FERC), which has indicated its intention to issue NEPA regulations generally consistent with those proposed herein.

DATES: Comments must be received on or before April 10, 1978; request to speak by March 10, 1978; hearing testimony by March 24, 1978; hearing date: March 30, 1978.

ADDRESSES: Comments and requests to speak to Box RY, Department of Energy, Public Hearing Management, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Hearing location: Room 3000A, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stern, Office of the Assistant Secretary for Environment, Room 7121, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9760.

SUPPLEMENTARY INFORMATION:

I. Background

A. National Environmental Policy Act

The National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., requires that Federal agencies give appropriate weight to factors affecting the human environment during all stages of their decisionmaking process. In this connection, NEPA requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment.

B. Department of Energy

The Department of Energy Organization Act (the Act), 42 U.S.C. 7101 et seq., transferred to DOE the functions of ERDA, FEA and FPC as well as energy-related functions of various other Federal agencies and departments. As provided in section 705 of the Act, the regulations in effect on October 1, 1977, for the various agencies whose functions were transferred to DOE continue in effect with respect to those functions until superseded, modified or revoked by regulations promulgated by the Secretary of DOE or by FERC for functions under their respective jurisdictions.

When promulgated, these regulations will be applicable to all functions transferred to DOE (except those functions transferred to FERC) and will supersede and effect a revocation of the NEPA regulations promulgated by ERDA (10 CFR Part 711) and FEA (10 CFR Part 208). NEPA regulations relating to other functions transferred to the Secretary of DOE will be superseded to the extent that they affect functions transferred to the Secretary of DOE. The NEPA regulations relating to functions transferred to FERC will remain applicable to FERC actions until superseded, modified, or revoked by FERC. FERC has indicated its intention to issue, in a timely manner, NEPA regulations generally consistent with those proposed herein.

The proposed regulations establish general policies and procedures for compliance with NEPA by all units of DOE other than FERC. Pending adoption of final regulations, DOE will, to the extent feasible, carry out its NEPA responsibilities pursuant to the regulations now in effect, and will interpret such regulations in a manner consistent with the policies and procedures proposed today.

II. The Proposed Regulations

In establishing policies and procedures for DOE compliance with NEPA, the regulations attempt to assure that environmental factors are considered by DOE in its planning and decisionmaking. To the extent practicable, coordination of other Federal environmental review and consultation requirements shall also be carried out through the NEPA process.

A. Applicability

The regulations will apply to all organizational units of DOE except FERC and will affect new and continuing DOE projects and programs. The regulations also will apply to the establishment or modification by DOE (excluding FERC) of other regulations and policies.

The proposed regulations specify certain classes of actions that have been determined not to be major Federal actions significantly affecting the quality of the human environment and that, therefore, are not subject to the requirements of the regulations. The regulations further specify other classes of actions that, except in unusual circumstances, will not require the preparation of an environmental assessment (EA) or an environmental impact statement (EIS).

B. Environmental Assessments

Subpart B of Part 1021 establishes procedures governing preparation and review of EA's, which are required for proposed DOE actions when it is unclear whether an EIS is required. EA's shall include, as appropriate, a brief description of the proposed action and its reasonable alternatives, and an analysis of their probable environmental impacts. EA's shall be reviewed against the criteria set forth in Subpart C to determine whether an EIS is required for a proposed action. When an EA has been prepared and a determination made not to prepare an EIS on a proposed action, a negative determination (ND) that briefly describes the proposed action, and the reasons for not preparing an EIS, will be prepared.

C. Environmental Impact Statements

Requirements associated with preparation and circulation of EIS's are contained in Subpart C.

1. *Need for an EIS.* In determining whether an EIS is required, DOE shall consider: (a) The magnitude of the action in terms of the extent of DOE control and the size of the commitment of resources involved; and (b) the significance of the environmental impacts in terms of the cumulative impact of the proposed action and related Federal actions; the potential for environmental degradation and curtailment of the range of beneficial uses of the environment; the effects on important, scarce, or nonrenewable resources; the presence of responsible opposing views concerning the environmental impacts; and the unique characteristics of the environment to be affected.

2. *Content and Circulation of EIS's.* General guidance for the content of EIS's is contained in Subpart D. Procedures for prepearation and circulation of draft and final EIS's are set out in Subpart C.

3. *Public Participation.* In order to further public participation in the NEPA process, DOE will publish in the Federal Register a Notice of Intent to prepare an EIS, except as provided in § 1021.25. The Notice will describe the proposed action and invite comments from interested persons. To the extent practicable, DOE shall endeavor to provide for additional public notification through press releases and other forms of announcements, as appropriate. DOE will also maintain lists of persons and groups known to be interested in the environmental impacts of specific DOE actions, and will notify such persons and groups of proposed DOE actions judged to be of interest to them.

Except where there are emergency circumstances, statutory deadlines, or overriding considerations of expense or effectiveness, as provided in § 1021.31, DOE will allow a minimum 45-day comment period on draft EIS's, and may, upon request, extend that period.

A public hearing on an EIS may be held if DOE determines, in accordance with criteria set forth in § 1021.28, that it would be appropriate.

4. *Post-EIS Responsibilities.* Following completion of a final EIS and DOE decisionmaking with respect to a proposed action, DOE shall verify that the implementation of the selected alternative, particularly with regard to

any mitigating measures included in the action, is proceeding as described in the EIS.

D. COORDINATION OF OTHER FEDERAL ENVIRONMENTAL CONSULTATION REQUIREMENTS

Subpart E of the proposed regulations requires, to the extent practicable, coordination of various Federal environmental review and consultation requirements, through the NEPA process. This is intended to improve and expedite the DOE decisionmaking process.

E. APPLICANT PROCEDURES

Applicants for a DOE permit, certificate, license, financial assistance, contract award, or similar action may be required to submit an environmental report (ER) containing information to be specified by DOE in the context of specific programs. Such information will, to the extent feasible and appropriate, be independently verified by DOE prior to its use by DOE in the preparation of an EA or EIS.

To permit appropriate coordination of required Federal environmental review, DOE applicants shall identify all other Federal actions required for completion of the undertaking. Applicants should submit applications for Federal approvals early in their planning process, and should take no steps that may cause a significant environmental impact or foreclose DOE alternatives prior to completion of the EA/EIS process.

III. COMMENT PROCEDURES

A. WRITTEN COMMENTS

Interested persons are invited to submit written comments with respect to the proposed regulations to Box RY, Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Compliance with the National Environmental Policy Act." Fifteen (15) copies should be submitted. All comments and related information should be received by DOE by April 10, 1978, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. PUBLIC HEARING

1. *Participation procedures.* A public hearing on the proposed regulations will be held at 9:30 a.m., on March 30, 1978, in Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive oral presentations from interested persons.

Any person who has an interest in the proposed regulation or who is a representative of a group or class of persons which has an interest in them may make a written request for an opportunity to make oral presentation. Such a request should be directed to the Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. The person making the request should describe his or her interest in the proceeding and provide a concise summary of the proposed oral presentation and a phone number where he or she may be reached. Each person who in DOE's judgment proposes to present relevant, and material information shall be selected to be heard, shall be notified by DOE of his participation before 4:30 p.m., March 17, 1978, and shall submit 15 copies of his or her proposed statement to the Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461, on or before March 24, 1978.

2. *Conduct of Hearings.* DOE reserves the right to arrange the schedule of presentations to be heard, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated as presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements.

Any participant who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and material, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

NOTE.—DOE has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

In consideration of the foregoing, it is proposed that Chapters II, III, and X of Title 10 of the Code of Federal Regulations be amended as provided below.

Issued in Washington, D.C., February 14, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

1. Part 208 of Chapter II and Part 711 of Chapter III, Title 10 of the Code of Federal Regulations are revoked.

PART 208—COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT [Revoked]

PART 711—GUIDELINES FOR ENVIRONMENTAL REVIEW [Revoked]

2. Part 1021 is added to Title 10, Chapter X, of the Code of Federal Regulations to read as follows:

PART 1021—COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Subpart A—General

Sec.
1021.1 Background.
1021.2 Purpose and scope.
1021.3 Policy.
1021.4 Definitions.
1021.5 Applicability.

Subpart B—Environmental Assessments

1021.11 Need for environmental assessments.
1021.12 Content of environmental assessments.
1021.13 Review of environmental assessments.
1021.14 Negative determinations.

Subpart C—Environmental Impact Statements

1021.21 Need for environmental impact statements.
1021.22 Selection of a lead agency and consultation among participating agencies.
1021.23 Scope of environmental impact statements.
1021.24 Timing of environmental impact statement preparation.
1021.25 Notice of intent.
1021.26 Interest lists.
1021.27 Publication of draft environmental impact statements.
1021.28 Public hearings.
1021.29 Preparation and publication of final environmental impact statements.
1021.30 Post-EIS responsibilities.
1021.31 Timing of DOE actions.
1021.32 Contractor services.
1021.33 Review of environmental impact statements prepared by other agencies.

Subpart D—General Guidance for Content of Environmental Impact Statements

1021.41 Body of statement.

AUTHORITY: Department of Energy Organization Act of 1977, Pub. L. 95-91; National Environmental Policy Act of 1969, Pub. L. 91-190, as amended, Pub. L. 94-83; E.O. 11514, 35 FR 4247, as amended.

Subpart A—General

§ 1021.1 Background.

(a) Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.), as implemented by Executive Order 11514 of March 5, 1970, as amended, and the Guidelines of the Council on Environmental Quality (CEQ) of August 1, 1973 (40 CFR Part 1500), requires all agencies of the Federal Government to prepare detailed environmental statements on recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. NEPA further requires Federal agencies to give appropriate consideration to the environmental effects of proposed actions in their decisionmaking.

(b) Other environmental legislation pertaining to historic sites, wild and scenic rivers, endangered species, fish and wildlife, coastal zones and other resources requires consultation with designated agencies and review of impacts in environmentally sensitive areas in conjunction with Federal decisionmaking.

§ 1021.2 Purpose and scope.

(a) This part establishes policy and procedures for discharging the Department of Energy's (DOE's) responsibilities with respect to NEPA, including:

(1) DOE procedures for the implementation of Section 102(2)(C) of NEPA, with provisions for early identification of those DOE actions which require environmental assessments (EA's) and environmental impact statements (EIS's); preparation and processing of EA's and EIS's; participation by the public and other Federal agencies, States, and local governmental units in the environmental review process; and consideration of environmental factors in DOE planning and decisionmaking; and

(2) DOE policy with respect to the appropriate balancing of national environmental goals, energy requirements, and other essential considerations of national policy.

(b) This part also establishes DOE policy for the coordination of other Federal environmental review and consultation requirements in conjunction with the procedures of Section 102(2)(C) of NEPA.

§ 1021.3 Policy.

DOE shall:

(a) To the maximum extent practicable, conduct its activities in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations, consistent with DOE's nondiscretionary statutory responsibilities and other essential considerations of national policy;

(b) Assure incorporation of national environmental protection goals in the formulation and implementation of energy programs, and advance goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety, in accordance with Section 102(13) of the Department of Energy Organization Act (42 U.S.C. 7112); and

(c) Incorporate into its planning, regulatory, and decisionmaking processes a careful consideration of the potential environmental consequences of its proposed actions by:

(1) Evaluating the long- and short-range impacts, both direct and indirect, of such actions on man, including his physical and social surroundings, and on the natural environment;

(2) Exploring, developing, analyzing, and implementing, as appropriate, alternative actions which may mitigate adverse environmental impacts; and

(3) Providing for public disclosure of and comment on the impacts of all its major actions significantly affecting the quality of the human environment.

§ 1021.4 Definitions.

For purposes of this part—

(a) "Action" means a DOE activity which may be major and may significantly affect the quality of the human environment.

(b) "Administrative action" means a major DOE activity, other than a legislative action as defined herein, significantly affecting the quality of the human environment.

(c) "Legislative action" means a DOE recommendation or report on DOE proposals for legislation significantly affecting the quality of the human environment.

(d) "DOE" means all organizational units of the Department of Energy, except the Federal Energy Regulatory Commission.

(e) "Environmental report" (ER) means a document submitted to DOE by an applicant in support of an undertaking which identifies the environmental impacts of the proposed undertaking and its alternatives.

(f) "Environmental assessment" (EA) means a document prepared by DOE which assesses whether a proposed DOE action would be "major" and would "significantly affect" the quality of the human environment, and which serves as the basis for a determination as to whether an environmental impact statement (EIS) is required.

(g) "Environmental impact statement" (EIS) means a document prepared in accordance with the requirements of Section 102(2)(C) of NEPA.

(h) "Negative determination" (ND) means a document prepared to certify a decision that an EIS will not be prepared for a proposed DOE action.

(i) "Project" means an individual, unitary DOE action.

(j) "Program" means an aggregate of projects which share a common objective or purpose and are so interrelated that planning or decisionmaking with respect to any one component is likely to significantly affect planning or decisionmaking with respect to any other component.

(k) "Undertaking" means a proposed initiative of a private person or non-Federal governmental entity which may result in an action.

§ 1021.5 Applicability.

(a) This Part shall apply to all organizational units of DOE, except that it shall not apply to the Federal Energy Regulatory Commission (FERC).

(b) This part covers proposed DOE actions, including those actions sponsored jointly with other agencies, and uncompleted and continuing actions when modifications of or alternatives to the DOE action are still available.

(c) DOE shall conduct a review of proposed actions, in accordance with § 1021.21, to ascertain the applicability of Section 102(2)(C) of NEPA. Proposed actions subject to such review include but are not limited to the following:

(1) A new or continuing project or program, or expansion or revision of a continuing project or program which is directly undertaken by DOE; supported in whole or in part through DOE contracts, grants, loans, guarantees, subsidies, or other forms of financial assistance; or involves a DOE lease, permit, license, certificate, or similar action.

(2) The establishment or modification by DOE of rules, regulations, or policies.

(d) There are classes of DOE activities which are exempt from the requirements of this part, since they have been determined not to be major Federal actions significantly affecting the quality of the human environment. Such classes of activities in-

clude, but are not necessarily limited to, the following:

(1) Administrative procurement (e.g., general supplies);

(2) Contracts for personal services;

(3) Personnel actions;

(4) Reports or recommendations on legislation which was not initiated by DOE;

(5) Compliance actions, including investigations, conferences, hearings, notices of probable violation, and remedial orders;

(6) Interpretations and rulings, or modifications or rescissions thereof;

(7) Promulgation of rules and regulations which are clarifying, corrective, or procedural in nature, or which do not substantially change the effect of the regulations being amended;

(8) Actions with respect to the planning and implementation of emergency measures pursuant to the International Energy Program;

(9) Information gathering, analysis, and dissemination;

(10) Issuance of prohibition orders and construction orders pursuant to the Energy Supply and Environmental Coordination Act of 1974;

(11) Actions in the nature of conceptual design or feasibility studies.

(e) The following actions ordinarily are not considered to be major Federal actions significantly affecting the quality of the human environment and generally are exempt from the requirements of this part: (1) Adjustments, assignments, exceptions, exemptions, appeals, stays or modifications or rescissions of orders issued pursuant to the Emergency Petroleum Allocation Act, as amended; and (2) the establishment or modification of prices charged by DOE for DOE goods and services. However, where unusual circumstances exist, DOE shall consider the need for an EA or EIS on these types of actions.

Subpart B—Environmental Assessments

§ 1021.11 Need for Environmental Assessments.

DOE shall prepare an EA when it is unclear whether an EIS is required. An EA is not required when it is clear that the proposed action is not a major Federal action significantly affecting the quality of the human environment. Where it is clear that an EIS is required, preparation of the EIS shall begin as soon as practicable, without preparation of an EA. An EA shall not ordinarily be prepared with respect to a proposed DOE action for which an EA or EIS has been formerly prepared, by DOE or another Federal agency: *Provided*, That such EA or EIS affords a currently valid evaluation of the environmental impacts of the proposed action. The relevant EA or EIS shall accompany the proposal throught the DOE review and decisionmaking process.

§ 1021.12 Content of Environmental Assessments.

The EA shall be a brief, factual document that analyzes and evaluates the environmental consequences of a proposed action in sufficient detail to permit DOE to determine whether an EIS is required. An EA should be structured in the manner that is most useful for planning and decisionmaking, and shall, as appropriate, contain the following information: A clear and concise description of the proposed action, including drawings, maps, and charts, if directly pertinent to analyzing the environmental consequences of the proposed action; a description of the existing environment affected by the proposed action only in sufficient detail to permit a meaningful evaluation of the potential environmental consequences of the proposed action; an assessment of the probable impacts of the proposed action, including direct and indirect effects and those adverse impacts which cannot be avoided should the proposal be implemented; an evaluation of the probable cumulative and long-term environmental effects, including any beneficial impacts; an assessment of the risk of credible accidents; a discussion of the relationship of the proposed action to any applicable Federal, State, regional, or local land use plans and policies likely to be affected; and a brief description of all reasonable alternatives to the proposed action and their environmental effects.

§ 1021.13 Review of Environmental Assessments.

(a) Based upon its review of an EA, DOE shall determine whether, in accordance with § 1021.21, the proposed action requires the preparation of an EIS.

(b) If it is determined that an EIS is required, DOE shall, whenever practicable, publish a Notice of Intent in the FEDERAL REGISTER, in accordance with § 1021.25. If DOE determines that an EIS is not required, a Negative Determination shall be published in the FEDERAL REGISTER, in accordance with § 1021.14. DOE may consult with CEQ in determining whether a specific action requires an EIS.

§ 1021.14 Negative Determinations.

DOE shall prepare a negative determination (ND) to certify a decision that an EIS is not required with respect to an action for which an EA has been prepared. The ND shall briefly describe the proposed action and the reasons for not preparing an EIS. For administrative actions and legislative actions not related to the President's budget, the ND shall be published in the FEDERAL REGISTER, with an announcement that the EA may be obtained from DOE on request. DOE shall take no action related to the subject of the ND sooner than 15 days following publication in the FEDERAL REGISTER, except as provided under § 1021.31, and shall consider any comments received during that period. A list of ND's for legislative actions related to the President's budget shall be furnished in the FEDERAL REGISTER as soon as practicable after the President's budget is transmitted to Congress, with an announcement that the EA's may be obtained from DOE on request.

Subpart C—Environmental Impact Statements

§ 1021.21 Need for Environmental Impact Statements

(a) An environmental impact statement (EIS) shall be prepared for a proposed action which DOE determines to be a major Federal action significantly affecting the quality of the human environment. In making that determination, DOE shall consider:

(1) The magnitude of the action in terms of the extent of control, by virtue of DOE funds or discretionary approval/disapproval authority, to influence the course of the action, and the size of the commitment of resources involved; and

(2) The significance of the environmental impacts in terms of the overall cumulative impact of the proposed action and related Federal actions; the potential for degradation of the quality of the human environment, including direct and indirect impacts on the natural, physical, and social environment, and the curtailment of the range of beneficial uses of the environment; effects on management, allocation or consumption of important, scarce, or nonrenewable resources; the presence of responsible opposing views concerning the environmental impacts; and the unique characteristics of the environment to be affected.

§ 1021.22 Selection of a Lead Agency and Consultation Among Participating Agencies.

(a) When DOE and one or more other Federal agencies are directly involved in a project or program or in a group of projects directly related to each other, DOE shall consult with such other agencies to determine if an EIS is required; to identify the appropriate lead agency or joint-agency responsibilities for EIS preparation; and to establish procedures for interagency coordination during the environmental review process.

(b) If an EIS is required, DOE shall take no action with respect to the proposed project that would significantly affect the quality of the human environment or curtail the range of alternatives under consideration until completion of the EIS process, whether or not DOE is the designated lead agency.

(c) Where DOE is frequently associated with another agency or agencies in the preparation of EIS's for similar projects, DOE shall attempt to negotiate memoranda of understanding specifying generic lead agency responsibilities for EIS preparation.

(d) If an interagency dispute arises concerning the need for an EIS, designation of the lead agency, or appropriate divisions of responsibility for EIS preparation, and the affected agencies are unable to resolve the dispute, DOE shall refer the issue to CEQ for its recommendation.

§ 1021.23 Scope of Environmental Impact Statements.

(a) A draft EIS shall contain, to the fullest extent possible, the information required by Subpart D of this part, and shall include a summary sheet, as described in Appendix A of this part.

(d) A final EIS shall consist of an appropriately revised draft EIS, the comments (or summaries thereof) received on the draft EIS and appropriate responses to those comments.

(c) (1) DOE shall identify the related actions most appropriately serving as the subject of a program EIS. Broad program EIS's may be required to assess the environmental effects of multiple actions within specific geographical areas, or environmental impacts that are generic to a series of DOE actions. Subsequent project EIS's applicable to components of the program may be necessary where such individual actions have significant environmental impacts not adequately evaluated in the program EIS.

(2) Program EIS's shall assess, as appropriate: The probable environmental consequences generic to component projects and actions; the cumulative effects of such related activities; and in the case of EIS's covering research, development, demonstration, or commercialization programs, the anticipated impacts of commercial deployment of such technology, including any major uncertainties with respect to the environmental effects of such deployment.

(d) Project EIS's shall assess the localized or regional environmental impacts of a specific proposed project.

(e) EIS's covering a site under DOE jurisdiction (such as major research laboratories or production facilities) shall assess the individual and cumulative environmental consequences of a number of continuing and/or proposed actions at the given site.

§ 1021.24 Timing of Environmental Impact Statement Preparation.

(a) An EIS shall be prepared as early as practicable in the planning and decisionmaking process of a proposed action. EIS preparation shall begin early enough to provide a useful contribution to decisionmaking, but late enough in the formulation of the proposed project or program to permit analysis of the potential environmental impacts of the proposal and its alternatives. The EIS shall be prepared before major resources are irreversibly committed or alternatives foreclosed, and prior to taking any action with respect to the proposed project which may cause significant environmental impact, except as provided in § 1021.31.

(b) In determining the appropriate timing of an EIS for research, development, or demonstration programs, DOE shall consider the magnitude of the Federal investment in the program; the likelihood and proximity of widespread application of the technology; the pace at which the program is moving from basic research toward demonstration of a viable technology; the extent to which continued investment in the new technology is likely to foreclose or restrict future alternatives; and the degree of environmental impacts of the program, individually and cumulatively, which are likely to occur in the event the technology is widely applied.

(c) To the extent practicable, DOE shall prepare a final EIS on a legislative proposal prior to submission of the proposal to Congress. In cases where this is not practicable or where the scheduling of Congressional hearings on such actions does not allow adequate time for completion of a final EIS, a draft EIS shall be furnished to Congress, with any comments transmitted as received. DOE may, in consultation with CEQ, forego the preparation of a final EIS on legislative actions.

§ 1021.25 Notice of Intent.

As soon as possible after a decision has been made to prepare an EIS, DOE shall publish a Notice of Intent regarding the forthcoming EIS in the FEDERAL REGISTER, with a brief description of the proposed action, and alternatives to be analyzed. The Notice of Intent shall announce the availability of the EA, if one has been prepared, and shall invite comments and suggestions for DOE consideration in the preparation of the EIS. To the extent practicable, DOE shall transmit copies of such Notices to appropriate Federal, State, and local agencies and to persons or groups known to be interested in the environmental implications of the proposed action. DOE shall also endeavor to provide for public notification through press releases and other forms of announcement, as appropriate. DOE may waive or delay the Notice of Intent in those instances where overriding considerations of policy or program effectiveness so warrant.

§ 1021.26 Interest Lists.

(a) DOE shall prepare and maintain lists of persons or groups known to be interested in the environmental impacts of DOE actions. Such lists shall be compiled from those individuals or groups who have requested copies of draft EIS's; commented on a previous draft EIS; participated in a public hearing on an EIS; or been identified by the responsible supervisory official as having an interest in the environmental impacts of a proposed DOE action. Such interest lists shall be maintained in accordance with the provisions of the Privacy Act of 1974 (5 U.S.C. 552a).

(b) Individuals or organizations desiring to be placed on specific interest lists or to request copies of EIS's and related notices should address their requests to:

Assistant Secretary for Environment, Department of Energy, Washington, D.C. 20461.

§ 1021.27 Publication of Draft Environmental Impact Statements.

(a) Upon completion of a draft EIS, DOE shall provide copies to and invite comments from: (1) The Environmental Protection Agency (EPA) and other Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved; (2) State and local agencies and members of the public and private organizations which in DOE's judgment have special expertise of a particular interest with respect to any environmental impact involved, and (3) any other persons who have requested a copy of the draft EIS.

(b) DOE shall publish a Notice of Availability of the draft EIS in the FEDERAL REGISTER, which specifies the period for review, the instructions for obtaining a copy of the EIS, and the procedures for submitting comments. To the extent practicable, DOE shall endeavor to provide for public notification through press releases and other forms of announcement, as appropriate.

(c) Comments on the draft EIS shall be considered in conection with the preparation of the final EIS, if received by DOE within the specified comment period. Unless otherwise specified (§ 1021.31), DOE shall allow 45 calendar days from publication of the appropriate Notice of Availability for comments to be received.

(d) DOE will consider requests for extensions of time if such requests are received during the comment period. In determining the appropriate period for comment or in acting upon an extension request, DOE shall consider the complexity of the issues addressed in the EIS, the extent of public interest in the proposed action, and the need for expeditious decisionmaking on the proposed action.

(e) Where no comments are received within the designated comment period, DOE shall assume that no comment is to be made.

§ 1021.28 Public Hearings.

(a) In determining whether to provide a public hearing with respect to an EIS, DOE shall consider the magnitude of the proposed action in terms of economic costs, the geographic area involved, and the uniqueness or size of the commitment of the resources involved; the degree of interest in the proposed action, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held; the complexity of the issues and the likelihood that additional information generated by the hearing will assist DOE in fulfilling its responsibilities under NEPA; the extent to which public involvement already has been achieved through other means, such as earlier public herings, meetings with citizen representatives and/or written comments on the proposed action; and the need for expeditious decisionmaking on the proposed action.

(b) If a hearing is to be held, DOE shall publish a notice in the FEDERAL REGISTER and make the EIS available to the public at least 20 calendar days prior to the scheduled date of such hearing. To the extent practicable, DOE shall endeavor to provide for public notification through press releases and other forms of announcement, as appropriate.

(c) Public hearings under this section may be combined with other DOE hearings, or hearings of other agencies, as appropriate. Public hearings under this section that are not so combined shall be legislative rather than adjudicatory in nature, with no right to formal discovery, subpoena of witnesses, cross-examination of participants, testimony under oath, or other similar formalities more appropriate to an adjudicatory procedure. Where a hearing under this section is combined with another hearing, the applicable procedures shall be determined with reference to considerations relevant to all of the affected hearings.

§ 1021.29 Preparation and Publication of Final Environmental Impact Statements.

(a) DOE shall consider the comments received on the draft EIS and at the public hearing, if held, and prepare a final EIS, except as provided in § 1021.24. In addition to the information required by Subpart D of this part, the final EIS shall contain all substantive comments received on the draft EIS (or summaries thereof) together with DOE's response to those comments, and changes in the statement, as appropriate.

(b) Upon approval of the final EIS, DOE shall publish a notice in the FEDERAL REGISTER announcing the availability of the final EIS and distribute copies of the statement to EPA, and Federal, State, and local agencies, and others who submitted comments on the draft EIS, participated in the public hearing on the draft EIS, or requested a copy of the final EIS. Final EIS's on legislative actions shall be submitted to Congress and the Office of Management and Budget.

§ 1021.30 Post-EIS Responsibilities.

(a) Following completion of the final EIS and DOE decisionmaking with respect to a proposed action, DOE shall verify that the implementation of the selected alternative, particularly with regard to any mitigating measures included in the action, is proceeding as described in the EIS. Upon identification of any significant modifications of the plans as described in the EIS, DOE shall determine appropriate steps to be taken.

(b) DOE shall identify and consider, to the maximum possible extent, the full range of environmental impacts at the time of EIS preparation. However, additional review may be necessary as the action evolves. Whenever substantial new information pertinent to an existing EIS becomes available, or whenever a modification of an action covered by an EIS is proposed that may be environmentally significant, DOE shall consider the need for a supplement to the EIS. Based on the significance of the modification and environmental impacts involved, relative to the impacts originally discussed, DOE shall determine whether to prepared a supplement to the EIS and, if so, whether it shall be a draft (related to either a draft or final EIS) or a final (related to a final EIS only) supplement. Draft supplements will be subject to the review procedures for draft EIS's specified in this subpart. When a final supplement is prepared, DOE shall publish a notice of availability in the FEDERAL REGISTER and distribute copies to EPA, and Federal, State, and local agencies and others who have expressed interest in the proposed action. DOE shall take no action with respect to the subject of the final supplement until 15 days after publication of the notice of availability and shall consider any comments received during that period.

§ 1021.31 Timing of DOE Actions.

(a) To the maximum extent practicable:

(1) No proposed administrative action for which an EIS is prepared shall be taken sooner than 90 calendar days after a draft EIS has been issued; or sooner than 30 calendar days after the final EIS has been issued. The 90-day and 30-day periods may run concurrently.

(2) No proposed action for which an ND has been prepared shall be taken prior to 15 calendar days after the ND and notice of availability of the EA are published in the FEDERAL REGISTER.

(b) Where emergency circumstances, statutory deadlines, or overriding considerations of expense or effectiveness of the relevant action make it necessary to take an administrative or legislative action without observing the minimum time periods required by this part, or before the preparation of an EA or draft or final EIS, or supplement thereto, DOE shall, at the earliest possible time, consult with CEQ concerning appropriate alternative arrangements for full compliance with NEPA requirements. Where only overriding considerations of expense or effectiveness are involved, such consultation shall occur before taking the proposed action.

(c) In computing a period of time prescribed or allowed by this part, the earlier date of publication by DOE or EPA of any relevant notice published in the FEDERAL REGISTER shall be the date from which such period is calculated.

§ 1021.32 Contractor Services.

DOE may use contractor services to gather information, perform studies and provide for other assistance needed for DOE to prepare an EA, an EIS, or comments on an EIS prepared by another Federal Agency. DOE shall independently review all work performed by contractors and shall maintain full control over and responsibility for the content of such NEPA-related documents.

§ 1021.33 Review of Environmental Impact Statements Prepared by Other Agencies.

(a) DOE shall review and comment on EIS's prepared by other Federal agencies if requested, and if determined appropriate by DOE, whenever DOE has jurisdiction by law or special expertise. DOE comments shall be specific, substantive, and factual and may recommend modifications to the proposal and/or new alternatives. DOE shall give particular consideration to legislative or administrative proposals which might cause a change in the production, importation, transportation, use, availability, or storage of petroleum, other fuels, or sources of energy, or which deal with other matters related to DOE's statutory responsibilities. In reviewing EIS's prepared by other agencies, DOE shall: Identify proposals which are unsatisfactory from the standpoint of environmental quality or which conflict with known current or future policies and programs within the jurisdiction of DOE; indicate areas of research which are underway or planned by DOE which may suggest new alternatives, ways to mitigate effects, or fill gaps in the state of relevant knowledge; and offer other appropriate comments in areas in which DOE has jurisdiction by law or special expertise.

(b) To the extent that its resources permit, DOE may review environmental documents prepared by State or local agencies under authority of State or local laws similar to NEPA.

Subpart D—General Guidance for Content of Environmental Impact Statements

§ 1021.41 Body of Statement.

(a) The EIS shall be a concise, factual and objective evaluation of the environmental effects of a proposed action and its reasonable alternatives, and shall include or reference relevant data, information, and analyses only to the extent necessary to permit independent evaluation and comparative appraisal of the environmental effects of the proposed action and its reasonable alternatives. EIS's shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and shall focus on the major environmental issues relevant to the proposed action. Underlying studies, reports and other information used in preparing the EIS shall be identified. Highly technical and specialized analyses and data should be avoided in the text, but should be attached as appendices or referenced with footnotes. Where documents not easily accessible are referenced, such as internal studies or reports, the EIS shall summarize the relevant information and indicate how the document may be obtained.

(b) The EIS shall discuss or refer to responsible opinions regarding the environmental impacts of the proposed action. Substantive suggestions and comments made by other Federal, State, and local agencies and by private organizations and individuals prior to preparation of the environmental impact statement (draft or final) shall be identified and analyzed in appropriate sections of the statement.

(c) EIS's shall contain, to the extent appropriate, the following information in a format most useful to planning and decisionmaking:

(1) *Summary.* The salient information and factual conclusions of the EIS shall be summarized at the beginning of the document. The summary shall include any unresolved environmental issues and factual conclusions concerning the significance of the impacts associated with the proposed action, and the relative merits of alternatives.

(2) *Description of proposed action.* The proposed action and the objectives sought to be realized by its implementation shall be briefly described. Among factors to be considered are the location and duration of the proposed action; historical information necessary to place the proposed action in proper perspective; its relationship to other projects or programs of the Federal Government; and the overall physical description, if appropriate. The environmental controls and other mitigating measures, including plans for site restoration, that are designed into the proposed action shall also be described.

(3) *A characterization of the existing environment likely to be affected by the proposed action.* A brief overview of the environment likely to be affected by the proposed action, including natural, physical, and socioeconomic features, shall be provided as a baseline for analysis of environmental impacts. Detailed descriptions of the existing environment should either be included in an appendix to the statement or referenced in the text, when necessary for a thorough understanding of the environmental impacts of a proposed action.

(4) *Environmental impacts of the proposed action.* The probable environmental impacts of the proposed action, including the effects of proposed mitigating measures, shall be analyzed. The analysis shall describe those effects on the natural, physical, and socioeconomic environment, beneficial as well as adverse, which could be caused by the proposed action, evaluate the magnitude and importance of each such effect, and identify the time periods in which these effects are anticipated. Any unknown factors concerning the probable environmental impacts shall be identified. The probable primary (direct) as well as secondary (indirect) environmental consequences shall be assessed. For purposes of this subparagraph, "secondary" consequences refer to associated investments and changed patterns of social and economic activities likely to be induced by the proposed action. The extent to which the proposal will conform to or conflict with any Federal, State, or local statutes, regulations, standards, limitations, and policies respecting environmental quality (air and water quality, wastes, pesticides, land use, etc.) shall be discussed. The risks of environmental degradation attributable to accidental as well as normal operations associated with the proposed action shall be assessed, to the extent practicable, in terms of probability of occurrence and magnitude of consequences.

(5) *Unavoidable adverse environmental effects.* Adverse environmental effects that cannot be avoided should the proposed action be implemented, and the magnitude and importance of such effects, shall be discussed.

(6) *Irreversible and irretrievable commitment of resources.* The extent to which the proposed action would consume, destroy, or transform limited or nonrenewable resources, thus curtailing the diversity and range of potential uses of the environment, shall be discussed.

(7) *The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity.* The extent to which the proposed action would constrain the diversity and range of potential uses of the environment shall be discussed. The cumulative and long-term environmental effects of the proposed action shall be assessed from the perspective that each generation is trustee of the environment for succeeding generations. This involves consideration of the present condition and use of the site of the proposed action, its use if the proposed action is implemented, and the long-term prospects for other uses. An assessment should be made of the extent to which the proposed action involves trade-offs between short-term gains and long-term losses, or the reverse, and the extent to which the proposed action and its alternatives foreclose future options.

(8) *Alternatives.* A rigorous exploration and factual evaluation of the environmental impacts of the full range of reasonable alternatives to the proposed action shall be presented. In particular, reasonable alternatives to the proposed action that might be formulated to enhance environmental quality or to avoid or mitigate adverse environmental effects shall be discussed. The specific alternative of taking no action shall always be evaluated. Examples of other potential alternatives include: postponing action pending further study; actions of a significantly different nature which would provide similar benefits with different environmental impacts; and different designs or details of the proposed action which would have different environmental impacts. A comparative evaluation of the environmental impacts of the proposed action and each reasonable alternative shall be included. Where an existing EIS already contains an analysis of an alternative(s), its treatment of the alternative(s) may be summarized and incorporated by reference: *Provided,* That such treatment is current and relevant to the precise objective of the proposed action. The range of alternatives discussed in an EIS shall not be limited to measures which DOE has authority to implement. However, the level of discussion for an alternative the implementation of which lies wholly within the private sphere, or State or local units of government, and which is expected to remain within the jurisdiction of those entities, shall be at DOE's discretion. A more detailed analysis may be made of the environmental impact of alternatives that can be implemented within the same time period as the proposed action than for those alternatives which require longer periods of time for completion.

Subpart E—Coordination of Other Federal Environmental Consultation Requirements

§ 1021.51 Additional Federal Environmental Review Requirements.

In order to expedite and improve the Federal decisionmaking process, DOE shall, to the extent practicable coordinate other requisite Federal environmental reviews in conjunction with the NEPA procedures set forth in this part. DOE shall establish procedures, where appropriate, to accomplish these reviews pursuant to: Section 13 of the Federal Nonnuclear Research and Development Act of 1974, 42 U.S.C. 5901; the National Historic Preservation Act of 1966, 16 U.S.C. 470; the Endangered Species Act of 1973, 16 U.S.C. 1531; the Wild and Scenic Rivers Act or 1972, 16 U.S.C. 1271; the Coastal Zone Management Act of 1972, 16 U.S.C. 1451; the Fish and Wildlife Coordination Act, 16 U.S.C. 661; the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431, 33 U.S.C. 1401; the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901; and other Acts as deemed appropriate. Requests for consultation and results of such consultation shall be documented in writing and shall, where practicable, be incorporated in the draft or final EIS. In all cases where consultation has occurred, the agencies consulted shall receive copies of either the Notice of Intent and EIS or Negative Determination and EA prepared on the proposed action.

Subpart F—Applicant Procedures

§ 1021.61 Applicant Responsibilities.

(a) With respect to major categories of actions involving applicants for a DOE permit, certificate, license, financial assistance, contract award, or similar action, DOE may require the applicant to submit an environmental report (ER) on the proposed undertaking. Prior to the preparation of an ER, the applicant should consult with DOE to determine the appropriate information to be included in the ER. In general, an ER shall contain the types of information required for an EA or EIS, as specified in § 1021.12 and § 1021.41, respectively. The level of detail of the ER shall be commensurate with the complexity and expected significance of the environmental impacts of the proposed undertaking. An ER shall be accurate and complete, although DOE may request additional data and analyses whenever these are necessary to comply with the requirements of this part.

(b) In carrying out their environmental responsibilities, DOE expects applicants to: (1) Conduct any studies which are deemed necessary and appropriate by DOE to determine the impact of the proposed action on the human environment; (2) consult with appropriate Federal, regional, State and local agencies during the preliminary planning stages of the proposed undertaking to assure that all environmental factors are identified; (3) submit applications for all Federal approvals as early as possible in their planning process; (4) notify DOE of all other Federal actions required for project completion in order that DOE may coordinate the Federal environmental review, if appropriate; and (5) take no steps in furtherance of an undertaking for which they are seeking DOE approval which may cause significant environmental impacts, or which may foreclose the alternative actions available to DOE, prior to completion of the EA/EIS process.

§ 1021.62 DOE Responsibilities.

(a) DOE shall provide either generic or case-by-case guidance to applicants regarding the need for and the appropriate scope and depth of analysis of an ER, commensurate with the anticipated EA and EIS requirements.

(b) Notwithstanding the applicant's responsibilities under § 1021.61, DOE shall independently verify, to the extent feasible and appropriate, any information or analysis in the ER which is used or relied upon in an EA or EIS prepared with respect to the proposed action. DOE shall review the methodologies employed in the ER and shall independently evaluate the environmental impacts of the proposed action and all reasonable alternatives. Utilizing the ER and other pertinent data and analyses, DOE shall independently determine, in accordance with § 1021.11 and § 1021.21, whether the proposed action requires the prepartation of an EA or an EIS. If required, DOE shall independently prepare the EA or EIS in accordance with this part, utilizing the ER and other information developed by DOE, as appropriate. DOE may incorporate all or part of an ER into its EA or EIS.

§ 1021.63 Content of Environmental Reports.

(a) For all functions transferred to DOE under the Natural Gas Act, an ER prepared in support of the preparation of an EIS shall contain the information specified in Appendix B of this part. An ER prepared in support of the preparation of an EA shall contain, in abbreviated form, the information specified in Paragraphs 1, 2, 3, 4, 8 and 9 of Appendix B.

(b) This subpart may be amended to provide further guidance for specific DOE programs.

APPENDIX A—SUMMARY SHEET FOR DRAFT AND FINAL STATEMENTS

(check one) ( ) Draft. ( ) Final Environmental Statement.

Name of responsible Federal agency (with name of operating division where appropriate). Name, address and telephone number of individual at the agency who can be contacted for additional information about the proposed action or the statement.

1. Brief description of proposed action, its type (administrative or legislative) and its purpose. Indicate what States (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

2. Summary of environmental impacts and adverse environmental effects.

3. Summary of major alternatives considered.

4. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.

5. Date draft statement (and final environmental statement, if one has been issued) made available to EPA and the public.

APPENDIX B—CONTENTS OF ENVIRONMENTAL REPORTS PREPARED FOR APPLICATIONS UNDER THE NATURAL GAS ACT

1. *Description of proposed undertaking.* Provide as an introductory paragraph, a brief discription of the undertaking under application. Then describe fully its:

1.1 *Purpose.* Describe the primary purpose of the proposed facilities (onshore/offshore pipelines, LNG, gas storage fields, SNG, and others) and how the proposed undertaking fits into Federal, regional, State, and local energy demand and supply requirements.

1.2 *Location.* Identify site(s) including all existing natural gas and other power and product pipelines in the general vicinity of the proposed undertaking; locate with respect to State boundaries, counties and major cities; and illustrate with a suitable general location map(s).

1.3 *Land requirements.* Indicate the length and width and location of all existing, joint, or new right-of-way required by the proposed undertaking; identify the size of each proposed plant and/or operational site; designate what portion of the land at the operation site which will remain unaffected by construction and operation; and identify auxiliary construction activities on adjacent land.

1.4 *Proposed facilities.*

1.4.1 *Plant/operational facilities.* Identify all plant and/or operation units to be constructed, such as compressors, unloading and storage facilities, liquefaction/gasification facilities. Provide plan, elevation, and perspective views of all plant facilities.

1.4.2 *Pipeline facilities.* Describe the length and size of all transmission, lateral, looping, and gathering pipelines to be constructed.

1.5 *Construction procedures.* Describe procedures to be taken prior to or during construction of the proposed undertaking such as the relocation of homes and commercial or industrial facilities, clearing, surveying, land acquisition, and environmental planning. Discuss the methods of pipeline construction which would be used (such as the push method, flotation method, lay method, and barge laying method). Provide a schedule of construction of major facilities and how this will meet future energy needs and avoid such limiting factors as floods, ground slides, or severe climatic conditions. Include schedules for needed reloca-

tions or development of transportation and other public use facilities and methods of maintaining service during these activities. Indicate the source of the work forces, numbers involved, and their housing needs in the area.

1.6 *Operational and maintenance procedures.* Describe fully the technical and operational considerations of the proposed undertaking, including details of the process, catalyst involved, design, mass, heat and energy balances, flow diagrams, water purification treatment and facilities, waste product disposal facilities, and days and hours of operation. Describe maintenance under normal conditions; include types of expected maintenance, anticipated maintenance problems, and how system or area needs will be met during shutdown for maintenance. Describe capacity of proposed action to withstand both usual and unusual but possible natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides, etc.).

1.7 *Future plans.* Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed undertaking.

2. *Description of the existing environment.* Provide an overall description of existing conditions or resources which might be affected directly and indirectly by the proposed undertaking; include a discussion of such pertinent topics as:

2.1 *Land features and uses.* Identify present uses and describe the characteristics of the land area.

2.1.1 *Land uses.* Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and aviation traffic patterns; locate transmission facilities on or near the lands affected by the proposed undertaking and their placement (underground, surface, or overhead).

2.1.2 *Topography, physiography, and geology.* Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed undertaking. Include U.S. Geological Survey Topographic Maps, aerial photographs, and other such graphic material.

2.1.3 *Soils.* Describe the physical and chemical characteristics of the soils. Sufficient detail should be given to allow interpretation of the nature of and fertility of the soil and stability of slopes.

2.1.4 *Geological hazards.* Indicate the probability of occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 *Species and ecosystems.* Identify those species and ecosystems that will be affected by the proposed undertaking.

2.2.1 *Species.* List in general categories by common and scientific names, the plant and wildlife species found in the area of the proposed undertaking and indicate those having commercial and recreational importance.

2.2.2 *Communities and associations.* Describe the dominant plant and wildlife communities and associations located within the area of the proposed undertaking. Provide an estimate of the population densities of major species. If data are not available for the immediate area of the proposed undertaking, data from comparable areas may be used.

2.2.3 *Unique and other biotic resources.* Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed undertaking. Describe any areas of critical environmental concern, e.g., wetlands and estuaries. Summarize findings of any studies conducted thereon.

2.3 *Socioeconomic considerations.* If the undertaking could have a significant socioeconomic effect on the local area, discuss the socioeconomic future, including population and industrial growth, of the area without the implementation of the proposed undertaking; describe the economic development in the vicinity of the proposed undertaking, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed undertaking to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, farms, businesses, and industries that will be directly affected and those requiring relocation if the proposed undertaking occurs.

2.4 *Air and water environments.* Describe the prevailing climate and the quality of the air (including noise) and water environments of the area. Estimate the quality and availability of surface water resources in the proposed undertaking area.

2.4.1 *Climate.* Describe the historic climatic conditions that prevail in the vicinity of the proposed undertaking; extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, icing, and destructive storms such as hurricanes and tornadoes.

2.4.2 *Hydrology and hydrography.* Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed undertaking and discuss drainage basins, physical and chemical characteristics, water-use, water supplies, and circulation. Describe the groundwater situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3 *Air, noise, and water quality monitoring.* Provide data on the existing quality of the air and water, indicate the distance(s) from the proposed undertaking site to monitoring stations and the mean and maximum audible noise and radio interference levels at the site boundaries.

2.5 *Unique features.* Describe unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3. *Environmental impact of the proposed undertaking.* Describe all known or expected environmental effects and changes, both beneficial and adverse, which will take place should the undertaking be carried out. Include the impacts caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct, and primary indirect changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed undertaking.[1]

3.1 *Construction.*

3.1.1 *Land features and uses.* Assess the impact on present or future land use, including commercial use, mineral resources, recreational areas, public health and safety, and the aesthetic value of the land and its features. Describe any temporary restriction on land use due to construction activities. State the effect of construction-related activities upon local traffic patterns, including roads, highways, ship channels, and aviation patterns.

3.1.2 *Species and ecosystems.* Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem and any potential loss of an endangered species.

3.1.3 *Socioeconomic considerations.* Discuss the effect on local socioeconomic development in relation to labor, housing, local industry, and public services. Discuss the need for relocations of families and businesses. Describe the beneficial effects, both direct and indirect, of the undertaking on the human environment, such as benefits resulting from the services and products, and other results of the undertaking (include tax benefits to local and State governments, growth in local tax base from new business and housing development and payrolls). Describe the impact on human elements, including the need for increased public services (schools, health facilities, police and fire protection, housing, waste disposal, markets, transportation, communication, energy supplies and recreational facilities).

3.1.4 *Air, noise and water environment.* Estimate the qualitative and quantitative effects on air, noise, and water quality, including sedimentation, and whether regulatory standards in effect for the area will be complied with.

3.1.5 *Waste disposal.* Discuss the impact of disposal of all waste material such as spoils, vegetation, construction materials, and hydrostatic test water.

3.2 *Operation and maintenance.*

3.2.1 *Land features and uses.* Outline restrictions on existing and potential land use in the vicinity of the proposed undertaking, including mineral and water resources. State the effect of operation-related activities upon local traffic patterns including roads, highways, ship channels, and aviation patterns, and the possible need for new facilities.

3.2.2 *Species and ecosystems.* Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animal species having economic or esthetic value to man that would be affected by the undertaking; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and describe any ecosystem imbalances that would be caused by the undertaking and the possibility of major alteration to an ecosystem or the loss of an endangered species. Assess any effects of this undertaking which would be cumulative to those of other similar undertakings or actions.

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[1] *Changes in the environment throughout the sphere of influence of proposed undertaking.* Direct and indirect effects are those effects which can be discerned as occurring primarily because the proposed undertaking would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) The impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent departure must be considered.

3.2.3 *Socioeconomic considerations.* Discuss the effect on the local socioeconomic development in relation to labor, housing, and population growth trends, relocation, local industry and industrial growth, and public service. Describe the beneficial effects, both direct and indirect, of the undertaking on the human environment such as economic benefits resulting from the services and products, energy, and other results of the undertaking (include tax benefits to local and State governments, growth in local tax base from new business and housing development, and payrolls). Describe impacts on human elements, including any need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities). Indicate the extent to which maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 *Air, noise, and water environment.* Assess the impact on present air quality due to process discharge quantities, and other discharging operational units. Assess the impact on present noise levels due to noises related to the undertaking. Assess the impact on present water quality, including sedimentation, due to cooling or heating system discharges, process effluents, sanitary and waste effluents, water use for hydrostatic testing, and water use for other operational units.

3.2.5 *Solid wastes.* Describe any impacts from accumulation of solid wastes and by-products that will be produced.

3.2.6 *Use of resources.* Quantify the resources necessary for operational processes; that is, water (human needs and processes); energy requirements, raw products, and specialized needs. Assess the impact of obtaining and using these resources.

3.2.7 *Maintenance.* Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way and hydrostatic testing and shutdowns. Discuss the potential impact of major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 *Accidents and catastrophes.* Describe any impacts resulting from accidents, natural catastrophes, and acts of sabotage which might occur, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 *Termination and abandonment.* Discuss the impact on land use and aesthetics of the termination and/or abandonment of facilities resulting from the proposed undertaking.

4. *Measures to enhance the environment or to avoid or mitigate adverse environmental effects.* Identify all measures which can reasonably be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed undertaking, as described under Section 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, environmental tradeoffs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 *Preventative measures and monitoring.* Discuss provisions for pre- and post-operation monitoring of environmental impacts of the proposed undertaking. Include programs for monitoring changes in operational phases. Describe proposed measures for detecting and modifying noise levels, monitoring air and water quality, inventorying key species in food chains, and detecting induced changes in the weather. Describe measures, including equipment, training procedures, and vector[2] control measures, that can reasonably be taken for protecting the health and welfare of workers and the public at the undertaking site during construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid and liquid waste disposal facilities for workers and the public during construction and operation. Discuss measures that can reasonably be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Identify standard procedures for protecting services and environmental values during maintenance and breakdowns. Discuss proposed and alternative construction timetables to prevent environmental impacts and plans for implementation of changes whenever necessary to reduce environmental impact.

4.2 *Environmental restoration and enhancement.* Discuss all measures that can reasonably be taken to restore and enhance the environment including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values; describe measures to facilitiate animal migrations and movements and to protect their life processes; describe programs for landscaping and horticultural practices; discuss programs to assist displaced families and businesses in their relocations; and describe provisions for public access to, and use of, lands and waters in the area of the proposed action.

5. *Unavoidable adverse environmental effects.* Discuss all adverse environmental effects which cannot be avoided by measures outlined in section 4 above.

5.1 *Human resources impacted.* Indicate those human resources and values which will sustain unavoidable adverse effects and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on the displacement of people by the proposed undertaking and its local, economic, and aesthetic implications; on human health and safety; and on aesthetic and cultural values and standards of living which will be sacrificed or endangered. Where possible, provide quantitative evaluations of these effects.

5.2 *Uses preempted and unavoidable changes.* Discuss all unavoidable environmental impacts on the land and its present use caused by inundation, clearing, excavation and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and man-made facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and aesthetic values or scenic areas.

5.3 *Loss of environmental quality.* Discuss any unavoidable adverse changes in the air, including dust and emissions to the air, and noise levels; impacts resulting from solid wastes and their disposal; effects on the water resources of the area.

6. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Compare the benefits to be derived from the immediate or short-term use of the environment, with and without the proposed undertaking, and the long-term consequences of the proposed undertaking.[3] Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis to assure that shortsighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 *Short-term uses.* Assess the local short-term uses of man's environment in terms of the proposed undertaking benefit to man, land use, alterations to the ecosystems, use of resources, and public health and safety.

6.2 *Long-term productivity.* Discuss any cumulative long-term effects which may be caused by the proposed undertaking in terms of land use, alterations to the ecosystem, use of resources, and public health and safety.

7. *Irreversible and irretrievable commitments of resources.* Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed undertaking.

7.1 *Land features and uses.* Discuss any permanent changes in land features and/or land use.

7.2 *Endangered species and ecosystems.* Assess the possibliity of eliminating any endangered species or the loss or alteration of an ecosystem.

7.3 *Socioeconomic considerations.* Discuss probable indirect actions or undertakings (e.g., new highway systems or wastewater treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed undertaking that would likely be triggered and would irrevocably commit other resources. Identify the destruction of any historical, archeological, or scenic areas.

7.4 *Resources lost or uses preempted.* Analyze the extent to which the proposed undertaking would curtail the range of beneficial uses of the environment. Determine whether, considering presently known technology, the proposed use of resources or any resource extraction method would contaminate other associated resources or foreclose their usage.

7.5 *Finite resources.* Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed undertaking, such as fossil fuels and construction materials.

8. *Alternatives to the proposed undertaking.* Discuss the range of alternataive sites, facility designs, processes and/or operations that were considered in arriving at the proposed undertaking and the environmental impacts of each such alternative.

9. *Permits and compliance with other regulations and codes.*

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[2] Carriers (e.g., ticks, mosquitoes, and rodents) of diseases.

[3] Duration of impacts: Short-term impacts and benefits generally are those which occur during the development and operation of an undertaking. Long-term productivity relates to an effect that remains many years (sometimes permanently), after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

9.1 *Permits.* Identify all necessary Federal, regional, State and local permits, licenses and certificates needed before the proposed undertaking can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1 *Authorities consulted.* List all authorities consulted for obtaining permits, licenses, and certificates, inluding zoning approvals needed to comply with applicable statutes and regulations.

9.1.2 *Dates of approval.* Give dates of consultations and of any approvals received.

9.2 *Compliance with health and safety regulations and codes.* Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed undertaking. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 *Procedures to be followed.* Describe any specific procedures to steps that will be taken to assure compliance with each such regulation and code.

9.3 *Compliance with other regulations and codes.* Identify all other Federal, regional, State and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed undertaking.

9.3.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.3.2 *Procedures to be followed.* Explain the specific procedures or steps that will be taken to assure compliance with each such regulation and code.

9.4 *Special cases.*

9.4.1 *Liquefied natural gas facilities.* Provide detailed design specifications for all facilities to be used for the liquefaction, transport, storage, and regasification of liquefied natural gas. Provide information on the flammability and flame resistance of all tank lining and insulation materials. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and any revisions thereto including the Department of Transportation regulations issued by the Office of Pipeline Safety as amendment 192-10 (liquified natural gas systems) to Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards" and by the U.S. Coast Guard as 33 CFR 6.14-1 (safety measures for waterfront facilities and vessels in port), 33 CFR 124.14 (notice in advance of arrival of a vessel laden with a dangerous cargo), 33 CFR Part 126 (permits for handling of dangerous cargoes within or contiguous to waterfront facilities), and 46 CFR Subchapter D (regulations governing tank vessels). Describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

9.4.2 *Ancillary facilities.* Provide detailed design specifications for all ancillary facilities, owned and operated either by the applicant or other parties, which will be constructed or operated in relation to the proposed undertaking, such as processing plants and docking facilities. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

10. *Source of information.*

10.1 *Public hearings.* Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponents to those in dissent, and include any public records resulting from these meetings. Include a description of the manner in which the public was informed of the time and place of the hearings. Fully discuss efforts made for seeking constructive inputs from affected people and how their concerns were accommodated.

10.2 *Other sources.* Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 *Meetings with governmental and other entities.* List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, aesthetics, other natural resources, and values of the area, and economic development), and any environmental conclusions reached as a result of the meetings.

10.2.2 *Studies conducted.* Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 *Consultants.* Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 *Bibliography.* Provide a bibliography of the books, other publications, reports, documents, maps, and aerial photographs consulted for background information, including county land use and other planning reports. Indicate by some method, as by asterisks or numbers, those bibliographic references specifically cited in the environmental report.

10.3 *Provide copies of supportive reports.* Supply at least a single copy of all technical reports prepared in conjunction with the preparation of the environmental report, such as model, heat budget, plankton, fish, and benthic sampling studies.

[FR Doc. 78-4524 Filed 2-17-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Chapter II]

COMPTROLLER OF THE CURRENCY

[12 CFR Chapter I]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Chapter III]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Chapter V]

[FRB Docket No. R-0139]

COMMUNITY REINVESTMENT ACT OF 1977

Regional Hearings

AGENCY: Federal Reserve Board, Comptroller of the Currency, Federal Deposit Insurance Corporation, and Federal Home Loan Bank Board.

ACTION: Notice of regional hearings.

SUMMARY: The Community Reinvestment Act of 1977 (the "CRA") requires each appropriate Federal financial supervisory agency to use its authority when examining financial institutions, to encourage such institutions to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of such institutions. The financial supervisory agencies announced, in a notice published in the FEDERAL REGISTER on January 25, 1978, a joint hearing to be held in Washington on March 15 and 16, 1978, to aid the agencies in the preparation of regulations prescribed by the CRA. This document announces the dates and addresses of additional regional hearings for the same purpose.

DATES AND ADDRESSES:

Hearing: March 20, 1978, 10 a.m.: Auditorium, Federal Reserve Bank of Boston, Boston, Mass.: Federal Deposit Insurance Corporation presiding.

Hearing: March 23, 1978, 10 a.m.: American Room, Peachtree Plaza Hotel, Atlanta, Ga.: Federal Reserve System presiding.

Hearing: March 27, 1978, 10 a.m.: Conference Room C, Fifth Floor, Federal Reserve Bank of Dallas, Dallas, Tex.: Federal Deposit Insurance Corporation presiding.

Hearing: April 5 and 6, 1978, 10 a.m.: Conference Room, Fifth Floor, Federal Reserve Bank of Chicago, Chicago, Ill. Comptroller of the Currency presiding.

Hearing: April 12 and 13, 1978, 10 a.m.: Ceremonial Courtroom, Federal Building, 450 Golden Gate Avenue, San Franciso, Calif.: Federal Home Loan Bank Board presiding.

Comments: Due on or before March 8, 1978: Send to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Robert J. Lawrence, Deputy Staff Director for Management, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3766.

SUPPLEMENTARY INFORMATION: On October 12, 1977, the President signed into law the Housing and Community Development Act of 1977 (Pub. L. 95-128). Title VIII of that Act is the Community Reinvestment Act of 1977 ("the CRA"). The CRA requires that, in connection with its examination of a financial institution within its jurisdiction, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (collectively referred to as "the Agencies") shall assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the institution, and that the appropriate agency take that record into account in its evaluation of any application by the institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger, or acquisition of bank or savings institution shares. Pursuant to the authority contained in section 806 of the CRA, the Agencies will prescribe regulations to carry out the purposes of the CRA to take effect no later than November 6, 1978.

The four Agencies announced, in a notice published in the FEDERAL REGISTER on January 25, 1978, a hearing to be held in Washington, D.C. on March 15 and 16, 1978. The Agencies also announced their intention to hold regional hearings with dates and times to be announced.

On behalf of the four Agencies notice is hereby given that regional hearings will be held as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

March 20, 1978, at 10 a.m. in the Auditorium of the Federal Reserve Bank of Boston, Boston, Mass.

FEDERAL RESERVE BOARD

March 23, 1978, at 10 a.m. in the American Room at the Peachtree Plaza Hotel, Atlanta, Ga.

FEDERAL DEPOSIT INSURANCE CORPORATION

March 27, 1978, at 10 a.m. in Conference Room C, Fifth Floor, Federal Reserve Bank of Dallas, Dallas, Tex.

COMPTROLLER OF THE CURRENCY

April 5 and 6, 1978, at 10 a.m. in the Conference Room, Fifth Floor, Federal Reserve Bank of Chicago, Chicago, Ill.

FEDERAL HOME LOAN BANK BOARD

April 12 and 13, 1978, 10 a.m. in the Ceremonial Courtroom, Federal Building, 450 Golden Gate Avenue, San Francisco, Calif.

Interested persons are invited to submit written comments regardless of whether they intend to participate in the hearing. Any person desiring to submit written comments, give testimony, present evidence, or otherwise participate in the proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before March 8, 1978, four copies of their written comments or a written request containing a statement of the nature of the petitioner's interest in the proceedings, the city in which petition wishes to testify, the length of time requested for oral presentation, a summary of the matters concerning which the petitioner wishes to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Copies of all written submissions will be distributed by the Board of Governors to each of the other Agencies and will be made available for public inspection and copying upon request in accordance with the Agencies' respective rules regarding availability of information. All material submitted should refer to Docket No. R-0139.

To aid persons in preparing written comments and testimony, the announcement in the FEDERAL REGISTER on January 25, 1978, included the text of the CRA followed by questions that the agencies are expecially interested in having addressed in written and oral submissions. Persons wishing to testify, or submit comments are requested to refer to the earlier announcement.

THEODORE E. ALLISON,
Secretary of the Board.

FEBRUARY 14, 1978.

[FR Doc. 78-4519 Filed 2-17-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-PC-3]

Proposed Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter a VOR federal airway identified as V-17 in the State of Hawaii. This proposed action would reduce the amount of chart clutter south of the Island of Maui.

DATES: Comments must be received on or before April 17, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 77-PC-3, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before April 17, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Hawaiian VOR federal airway V-17 in the State of Hawaii. The proposed action would amend V-17 by realigning V-17 by four degrees from over Maui, Hawaii, to Harpo Intersection via the Maui 186°M/197°T radial to the Intersection to Lanai

095°M/106°T and Maui 186°M/197°T radials. Consequently, the Intersections of Merlo and Makoi would be cancelled if this proposed action is adopted. The purpose of the proposed action is to facilitate the reading and publication of charts by reducing the amount of chart clutter.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.127 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 343) as follows:

In § 71.127 V-17 "118° and Maui, Hawaii, 201°" would be deleted and "106° and Maui, Hawaii, 197°" would be substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on February 10, 1978.

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

[FR Doc. 78-4390 Filed 2-17-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-ANW-2]

Proposed Alteration of Transition Area[1]

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Twin Falls, Idaho 1,200 foot transition area. The proposal is necessary to provide controlled airspace for a standard instrument approach procedure.

DATES: Comments must be received on or before March 30, 1978

ADDRESSES: Send comments on the proposal, in triplicate, to: Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108.

[1] Map filed is part of original.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Dale C. Jepsen, Airspace Specialist, Operations, Procedures and Airspace Branch (ANW-533), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108; telephone 206-767-2610.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 30, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the official docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, ANW-530, Northwest Region, FAA Building, Boeing Field, Seattle, Wash. 98108, or by calling 206-767-2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 1,200 foot transition area at Twin Falls, Idaho. The present 1,200 foot transition area was found to be inadequate to contain the planned VOR/DME RWY 7 standard instrument approach to Twin Falls City-County Airport. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

TWIN FALLS, IDAHO

By amending the fourth and fifth line of the description as follows:

"* * * of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 16.5 mile radius of the Twin Falls VORTAC, extending clockwise from the VORTAC 121° radial to the VORTAC 311° radial; within * * *"

DRAFTING INFORMATION

The principal authors of this document are Dale C. Jepsen, Air Traffic Division, and Richard Salwen, Acting Regional Counsel, Northwest Region, Federal Aviation Administration.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on February 8, 1978.

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

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

[FR Doc. 78-4391 Filed 2-17-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-2-78]

INCOME TAX

Requirements Relating to Certain Exchanges Involving a Foreign Corporation.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Extension of Time for Comments and Requests for a Public Hearing.

SUMMARY: This document provides notice of an extension of time for submitting comments and requests for a public hearing concerning the notice of proposed rulemaking with respect to Requirements Relating to Certain Exchanges Involving a Foreign Corporation. The extended deadline for submission of comments and requests for a public hearing is May 1, 1978.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 1, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Atten-

tion: CC:LR:T (LR-2-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Katherine A. Newell of the Legislation and Regulations Division, Office of Chief Counsel, Internal revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, CC:LR:T, 202-566-3740, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking published in the FEDERAL REGISTER for Friday, December 30, 1977 (42 FR 65152 and 65204), comments and requests for a public hearing with respect to the proposed rules were to be delivered or mailed to the Commissioner of Internal Revenue, Attention: CC:LR:T (LR-2-78), Washington, D.C. 20224, by February 28, 1978. The date by which such comments or requests must be delivered or mailed is hereby extended to May 1, 1978.

ROBERT A. BLEY,
Director, Legislation and Regulations division.

[FR Doc. 78-4557 Filed 2-15-78; 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.

[4310-10]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given in accordance with § 800.5(c) of the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on March 16, 1978, at 7:30 p.m. a public information meeting will be held at the Newport Junior High School, Fourth and Monmuth Streets, Newport, Ky. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views on the proposed Fifth Street Bridge and Approaches over the Licking River [U-320(9)], an undertaking assisted by the Federal Highway Administration, that will adversely affect the Johnathan David Hearne House, 500 Garrard Street, Covington, Ky., and the Licking Riverside and Ohio Riverside Historic Districts, also in Covington, properties included in the National Register of Historic Places.

The following is a summary of the agenda of the public information meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the properties by the Federal Highway Administration and the Kentucky Department of Transportation.

III. A statement by the Kentucky State Historic Preservation Officer.

IV. Statements from local officials, private organizations and the public on the effects of the undertaking on the property/properties.

V. A general question period.

Speakers should limit their statement to 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, Suite No. 430, 1522 K Street NW., Washington, D.C. 20005, 254-3967.

ROBERT M. UTLEY,
Deputy Executive Director.

[FR Doc. 78-4469 Filed 2-17-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket Nos. 30332, 30777; Agreement CAB 27141-27143; R-1 and R-2; Order 78-2-63]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates, Passenger Fares, and Currency Matters

Issued under delegated authority February 13, 1978.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted by mail vote.

Agreements CAB 27141 and CAB 27142 would amend the IATA resolutions governing currency conversion rates of exchange and the rounding-off of fares and rates involving transportation to/from Reunion Island, in view of the fact that the French franc has replaced the African franc as that area's currency. Agreement CAB 27143 would increase add-on fare levels used to construct South Atlantic through fares to/from interior points in France, to reflect recent increases in French domestic fares.

We will approve the agreements, which involve fares and rates to/from U.S. points and fares which are combinable with fares to/from U.S. points, and thus have application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
27141:			
R-1	021b	Rates of Exchange (Amending)	1;2;3.
R-2	023a	Rounding-Off Passenger Fares (Amending).	1;2;3;1/2;2/3;3/1;1/2/3.
27142	023b	Rounding-Off Cargo Rates (Amending)	1;2;3;1/2;2/3;3/1;1/2/3.

2. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
27143:			
R-1	054c	South Atlantic Normal First-Class Fares (Amending).	1/2.
R-2	064c	South Atlantic Economy-Class Fares (Amending).	1/2.

Accordingly, *It is ordered*, That:

Agreements CAB 27141, R-1 and R-2, CAB 27142, and CAB 27143, R-1 and R-2, be approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4551 Filed 2-17-78; 8:45 am]

[6320-01]

[Docket No. 32118; Order 78-2-70]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Suspension and Investigation Regarding Increased Excess Baggage Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of February 1978.

By tariff revisions[1] filed on December 23, 1977, and marked to become effective on March 3, 1978, Pan American World Airways, Inc. (Pan American) proposes to modify excess baggage charges in domestic and overseas markets. Over and above the two bags carried free, Pan American proposes to limit the number of pieces of excess baggage acceptable at currently effective charges to two pieces and to increase the charges for more than four pieces. For example, the following table shows a comparision of charges for the New York-Washington and Los Angeles-Guam markets.

Market	Excess baggage charges (per piece)	
	Present	Proposed
New York-Washington:		
2 bags	Free	Free
2 bags at	$6	$6
Additional bags at	6	20
Oversized pieces at	6	20
Los Angeles-Guam:		
2 bags	Free	Free
2 bags at	10	10
Additional bags at	10	170
Oversized pieces at	10	170

In effect travellers will be permitted the current free baggage allowance plus two pieces of excess baggage at currently applicable charges as at present.[2] Additional pieces of baggage will be assessed charges ranging between 300 and over 1,500 percent above the current excess baggage charges.

In support of the proposal, Pan American asserts that it has been experiencing continuing problems with the volume of excess baggage that passengers have presented at check-in time and, because of aircraft volume and weight restraints, it has been unable to board all the baggage tendered; the proposal is a relatively unrestrictive response made essential by some passengers abusing excess baggage privileges by tendering 20, 30, or more pieces, which preclude other passengers or freight shippers from using Pan American's service; the movement of large numbers of pieces at rates considerably below regular freight charges gives the tenderer an unfair preference over other shippers and dilutes the economic support for the operation; for the months of September and October and for the first three weeks of November, 1977, 493 bags were not loaded on the same flight as the related passengers departing from New York; limiting the applicability of current excess baggage charges to only two excess pieces will only affect a small percentage of passengers; the increased charges are set to approximate the level of freight charges if the baggage were sent as cargo, assuming 35 kilograms per piece; the proposal is designed to discourage the tender of inordinate amounts of excess baggage, while not imposing a requirement that a passenger ship baggage as freight, a requirement that could create a need for both the passenger and the carrier to conform to specialized customs and other regulations related to international cargo shipments; the solution of tendering all excess baggage (beyond a specified number) as freight is too restrictive for international travel because customs clearance and other procedures are cumbersome and may involve delays; Pan American has not designed the rates to put couriers out of business; the costs of extraordinary amounts of excess baggage are best measured by the revenues lost by the displacement of freight traffic; to maintain simplicity and efficiency in passenger handling procedures, Pan American is proposing that essentially the same rules and regulations govern baggage allowances and assessment of excess charges throughout its system;[3] and the proposal would establish excess baggage rates at levels that will discourage the use of the baggage system to carry freight under the guise of personal baggage.

A complaint requesting suspension pending investigation of this proposal has been filed by the DHL Corp. (DHL), an air courier service. Additionally, answers in support of the complaint have been filed by the Government of Guam, the Air Courier Conference of America (ACCA), and another courier service, Purolator Sky Courier, Inc. (Purolator). These complaints allege, among other things, that: The proposal is designed to put courier companies out of business by raising excess baggage charges to exorbitant levels; the scheduled carriers are attempting to seize upon the experience of air couriers and eliminate competition through economic sanctions as evidenced by the magnitude of the increases; the direct carriers are trying to force courier companies out of business because many of these carriers will soon have unlimited cargo rights and want courier business for themselves; the fact that Western Air Lines, Inc., and United Air Lines, Inc., have instituted similar excess baggage restrictions indicates this proposal is in concert with the actions of others and constitutes an antitrust violation; the residents of Pago Pago and Guam have no alternative air service, so this proposal will inflict particular harm upon their residents and businesses; the carrier cites no cost data in support of its proposal; the 3-month study data is not relevant to passenger traffic and related baggage between the United States and Guam, and offers no support for the proposal in connection with Guam traffic; because passenger fares between Guam and United States are so high, tourists travelling between the two points remain for a substantial period, and the longer a person expects to be away from home, the more baggage must be taken along; the carrier should not be permitted to abuse its monopoly position in the United States-Guam market by forcing passengers to bear the proposed massive charges; contrary to expectations, the effect of such charges could be to dampen both tourism and business travel between United States and Guam; the proposed levels are too high because excess baggage is far less costly to process than freight—no storage, no waybill paperwork, no advertising, no sales commissions, no additional handling costs, and a passenger is paying a fare; the sole justification for these significant increases is a survey conducted at one terminal over an 11-week period and the results do not support a claim of significant inconvenience to the carrier or passengers; the justification submitted is inadequate in that it lacks data on costs and revenues as required by section 221.165 of the Board's economic regulations; and the carriers will be able to engage in rebating and

[1] Revisions to Air Tariffs Corporation, Agent, C.A.B. No. 55, and Airline Tariff Publishing Company, Agent, C.A.B. No. 142. These tariffs were originally scheduled to become effective on February 6, 1978. Pan American requested and was granted until January 25 to file an answer to the complaint and postponed the effectiveness of its filing until March 3, 1978.

[2] A third bag is permitted free if it can be carried and stowed in the passenger compartment. Oversized pieces are charged at the same rate as excess baggage.

[3] Pan American proposes the same changes in international air transportation.

other forms of favoritism by not charging for all excess baggage.[4]

The Board finds that Pan American's proposal may be unlawful and should be investigated. The Board further concludes that if should be suspended pending investigation.

It appears that the proposed increases, typically 300-400 percent but ranging to over 1,500 percent above currently applicable charges in certain overseas markets, could have a severe impact on passengers. The carrier makes no attempt to support the increases on the basis of costs of service. Pan American supports its proposal by a survey undertaken at one terminal for a consecutive period of 11 weeks. In our opinion, this survey alone does not support or justify such substantial increases at New York or throughout the carrier's system. It shows that about 493 bags did not accompany passengers during the period—an average of only 6.4 bags per day. Admittedly any baggage not loaded due to capacity constraints poses a problem; and we are aware that in certain markets very large amounts of goods are carried as excess baggage. Certainly, the Board can understand that something must be done in situations where 20, 30, or more pieces of excess baggage are tendered to the detriment of service for other baggage or freight. However, Pan American has not sufficiently justified this proposal. It submitted no evidence that the charges should be applied systemwide and that the problem cannot be localized; that the average excess bag weighs 35 kilograms (77 pounds);[5] or that the proposed charges are in any way cost-related. Therefore, we conclude that the proposal may be unlawful and should not be permitted to become effective.

The Board believes that a satisfactory resolution may be reached without a formal hearing. Consequently, Pan American may submit additional justification in this docket by February 24, and a conference will be held on March 3, 1978, between Board staff and the interested persons for the purpose of seeking a mutually satisfactory resolution of this problem.

Accordingly, pursuant to sections 204(a), 403, 404, and 1002 of the Federal Aviation Act of 1958:

It is ordered, That: 1. An investigation be instituted to determine whether the provisions set forth in appendix A and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions specified in appendix A are suspended and their use deferred to and including May 31, 1978, unless otherwise ordered by the Board, and that no changes be made in them during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted here, the complaint of DHL Corp. in Docket 31948 is dismissed;

4. A conference will convene in Room 1002N, 1875 Connecticut Avenue NW., Washington, D.C. 20428, on March 3, 1978, to explore the issues raised in this order. Pan American may submit additional justification in support of its proposal by February 24, 1978, to be filed in this docket and served upon all parties to Docket 32118. The conference will be presided over by a Board staff member who will report the results to the Board.

5. Copies of this order shall be filed in the applicable tariffs and served upon Pan American World Airways, Inc., DHL Corp., the Air Courier Conference of America, the Government of Guam, and Purolator Sky Courier, Inc., which are made parties to Docket 32118.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A

TARIFF CAB NO. 142, ISSUED BY AIRLINE TARIFF PUBLISHING CO., AGENT

On 53rd Revised Page 148-D, the cancellation of PA provisions from Rule 340(B)(1).

On 54th, 55th, and 56th Revised Pages 148-D, the omission of PA provisions from Rule 340(B)(1).

On 28th Revised Page 164-C, the EXCEPTION to Rule 365(B)(2)(b) and the EXCEPTION to Rule 365(B)(5).

TARIFF CAB NO. 55, ISSUED BY AIR TARIFFS CORP., AGENT

On 14th Revised Page 44-B, the EXCEPTION to Rule No. 16(I)(1).

[FR Doc. 78-4552 Filed 2-17-78; 8:45 am]

[4]The Board has also received letters of protest from businesses and other courier services complaining about the magnitude of Pan American's proposed increase and its severe impact upon their requirements or business services.

[5]Data in the *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation*, Docket 26487, indicate an average weight per bag ranging from 26.9 to 30.3 pounds.

[6]All Members concurred.

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Notification of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held March 10, 1978, at the Pentagon, Washington, D.C. from 9 a.m. to 4 p.m., and, if necessary, on March 11, 1978, at the Hotel Washington, 15th and Pennsylvania Avenue, Washington, D.C. from 9 a.m. to 12 p.m. The sessions will be open to the public.

The purpose of this meeting is to plan the program for the semi-annual meeting of the full Committee on April 16-19, 1978. Composed of 25 civilians, DACOWITS provides the Department of Defense with assistance and advice on matters relating to women in the Armed Forces, to interpret to the public the role of and the need for servicewomen and to encourage the acceptance of military service as a career opportunity.

Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members during the meeting; however, they will be permitted to reply to questions directed to them by members of the Committee. Questions from the public will not be accepted during the Executive Committee session.

Interested persons desiring to make oral presentations, submit written statements for consideration, attend the meeting or receive additional information must contact Lt. Col. Vivienne C. Sinclair, USAF, Executive Secretary to DACOWITS Secretariat, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, telephone 202-697-5656 no later than March 1, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

FEBRUARY 14, 1978.

[FR Doc. 78-4513 Filed 2-17-78; 8:45 am]

[3810-70]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a

closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows: Thursday, April 6, 1978, Pomponio Plaza, Rosslyn, Va.

The entire meeting, commencing at 0900 hours, is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on ICBM Refire potential.

MAURICE W. ROCHE,
Director Correspondence and Directives, Washington Headquarters Services, Department of Defense.

FEBRUARY 15, 1978.

[FR Doc. 78-4514 Filed 2-17-78; 8:45 am]

[1505-01]

DEPARTMENT OF ENERGY

OIL AND GAS PRODUCERS

Inquiry on Financial Accounting Standards

Correction

In FR Doc. 78-1999 appearing at page 3302 in the issue for Tuesday, January 24, 1978, the headings incorrectly identified the document as having been issued by the Economic Regulatory Administration. The headings therefore should have read as set forth above.

[3128-01]

[Docket No. 77-001-LNG; CP74-160, CP74-207, CP75-83-3]

PAC INDONESIA LNG CO. AND WESTERN LNG TERMINAL ASSOCIATES

Order for Conference to Consider Applications for Rehearing

A conference will be held on February 22, 1978, at 9:30 a.m., in room 2105, 2000 M St. NW., Washington, D.C., to consider applications for rehearing filed in this case. Decisions on whether to grant rehearing on specific issues raised in the applications may be rendered at that time.

Dated: February 10, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

[FR Doc. 78-4749 Filed 2-17-78; 10:15 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RI76-129]

BYRON OIL INDUSTRIES, INC.

Certification of Settlement Agreement

FEBRUARY 8, 1978.

Take notice that on February 1, 1978, Presiding Administrative Law Judge Ellis certified to the Commission for its consideration a "Stipulation and Agreement in Settlement of Special Relief Proceeding," comprising a settlement of the special relief proceeding set for hearing by order issued December 27, 1976, in the above-referenced docket.

The settlement agreement provides that Byron Oil Industries, Inc. shall receive a total rate of $2.10 for all residue gas sold to Northern Natural Gas Co. (Northern) from all existing wells, and from any and all future wells, which may be drilled on Byron's acreage in Adams and Weld Counties, Colo., which is dedicated to the residue gas sales contract between Byron and Northern dated June 25, 1975. The agreement states that the $2.10 rate is based solely on Byron's out-of-pocket costs.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 23, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4501 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-201]

CENTRAL HUDSON GAS & ELECTRIC CORP.

Rate Filing

FEBRUARY 8, 1978.

Take notice that on February 1, 1978, Central Hudson Gas & Electric Corp. (Central Hudson) tendered for filing its development of actual costs for 1976 related to transmission service provided from the Roseton Generating Plant to Consolidated Edison Co. of New York, Inc. (Con Edison) and Niagara Mohawk Power Corp. (Niagara Mohawk) in accordance with the provisions of its Rate Schedule F.E.R.C. No. 42.

Central Hudson indicates that the actual cost for 1976 amounted to $1.1458 per Mw.-day to Con Edison and $3.6640 per Mw.-day to Niagara Mohawk and is the basis on which estimated changes for 1977 have been billed.

Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the regulations to permit charges to become effective January 1, 1977 as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison, Niagara Mohawk and the State of New York Public Service Commission.

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 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. 78-4502 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER76-709]

CINCINNATI GAS & ELECTRIC CO.

Acceptance of Late-Filed Comments

FEBRUARY 3, 1978.

On February 1, 1978, Staff Counsel filed a motion for leave to file one day late comments on the revised tariff sheet filed by The Cincinnati Gas & Electric Co., on December 27, 1977, and noticed on January 11, 1978, in the captioned proceeding.

Upon consideration, notice is hereby given that the comments filed by Staff Counsel on February 1, 1978, are accepted.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4484 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-202]

CONSUMERS POWER CO.

Filing Schedule of Rates Governing Wholesale for Resale Electric Service

FEBRUARY 8, 1978.

Take notice that Consumers Power Co. (Consumers) on February 1, 1978, tendered for filing a Schedule of Rates Governing Wholesale for Resale Elec-

tric Service designated Federal Energy Regulatory Commission Electric Service Tariff Original Volume No. 1. Consumers states that the following wholesale customers in the State of Michigan are presently taking service on the Schedule of Rates: city of Eaton Rapids, city of Charlevoix, village of Union City, Edison Sault Electric Co., city of Harbor Springs, city of Marshall, city of Petoskey, village of Chelsea, city of Portland, city of St. Louis, city of Coldwater, Wolverine Electric Cooperative, Inc., city of Bay City, Southeastern Michigan Rural Electric Cooperative, Inc., Alpena Power Co., and Northern Michigan Electric Cooperative, Inc.

Consumers further states that the purpose of this filing is to revise each sheet in the Schedule of Rates to reflect the redesignation of the Federal Power Commission as to the Federal Energy Regulatory Commission, and to publish in the Company's standard tariff sheet format. Consumers indicates that an Original Sheet No. 210 has been added to provide a checklist of presently effective sheets in the Schedule of Rates. Consumers further indicates that First Revised Sheet No. 5.00 has been updated to reflect the sixteen customers presently taking service from the Company. According to Consumers, other than these changes, the content of this Schedule of Rates is textually identical to the Schedule of Rates presently on file with 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 and 1.10). All such petitions or protests should be filed on or before February 27, 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. 78-4503 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. RP78-12]

EAST TENNESSEE NATURAL GAS CO.

Extension of Time

FEBRUARY 13, 1978.

On January 31, 1978, Staff Counsel filed a motion to extend the date for service of top sheets in the captioned proceeding, as set by Commission Order issued November 30, 1977. The motion states that all parties to the proceeding have been contacted and none opposes the requested extension.

Upon consideration, notice is hereby given that the date for service of top sheets is extended to and including March 28, 1978. Pursuant to the November 30 Order, a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge shall convene a settlement conference in this proceeding within 10 days after the service of top sheets by the Staff.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4485 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. E-7740, E-9239, and ER76-716]

INDIANA AND MICHIGAN ELECTRIC CO.

Extension of Time

FEBRUARY 13, 1978.

On February 7, 1978, Staff Counsel filed a motion to extend the time for filing comments on the Agreement of Settlement and Compromise filed by Indiana and Michigan Electric Co. and Richmond Power and Light of the city of Richmond, Ind., on December 30, 1977, and noticed on January 19, 1978, in the captioned proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 10, 1978, for filing comments on the proposed settlement.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4486 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-203]

MONTAUP ELECTRIC CO.

Proposed Tariff

FEBRUARY 8, 1978.

Take notice that Montaup Electric Co. (Montaup), on February 1, 1978, tendered for filing a service agreement providing for Montaup's transmission of a power purchase of the Middleborough (Massachusetts) Municipal Gas and Electric Department pursuant to Montaup's generally applicable transmission tariff.

Montaup requests an effective date of January 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Montaup copies of this filing were served upon the Middleborough Municipal Gas and Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4504 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-175]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

FEBRUARY 8, 1978.

Take notice that on January 30, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-175 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of storage facilities to enable Applicant to increase its customer storage service by an additional 18,968 Mcf per day under new Rate Schedule LS-3, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that its storage reservoirs in Iowa and Illinois are sufficiently developed to permit expansion of operations thereof to provide the additional storage service. Consequently, Applicant proposes herein to expand its Cairo-Mount Simon Reservoir in Louisa County, Iowa, only.

Applicant states that it first offered the proposed new LS-3 storage service to all of its existing customers, allocating the daily volume among them prorata to their existing daily contract quantities under Applicant's Rate Schedule DMQ-1 and G-1, and that the volumes not accepted by the customers were then reoffered to those customers which did elect to participate in the LS-3 storage service. Applicant seeks authorization to provide LS-3 storage service to the following said customers who have elected to participate:

Customer	Mcf share per day
Iowa Electric Light and Power Co	1,637
Iowa Illinois Gas and Electric Co	14,000
Iowa Power and Light Co	561
Iowa Southern Utilities Co	394
Nebraska City, Nebr., city of	343
Sullivan, Ill., city of	136
Wisconsin Southern Gas Co	1,000
Corning Municipal Utilities	51
Lenox, Iowa, town of	67
Marietta, Tex., city of	17
North Central Public Service Co	19
Peoples Natural Gas Division	486
Perryville, Mo., city of	150
Pinckneyville, Ill., city of	84
Wellman, Iowa, town of	23
Total	18,968

It is stated that in order to provide flexibility to said customers in their utilization of the proposed storage service, a total of 100 days top storage withdrawal would be available over a period beginning November 1 of a year, through March 31 of the next year, and that said customers can withdraw all, part or none of their seasonal quantity available for the November through march period, with no penalty. It is further stated that the top storage volumes not withdrawn by said customers would be carried over into the following withdrawal period as part of the seasonal quantity for that period with no fuel charge for the carried over volume. The maximum available quantity during the November through March winter period to each customer would be 100 times his contracted daily withdrawal quantity, it is said.

Applicant indicates that in order to provide this leased storage service, it would require said customers to deliver their pro-rata share of the following:

(i) 1,896,800 Mcf of top storage gas; and
(ii) An additional 2½ percent of top gas injected for fuel gas; and
(iii) 3,793,600 Mcf of cushion gas.

It is stated that in the event all cushion and top gas cannot be nominated for injection in the first year, said customer would have a maximum period of two years for said cushion and top gas injection. Applicant states that the top gas withdrawal quantities available for the first year would be one-third of the total gas injected for the account of each customer prior to November 1.

Applicant indicates that it would enter into service agreements with said customers to provide LS-3 service for the period April 1, 1978 through April 1, 1990.

Applicant proposes that the subject service be billed under a monthly demand charge applied uniformly throughout the year, and that the demand charge would be based on Applicant's average cost of providing 100-day storage (excluding fuel gas and cushion gas costs recognizing that customers would furnish the fuel gas and cushion gas for the service), plus a component attributable to the allocated portion of the cost of Applicant's North End pipeline loopings between its market storage fields and the terminus of its system. The LS-3 rate level would be derived by the same technique used to calculate the presently effectivce LS-2 rate, it is stated.

Applicant proposes:

(1) To increase the daily withdrawal capacity of its Cairo-Mount Simon Reservoir in Louisa County, Iowa by 18,968 Mcf; and

(2) To provide 18,968 Mcf per day of 100-day winter leased storage commencing with the 1978-79 winter period.

Applicant indicates that in order to effectuate the proposal while at the same time continuing to provide the storage services previously certificated and to make the withdrawals for storage services for Applicant's own account previously certificated by the Commission, it proposes to construct and operate approximately ½ mile of 6-inch gathering pipeline, drill and connect four injection-withdrawal wells and other miscellaneous facilities at Applicant's Cairo-Mount Simon Storage Field.

Applicant states that the estimated cost of constructing the jurisdictional facilities proposed herein, excluding cushion gas which would be provided by the customers participating in the LS-3 storage service, is $1,646,000. Applicant also proposes to construct and operate pursuant to section 2.55 of the Commission's General Policy and Interpretations (18 CFR 2.55) dehydration and other miscellaneous facilities at a cost of $332,000. It is indicated that the total cost of $1,978,000 to construct the facilities proposed herein would be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4491 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-178]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

FEBRUARY 8, 1978

Take notice that on January 31, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-178 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 200,000 Mcf of natural gas per day for Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) for 20 years, and the operation of facilities required to effectuate such transportation service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport the subject gas for Michigan Wisconsin pursuant to a transportation service agreement dated October 5, 1977 between the two parties. Applicant states that Michigan Wisconsin has acquired preferential rights to future gas production from approximately 152,000 net gas call acres within the Wind River Basin of Wyo., and has acquired over 55,000 net gas call acres within the Green River Basin. Gas produced from such interest is to flow through a proposed pipeline to be constructed and operated by Wyoming Interstate Natural Gas System (Wings), a partnership formed by subsidiaries of Michigan Wisconsin and Northwest Pipeline Corp. (Northwest), connecting the Wind River Basin to Northwest's existing system located in Lincoln County, Wyo., it is stated. It is indicated that Northwest would receive

and transport said gas for the account of Michigan Wisconsin to an existing interconnection with El Paso Natural Gas Co. (El Paso) at Northwest's Ignacio Compressor Station in LaPlata County, Colo. It is further indicated that El Paso would transport and deliver the subject gas to Applicant, for Michigan Wisconsin's account, at an interconnection of the pipeline facilities of Applicant and El Paso in Lea County, N. Mex. Applicant proposes to redeliver to Michigan Wisconsin thermally equivalent volumes of gas, less compressor fuel Applicant uses to perform the transportation service, at an existing point of interconnection between the pipeline systems of Applicant and Michigan Wisconsin located in Wheeler County, Tex., and/or an existing point located in T&NO Railroad Survey, Hansford County, Tex.

Applicant states that in order to implement the long-term transportation, it proposes to utilize its existing transmission system in the Permian Basin area of New Mexico and Texas, as well as the interconnection between El Paso and applicant in Lea County, N. Mex., the construction and operation of which was proposed in filings by Applicant in Docket No. CP78-138 and El Paso in Docket No. CP78-159, which are pending before the Commission.

Applicant indicates that it would charge Michigan Wisconsin for the proposed transportation service performed hereunder 12.0 cents per Mcf of gas transported and redelivered to Michigan Wisconsin at the points of delivery. Applicant further states that it would reduce the volume of gas redeliverd by the compressor fuel Applicant used to perform the transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4492 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP78-164]

NATURAL GAS PIPELINE CO. OF AMERICA

Rate Schedule Filing

FEBRUARY 8, 1978.

Take notice that on January 27, 1978, Natural Gas Pipeline Co. of America (Natural) submitted for filing six copies each of initial Rate Schedule X-95, consisting of Original Sheet Nos. 1126 through 1144, to be a part of Natural's FERC Gas Tariff, Second Revised Volume No. 2.

Rate Schedule X-95, a transportation agreement dated September 26, 1977 between Natural, Trunkline Gas Co., and Chevron Chemical Co., is the subject of a joint application filed by Natural and Trunkline on January 18, 1978, in Docket No. CP78-164. The bases, reasons, and other supporting data relative to Rate Schedule X-95 are included in the joint application.

Any person desiring to be heard or to make any protest with reference to said application on or before February 24, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding, 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. 78-4505 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-78, ER78-79]

NEW ENGLAND POWER CO.

Intent to Act

FEBRUARY 10, 1978.

On January 12, 1978, New England Power Co. (NEP) filed an application for rehearing of our December 30, 1977 order accepting for filing and suspending a proposed rate increase to 30 of NEP's wholesale customers and an amendment to the Service Agreement between NEP and its affiliate, Narragansett Electric Co. (Narragansett). NEP requests rehearing of the five month suspension period required by that order and urges the Commission to reduce the suspension to one month.

Pursuant to our rules of practice and procedure, NEP's application would be deemed denied on February 13, 1978, unless the Commission acts before that time. In order to allow sufficient time for due consideration of the merits of the application, the Commission has determined that the rules should be tolled and notice be given of the Commission's intention to act on the application. Notice is hereby given that the Commission will act on NEP's January 12, 1978, application for rehearing and that the Commission by the issuance of this notice is tolling the operation of its rules.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4487 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-613]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

FEBRUARY 8, 1978.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle) on January 20, 1978 tendered for filing Original Sheet No. 1-C and Original Sheet Nos. 924 through 957 to its FERC Gas Tariff, Original Volume No. 2.

Panhandle states that such changes are made to provide a Rate Schedule T-22 for the transportation of natural gas in conjunction with Trunkline Gas Co. (Trunkline) on behalf of Northern Natural Gas Co. (Northern). Panhandle proposes that these sheets become effective November 29, 1977.

A copy of this filing has been served on Trunkline and Northern.

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 accor-

dance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 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. 78-4506 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-107, ER78-108 and ER78-109]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Order Conditionally Accepting for Filing, Suspending Rate Increase, and Waiving Regulations

FEBRUARY 13, 1978.

On December 13, 1977, the Pennsylvania-New Jersey-Maryland Interconnection (PJM) filed Schedule 8.02 (conservation energy) as part of its Interconnection Agreement with Allegheny Power System (APS) to replace Schedule 8.01 (conservation energy) which became effective January 7, 1974, and which expired December 31, 1975. Also, on December 13, 1977, PJM filed a revised Schedule 8.02—Interconnection Agreement between New York Power Pool (NYPP) and PJM. That agreement contains provisions similar to those contained in the APS Agreement. In addition, PJM filed a proposed modification to the original Pennsylvania-New Jersey-Maryland Interconnection Agreement, to provide for internal accounting procedures to PJM for conservation energy transactions with others. By letter of January 13, 1978, the Commission's Secretary advised PJM that its filing was deficient. The finding of deficiency was based on PJM's failure to provide adequate cost support for the rate level.

BACKGROUND OF THE AGREEMENT

Following shortages of fuel oil in 1974, electric utilities located east of the Mississippi River and north of the Carolinas negotiated agreements by which they would transfer coal generated energy to Atlantic Coast and northeast areas of the country. Pursuant to these agreements, fuel conservation rate schedules were filed with the Federal Power Commission by many groups and companies in this area. In 1974, PJM signed a fuel conservation agreement with APS. This agreement, Schedule 8.01 of the presently filed rate schedule, provides in summary for the transfer of power during off-peak hours, when based load generating units would be partially available for export purposes. The mutual rate provided for an energy charge of 110 percent of out-of-pocket costs, plus 3.0 mills per kWh for energy supplied by a party. For energy purchased from a third party for transfer, the rate provided for out-of-pocket purchased cost plus 1.75 mills per kWh. The original agreement was to have terminated one year from its proposed effective date. However, it was extended for one year and was not cancelled as an FPC Rate Schedule.

The new proposed agreements would allow the parties to provide energy to alleviate fuel shortages resulting from the unavailability of fuel. Under the new agreements, delivery would be for weekly periods not limited to off-peak hours. The schedule will remain in effect until December 31, 1978, unless extended by mutual agreement.

In light of the present shortage of coal due to the strike, it is in the public interest to have rates accepted that encourage voluntarily arranged conservation measures. Acceptance of these filings would help accomplish that goal. As noted previously, the Commission, on January 13, 1978, advised PJM that its filing was deficient. However, it has been established that, when it is in the public interest, the Commission may waive filing requirements not yet complied with and accept an agreement for filing.[1] To insure, however, that PJM does achieve full compliance with our Regulations, we shall condition our acceptance of the filing on PJM's submitting, within thirty (30) days of the issuance of this order, the cost support required by our Regulations.

Notice of the filing was issued on December 22, 1977, with comments due on or before January 3, 1978. None have been received.

The agreements tendered for filing on December 13, 1977, have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or other wise unlawful.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission conditionally accept for filing the Schedules filed on December 13, 1977, by Pennsylvania-New Jersey-Maryland, that they be suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Good cause exists to waive the commission's notice and filing requirements set out in the Commission's rules and regulations.

The Commission orders. (A) The proposed Schedule filed by the Pennsylvania-New Jersey-Maryland Interconnection on December 13, 1977, and identified above, is hereby conditionally accepted for filing as of December 31, 1977, suspended, and the use thereof deferred until January 1, 1978, when it shall become effective subject to refund; provided that PJM shall file, within thirty (30) days of the issuance of this order, the cost support required under the Commission's regulations.

(B) Upon the filing of the cost support data described above, the Commission shall further evaluate the filing and shall set a date for a public hearing, should such procedure be appropriate.

(C) The requirement for notice contained in § 35.3 of the Commission's rules and regulations is waived. The filing requirements not yet complied with are conditionally waived, as described in Paragraph (A) above.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4488 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. E-8586, E-8587]

PUBLIC SERVICE CO. OF INDIANA

Order Granting Motion and Requiring Revised Compliance Filing and Revised Refunds

FEBRUARY 13, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that

[1] "Florida Power & Light Co.," Docket No. ER77-175, issued Ap ril 12, 1977. *Aff'd.*, Order Accepting for Filing and Suspending Rate Increase, Providing for Hearing, Establishing Procedures, Granting Motion in Part, and Denying Same in Part, issued November 30, 1977, in ER77-465, "Oklahoma Gas & Electric Co." Maryland,

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

proceedings pending before the FPC on the date of 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 prumulgated 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.

In Opinion No. 783, 56 FPC—November 10, 1976), modified on rehearing, Opinion No. 783-A, 57 FPC—(February 25, 1977), the Commission fixed the just and reasonable rates to be charged by the Public Service Co. of Indiana (PSCI) for jurisdictional service. By letter dated June 22, 1977 PSCI filed revised tariff sheets and a revised cost of service study in compliance with the mandate of the above Opinions. On July 13, 1977, Commission staff filed a motion which requested that the Commission reject PSCI's compliance filing for its failure to reflect a method for allocating income tax deductions which PSCI assertedly agreed to employ for purposed of this case. On July 25, 1977, several intervenors in this proceeding filed pleadings in support of staff's motion. On July 26, 1977, PSCI filed a response in opposition to staff's motion. PSCI argues that it has in fact used the recommended staff allocation method but, additionally, functionalized the tax deductions so that the jurisdictional assignment of current income tax liabilities, investment tax credit and deferred income taxes follows the same functional allocation method used by staff for jurisdictional assignment of operation and maintenance expenses and book depreciation expenses. On September 6, 1977, the Commission issued a notice of intent to investigate the staff's allegations.

In its initial case-in-chief, PSCI had allocated tax deductions on the basis of preliminary net taxable income. Staff, on the other hand, recommended an allocation of individual deductions on the basis of net electric plant ratios or rate base ratios. In rebuttal testimony, PSCI indicated that staff's recommended method was acceptable. The Presiding Administrative Law Judge noted the stipulation in this regard on the record and in the initial decision. ID, pg. 72. There were no exceptions filed with respect to the Presiding Judge's reliance upon, and approval of, this stipulated methodology.

An examination of PSCI's compliance filing indicates that the company has departed from the agreed upon methodology approved and adopted in the initial decision.

Accordingly, PSCI's compliance filing must be rejected in this respect. Within thirty days of the issuance of this order, PSCI shall again file revised tariff sheets and cost of service data which properly employs the stipulated and approved method of allocating income tax deductions. Staff's recommended method results in tax deductions allocated on the basis of net plant ratios and rate base ratios, developed by a three step process. First, the company's plant is subfunctionalized based upon staff's determination of the use of the plant. Second, each subfunction is allocated to customer class. Third, the allocated amounts are added to arrive at the numerator for the allocator. The allocator is then applied to each tax deduction. Of course, to the extent that Opinion Nos. 783 or 783-A, supra, disapproved staff's recommended functionalization of plant, the staff's recommended allocation of income tax deductions may be modified by the company to reflect only such differences in functional assignments.

The Commission finds: (1) The compliance tariffs and cost of service data filed by Public Service Co. of Indiana in this docket do not conform with the mandate of the Commission, expressed in Opinion Nos. 783 and 783-A, in that the company's income tax deductions are allocated in a manner inconsistent with the method stipulated to be appropriate by the parties, approved by the Presiding Judge and adopted by the Commission.

(2) The public interest and the proper enforcement of Opinion Nos. 783 and 783-A, supra, requires a further submittal of revised tariff sheets and cost of service data by PSCI which correctly reflect the proper allocation of the company's income tax deductions for the pertinent test period.

The Commission orders: (A) The motion filed by Commission staff on July 13, 1977, is granted.

(B) Public Service Co. of Indiana shall file with the Commission within thirty days of the issuance of the instant order, revised tariff sheets and cost of service data which reflect the allocation method recommended by staff for income tax deductions, as approved by the Presiding Administrative Law Judge and adopted by the Commission.

(C) Upon approval of this revised compliance filing by the Commission, PSCI shall within thirty days thereafter make appropriate refunds, with interest, to each of its jurisdictional customers.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4489 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-618]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

FEBRUARY 8, 1978.

Take notice that on January 9, 1978, Sea Robin Pipeline Co. (Sea Robin) tendered for filing Original Sheet Nos. 385 through 410 to its FPC Gas Tariff, Original Volume No. 2, being a transportation agreement between Sea Robin and Natural Gas Pipeline Co. of America. It is proposed that these tariff sheets become effective on February 10, 1978.

Sea Robin states that copies of these tariff sheets have been mailed to Natural Gas Pipeline Co. of America.

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 or 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission 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 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. 78-4507 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP71-264]

SOUTHERN ENERGY CO.

Order Amending Prior Order

FEBUARY 13, 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) 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.

In Opinion No. 622, issued June 28, 1972, FPC the Federal Power Commission issued certificates of public convenience and necessity authorizing construction and operation of an LNG terminal at Elba Island, Ga. (Docket No. CP71-264) and construction and operation of certain pipeline and related facilities (Docket No. CP 71-276) to be utilized in conjunction with a program to import natural gas from Algeria.

In Opinion No. 622, as modified by Opinion Nos. 622-A and 786, the Commission approved a cost of service tariff for Southern Energy Co., which included an 11 percent return on equity capital. On July 23, 1976, Southern Energy Co. filed a petition to amend its certificate to include a 15 percent return on equity in its cost of service tariff.

Numerous conferences have been conducted at the Commission concerning this petition to amend. On October 5, 1977, Southern Energy Co. files a settlement incorporated in a Stipulation and Agreement which it alleges is an outgrowth of these conferences, and it further alleges that all interested parties were invited to attend these conferences. The company indicates that it believes that the proposed stipulation resolves all outstanding issues in Docket No. CP71-264.

The Stipulation and Agreement provides that Southern Energy Company's certificate be amended to include in its tariff the following provision:

(3.7) A return on the equity portion of the total rate base shall be computed at a monthly rate equal to ½ the annual return on equity of Southern Natural Gas Co. most recently approved by an agency or court of competent jurisdiction commencing as of the date of Seller's initial operation and thereafter as of the first day of each billing month. If the equity component of Seller's total capitalization, expressed as a percentage of total capitalization, becomes 2.5 percentage points greater than the equity component, as most recently determined by an agency or court of competent jurisdiction, of Southern Natural Gas Co.'s total capitalization, then Seller shall within 30 days of such an occurrence file a tariff or rate change modifying this section pursuant to section 4 of the Natural Gas Act or other applicable law. The return on equity provided for herein shall change either upon the effective date of a final, non-appealable order by an agency or court of competent jurisdiction changing the return on equity of Southern Natural Gas Co. or upon Seller making effective a tariff change pursuant to Section 4 of the Natural Gas Act or other applicable law modifying the charges provided for herein. The total rate base shall be computed by adding together the items listed below.

The term of the Stipulation and Agreement is from the date of initial service by Southern Energy to Southern until the date Southern Energy places into effect a tariff change modifying the charges made to Southern.

On October 25, 1977, Atlanta Gas Light Co. (Atlanta) filed a comment alleging that it supports the proposed Stipulation and Agreement. However, Atlanta believes that it is too broad to assert, as Southern Energy Company does in its motion for approval, that all issues in Docket No. CP71-264 are resolved. Atlanta calls attention to an earlier settlement entered into in late 1974 concerning an LNG peaking service, which Southern has not yet implemented. The Commission believes that approval of the present Stipulation and Agreement should not be delayed until the LNG peaking service is implemented by Southern. Nothing in this order shall, however, be construed as preventing Atlanta from arguing at a later time and in the appropriate forum that the terms of an earlier settlement have not been complied with by Southern.

After publication in the FEDERAL REGISTER of the notice of filing of the Stipulation and Agreement, 42 FR 59104 (November 12, 1977) no comments except Atlanta's have been received, and no protests or petitions to intervene have been filed. Accordingly after consideration of the pleadings, the amendment will be permitted.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the previous orders in the above captioned dockets be amended as hereafter ordered.

The Commission orders: Opinion Nos. 622 and 622-A are amended to allow Southern Energy Co. to include in its initial FERC Gas Tariff, Original Volume No. 1, Rate Schedule LNG-1, the section (3.7), proposed by Southern Energy and set forth in the body of this order, upon the terms and conditions set forth in the Stipulation and Agreement entered into October 4, 1977, herein incorporated by reference. In all other respects these opinions shall remain in full force and effect.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4490 Filed 2-17-78; 8:45 am]

[6740-02]

[Project No. 2161]

ST. REGIS PAPER CO.

Application for New License

FEBRUARY 8, 1978.

Public notice is hereby given that an application for a new license was filed on March 12, 1969, under the Federal Power Act, 16 U.S.C. 791a-825r, by the St. Regis Paper Co. (Correspondence to: Mr. Homer Crawford, Secretary, St. Regis Paper Co., 150 East 42nd Street, New York, N.Y. 10017) for the constructed Rhinelander Project, FERC Project No. 2161, located on the Wisconsin River in Oneida County, Wis., adjacent to the City of Rhinelander and near the Towns of Pine Lake and Newbold.

The run-of-the-river Rhinelander Project consists of (1) a 180-foot long earth dam with a concrete section containing two waste gates; (2) a 3,576 acre reservoir with normal water surface elevation at 1,555.33 feet (U.S.C. & G.S. Datum); (3) an 82-foot long concrete intake structure containing 14 gates at the head of a diversion canal approximately 965 feet long and 60 feet wide; (4) a brick powerhouse containing two 560 kW and one 1,000 kW generating units; and (5) appurtenant facilities.

According to the license application, the project reservoir, Boom Lake, is heavily used for such recreational activities as swimming, boating, and fishing. Applicant reports that while most of the shoreline is privately owned, public access to the reservoir is permitted over those littoral lands owned by the Applicant. Applicant is not proposing to develop any recreational facilities at the project.

Project power is used for industrial purposes in Applicant's paper mill.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 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 consid-

ered 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. The application is on file with the Commission and is available for public inspection.

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 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4493 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket Nos. RP77-141, etc.]

TENNESSEE GAS PIPELINE CO.

Rescheduling Settlement Conference

FEBRUARY 8, 1978.

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Pike Natural Gas Co. and Delta Natural Gas Co.), Docket No. RP77-141; Tennessee Gas Pipeline Co., Docket No. RP77-132; Tennessee Gas Pipeline Co., Docket No. RP77-133-1; Tennessee Gas Pipeline Co., Docket No. RP77-134.

Take notice that the informal conference previously scheduled for February 7, 1978, at 10 a.m., will be convened at 10 a.m. on February 16, 1978. At that time an informal conference will be convened of all interested persons with a view towards setting the issues in the captioned proceedings. The conference will be held at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426.

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

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4494 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-568]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

FEBRUARY 8, 1978.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on January 9, 1978, tendered for filing as a part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Original Sheet No. 614
Original Sheet No. 615
Original Sheet No. 616
Original Sheet No. 617
Original Sheet No. 618
Original Sheet No. 619
Original Sheet No. 620
Original Sheet No. 621
Original Sheet No. 622
Original Sheet No. 623
Original Sheet No. 624
Original Sheet No. 625
Original Sheet No. 626
Original Sheet No. 627
Original Sheet No. 628
Original Sheet No. 629
Original Sheet No. 630
Original Sheet No. 631
Original Sheet No. 632

These tariff sheets constitute Rate Schedule X-85, a transportation and exchange agreement between Texas Eastern and Natural Gas Pipeline Co. of America (Natural) dated July 22, 1977. Texas Eastern is filing this transportation and exchange agreement with Natural pursuant to the FERC order, in Docket No. CP77-568, et al. issued November 29, 1977 and in particular to Ordering Paragraph (F) of said order.

The proposed effective date of these tariff sheets is November 29, 1977.

A copy of this filing was served on each party to the agreement.

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 petitions or protests should be filed on or before February 28, 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. 78-4495 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-167]

TEXAS GAS TRANSMISSION CORP.

Petition to Amend

FEBRUARY 8, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

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

Take notice that on January 31, 1978, Texas Gas Transmission Corp. (Petitioner), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP77-167 a petition to amend the order of June 13, 1977 (57 FPC —) issued by the Federal Power Commission (FPC) in the instant docket pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to authorize Petitioner to transport gas for Wheeling-Pittsburgh Steel Corp. (Wheeling-Pittsburgh) for an extended period, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of June 13, 1977, Petitioner was authorized to transport up to 5,000 Mcf of natural gas per day on an interruptible basis for Wheeling-Pittsburgh, and that such service was authorized at an initial rate of 20.01 cents per Mcf, which rate was computed in the same manner, exclusive of the cost of compressor fuel, as the rate charged for comparable long-haul interruptible transportation service.

The petition states that while authorizing Petitioner to perform such service, the Commission, concerned with the renegotiation provision in Wheeling-Pittsburgh's contract with its producer-supplier, limited such authorization to a period of 365 days commencing February 4, 1977, without prejudice to Petitioners for filing for authorization to extend the subject service upon determination of a firm price for the second 365 days of the gas purchase contract.

Petitioner states that its existing authorization to transport volumes of gas for Wheeling-Pittsburgh terminates February 3, 1978, and that on January 23, 1978, Wheeling-Pittsburgh and its producer supplier negotiated a firm price for the second 365 days of the contract term. Petitioner indicates that Wheeling-Pittsburgh has requested it to seek an extension of the present transportation authorization.

Accordingly, Petitioner requests authorization to continue the subject transportation service for Wheeling-Pittsburgh until February 4, 1979. Petitioner states that the proposed service would be performed pursuant to the same gas purchase contract with McGoldrick Joint Venture No. 1-73 (McGoldrick) and pursuant to the same transportation agreement with Petitioner as contained in Petitioner's original application filed herein on March 29, 1977.

Petitioner indicates that the sole changes in the information provided in the original application are as follows:

(1) A firm price of $1.85 per Mcf has been negotiated by Wheeling-Pittsburgh and McGoldrick for the second year of the gas purchase contract; and

(2) The initial rate of 20.01 cents per Mcf under the transportation agreement would be increased, subject to refund, to 28.63 cents per Mcf commencing April 1, 1978.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4496 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-613]

TRUNKLINE GAS CO.

Change in Tariff

FEBRUARY 8, 1978.

Take notice that Trunkline Gas Co. (Trunkline) on January 20, 1978, tendered for filing Fifth Revised Sheet No. 1-D and Original Sheet Nos. 1434 through 1459 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such changes are made to provide a Rate Schedule T-36 for the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle). Trunkline proposes that these sheets become effective on November 29, 1977.

A copy of this filing has been served on Panhandle.

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 or 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission 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 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. 78-4508 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. CP77-24]

UNITED GAS PIPE LINE CO. AND ARKANSAS LOUISIANA GAS CO.

Petition To Amend

FEBRUARY 6, 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 F.R. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402 (a)(1) of the DOE Act.

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

Take notice that on January 27, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, and Arkansas Louisiana Gas Co. (Arkla), P.O. Box 1734, Shreveport, La. 71151, (Petitioners) filed in Docket No. CP77-24 a petition to amend the order of January 13, 1977 (57 FPC ——) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for the construction and operation of three additional redelivery points for the exchange of natural gas on United's 18-inch Rodessa line in Caddo Parish, La., all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of January 13, 1977, Petitioners were authorized to exchange up to 250 Mcf of gas per day. It is stated that United would receive gas from Arkla at three points on Arkla's Eldorado-Muncie 16-inch pipeline in Union Parish, La., and United would redeliver equivalent volumes to Arkla at United's Bistineau Storage Field (Bistineau) located in Bienville Parish, La. The application states that to date the exchange authorized by the FPC order of January 13, 1977, has not

commenced pending completion of the facilities previously authorized.

Petitioners have entered into an amendatory agreement dated June 28, 1977, which agreement provides for three additional delivery points in addition to the authorized Bistineau redelivery point. Consequently, Petitioners request authorization to construct and operate three additional delivery points in order to allow Arkla to improve operating and service dependability to Arkla's existing distribution customers on existing distributing facilities and rural distribution extensions operated by Arkla in the Caddo Parish, La. area. Petitioners propose to designate three points on United's 18-inch Rodessa Field Line in Caddo Parish, La., to Arkla at Bistineau in order to achieve the previously authorized exchange quantity of 250 Mcf of gas per day.

Petitioners propose to construct three rural taps and three meters for deliveries to Arkla's existing distribution facilities, at an estimated cost of $20,358. It is stated that these facilites would be constructed at Arkla's expense, but would be owned and operated by United.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 28, 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 (10 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.

KENNETH F. PLUMB
Secretary.

[FR Doc. 78-4509 Filed 2-17-78; 8:45 am]

[6740-02]

[Docket No. ER77-339]

WEST TEXAS UTILITIES CO.

Proposed Settlement

FEBRUARY 8, 1978.

Take notice by filing of January 19, 1978, West Texas Utilities Co. (WTU) tendered for filing in the above-entitled docket a Motion for Approval of Stipulation and Agreement of Settlement and a Stipulation and Agreement which incorporates certain changes to its original rate filing for service to Community Public Service Co. (CPS) accepted for filing on June 1, 1977, suspended to become effective on November 2, 1977.

The Motion and the Stipulation and Agreement indicate that the major effects of the proposed changes are as follows:

(1) The demand charge per kW of billing demand during any current month is reduced from $3.38 as previously filed, to $3.306.

(2) The billing demand ratchet is reduced from 100 percent of the maximum billing demand established during the twelve-month period ending with the current billing month to 85 percent of that maximum billing demand.

Any party desiring to file comments with respect to the offer of settlement may do so; and all such comments, if any, should be filed on or before February 17, 1978. Comments so filed, if any, will be considered by the Commission in determining what action it should take on the offer of settlement, but will not serve to make party filing such comments intervenors herein. Persons wishing to become parties shall, unless they have already done so, file a petition to intervene. Copies of the offer of settlement are available for inspection in the offices of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4510 Filed 2-17-78; 8:45 am]

[3128-01]

Office of Environment

STUDY GROUP ON THE GLOBAL ENVIRONMENTAL EFFECTS OF CARBON DIOXIDE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Study Group on the Global Effects of Carbon Dioxide will meet Thursday, March 9, 1978, at 9 a.m., at Oak Ridge Associated Universities, Suite 805, 11 Dupont Circle, NW., Washington, D.C.

The purpose of the Study Group is to give advice to DOE in the development of its role in environmental research dealing with the global environmental effects of increasing levels of carbon dioxide from fossil fuel combustion and related matters. The Group's guidance will be based on a thorough review of ongoing and planned national and international research activities in this area.

The agenda for the meeting is as follows:

9:00 Call to Order
9:15 Approval of Minutes of Previous Meeting
9:20 Summary of Recent Activities
1. Study Group—Dr. Alvin Weinberg
2. CO_2 Office—David H. Slade
10:30 Review of Research Recommendations
12:00 Lunch
1:00 Review of Organization Plan
3:00 Other Business and Public comment (10-minute Rule)

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management Office, 202-566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on February 14, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-4459 Filed 2-17-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

(FRL 858-2)

ADMINISTRATOR'S TOXIC SUBSTANCES ADVISORY COMMITTEE

Open Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that the third meeting of the Administrator's Toxic Substances Advisory Committee will be held at 9 a.m. on Wednesday, March 8, 1978, in Conference room 3906, Mall area, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The purpose of this meeting is to advise EPA on implementation of the

Toxic Substances Control Act (Pub. L. 94-469). The agenda includes continuation of the review of reports of the Testing, Assessing Risks and Benefits, and Strategy Working Groups, Confidentiality and Proposed Freedom of Information Act Amendments, Public Awareness and Participation Plans, and Premanufacturing Notification and Review Plans.

The meeting will be open to the public. The Committee encourages the hearing of outside statements and may allocate a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Committee in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Committee meeting. Accepted written statements may be recognized at Committee meetings.

Any member of the public wishing to present an oral statement or submit a written statement should contact Dr. Devra Lee Davis, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460. The telephone number is: 202-755-0310.

Dated: February 14, 1978.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 78-4568 Filed 2-17-78; 8:45 am]

[6560-01]

[FRL 858-1; OPP-250006]

PESTICIDE ENFORCEMENT AND APPLICATOR CERTIFICATION AND TRAINING GRANTS

Notification of the Secretary of Agriculture of a Proposed Regulation

Notice is hereby given as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753, 7 U.S.C. 136 et. seq., hereinafter referred to as FIFRA) that the Administrator of the Environmental Protecion Agency (EPA) has forwarded to the Secretary of the U.S. Department of Agriculture, a copy of EPA's proposed regulation designed to implement section 23 of FIFRA, which provides for grants in aid to support cooperative agreements with the States for the enforcement of FIFRA and the development of programs for the training and certification of pesticide applicators.

Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture a copy of any proposed regulation at least 60 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the proposed regulation) the comments of the Secretary, and the response of the Administrator with regard to the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the regulation within 30 days after receiving it, the Administrator may sign such regulation for publication in the FEDERAL REGISTER any time after such 30-day period notwithstanding the foregoing 60-day time requirement.

Pursuant to FIFRA section 25(a)(3), a copy of this proposed regulation has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The section 23 regulation has also been submitted to the FIFRA Scientific Advisory Panel as required by section 25(d).

RICHARD D. WILSON,
Deputy Assistant Administrator for General Enforcement.
EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-4567 Filed 2-17-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-436]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

FEBRUARY 13, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Amendment: TX—28-DSE-P-78 Pasadena CATV, Inc., Pasadena, Tex. Amended to change company ownership to: Pasadena CATV, Inc.

FL—294-DSE-P/L-78 Storer Cable TV of Florida, Inc., Bartow, Fla. Authority to construct own & operate a domestic communications satellite receive-only earth station at this location. Lat. 27°53'30" N., long. 81°49'00" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

NM—295-DSE-P/L-78 Albuquerque Cable Television, Inc., Albuquerque, N. Mex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 35°06'39" N., long. 106°33'28" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TX—296-DSE-P/L-78 Communications Services, Inc., New Braunfels, Tex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 29°41'37" N., long. 98°06'49" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

MI—297-DSE-P/L-78 Monroe Cablevision, Inc., (near) Monroe, Mich. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 41°54'14" N., long. 83°25'33" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TX—298-DSE-P/L-78 Communications Services, Inc., Seguin, Tex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 29°34'27" N., long. 97°56'47" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

CA—299-DSE-P/L-78 Cablecom-General of Modesto, Inc., Modesto, Calif. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 37°36'24" N., long. 121°02'37" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

IA—300-DSE-P/L-78 Chief Cablevision, Inc., Cherokee, Iowa. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 42°45'07" N., long. 95°34'44" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

301-DSE-P/L-78 American Television & Communications, Inc. Transportable Authority to construct & operate a communications satellite transportable receive-only earth station (Developmental). Operating at temporary fixed locations throughout the contiguous 48 States, for the purpose of tests and demonstrations. With a 5 meter dual reflector antenna, because of the nature of this station no formal frequency coordination can be accomplished.

OK—302-DSE-P/L-78 Transwestern Video, Inc., Poteau, Okla. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 35°03'43" N., long. 94°38'45" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

TX—303-DSE-P/L-78 Intercity Television Corp., d.b.a. Breckenridge, TV Cable Co., Breckenridge, Tex. Authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 32°45'33" N., long. 98°55'43" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

IL—304-DSE-P/L-78 Cable TV Service Co., d.b.a. Effingham Cable TV, Effingham, Ill. Authority to construct, own & operate a domestic communications sat-

ellite receive-only earth station at this location. Lat. 39°07'26.6" N., long. 88°30'59" W. Rec. freq: 3700-4200 MHz. Emission 34000F9. With a 4.5 meter antenna.

DC—294-CSG-P/L-78 Comsat General Corp., Washington, D.C. Authority to establish a communications satellite developmental earth station at Comsat's Headquarters in Washington, D.C. The station would be operated at L-band frequencies with the Marisat satellite positioned over the Atlantic Ocean for the purpose of conducting tests and experiments directed toward improvements in maritime satellite communications services. This proposed station will be communicating via the Marisat Atlantic Satellite with the Marisat earth station located at Southbury, Conn.

[FR Doc. 78-4475 Filed 2-17-789; 8:45 am]

[6712-01]

[Report No. 897]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

FEBRUARY 13, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under part 68, applications filed under part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for part 68 applications.

In order for an application filed under part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20743-CD-P-(2)-78 Industrial Communications of Pecos, Inc. (new), C.P. for a new 2-way station to operate on 454.100 454.225 MHz to be located 1 mile south of Highway No. 290; 1.7 miles west of Fort Stockton, Tex.

20654-CD-P-(6)-78 Chalfont Communications (new), C.P. for a new 2-way station to operate on 454.250 454.300 MHz (base) 75.74 75.86 MHz (repeater) at Loc. No. 1: 5 miles NE. of Palm Springs; 72.12 and 72.62 MHz (control) at Loc. No. 2: 73-680 Highway 111, Palm Desert, Calif.

20770-CD-MP-(2)-78 California Aircraft Telephone Co., a joint venture, (KWU510) Mod permit to change frequency from 2114.00 MHz to 2120.40 MHz (repeater) at Loc. No. 1: Oat Mountain, NNE. of Chatsworth; 2164.0 MHz to 2170.4 MHz (control) at Loc. No. 2: 2301 West Olive, Burbank, Calif.

20771-CD-AL-78 Feek's Telephone Answering Service d.b.a. Mobile Dispatch Service, consent to assignment of license from Feek's Telephone Answering Service d.b.a. Mobile Dispatch Service, assignor to Pacific Northwest Communications, assignee. Station: KQZ705, Seattle, Wash.

20774-CD-P-(2)-78 Central Radio Telephone, Inc. (KMM599) C.P. for additional facilities to operate on 454.075 MHz at Loc. No. 1: 500 University Avenue, Palo Alto; 454.075 MHz at Loc. No. 3: 3031 Tisch Way, San Jose, Calif.

20775-CD-P-(2)-78 RCC of Virginia, Inc. (KUS321) C.P. to change antenna system and relocate facilities operating on 454.225 454.350 MHz, to be located at 700 East Indian River Road, Norfolk, Va.

20776-CD-P-78 Radiocall, Inc. (KSV932) C.P. to change antenna system and replace transmitter operating on 152.24 MHz: 347 College Street, Macon, Ga.

20777-CD-P-78 Metrotec, Inc. (KTS283) C.P. to change antenna system operating on 72.02 MHz at Loc. No. 4: 55 Shiawassee Ave., Akron, Ohio.

20778-CD-P-78 Mobilefone Northwest (KLF622) C.P. for additional facilities to operate on 152.24 MHz at a new site described as Loc. No. 2 to be located Wahatis Peak 18 miles west of Othello, Wash.

20779-CD-P-(3)-78 James G. Prestwood, Jr. (KIE960) C.P. for additional facilities to operate on 152.09 152.18 152.21 MHz at a new site described as Loc. No. 2 to be located at Kellos Tower, Barton Chapel Road, 1 mile south of Route 78, Augusta, Ga.

20780-CD-P-78 Industrial Electronic & Automation, Inc. d.b.a. Dial A Page (new) C.P. for a new 1-way station to operate on 152.24 MHz: 1710 Grand Avenue, Butte, Mont.

20781-CD-P-78 Direct Page Communications, Inc. (KWU374) C.P. to change antenna system and replace transmitter operating on 454.350 MHz at Loc. No. 1: 0.6 mile NW. of Mount Pleasant and Mineah Road, Dryden, N.Y.

20786-CD-P-78 Comex, Inc. (KCC797) C.P. for additional facilities to operate on 454.100 MHz at Loc. No. 7: 720 Union Street, Manchester, N.H.

20786-CD-P-(18)-78 Digital Paging System, Inc. (new) C.P. to establish a new developmental 1-way signaling station on frequency 152.0185 MHz to test the feasibility of the concept of a nationwide 1-way signaling system employing toll free dial access, computer control and narrow band modulation on a band edge frequency in bands allocated for Domestic Public Land Mobile Radio Services located at the following locations:

Peachtree Center Plaza, Atlanta, Ga. (Loc. No. 1)
John Hancock Center, 875 North Michigan Avenue, Chicago, Ill. (Loc. No. 2)
Preston Tower Bldg., 6211 West NW. Highway, Dallas, Tex. (Loc. No. 3)
Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. (Loc. No. 4)
Book Bldg., 1249 Wash Road, Detroit, Mich. (Loc. No. 5)
Continental National Bank Bldg., 714 Houston Street, Fort Worth, Tex. (Loc. No. 6)
1100 Milan, Houston, Tex. (Loc. No. 7)
2555 Briarcrest Road, Los Angeles, Calif. (Loc. No. 8)
Congress Bldg., 111 NE. 2nd Avenue, Miami, Fla. (Loc. No. 9)
Empire State Bldg., 34th and 5th Avenue, New York, N.Y. (Loc. No. 10)
Domino Lane and Ridge Avenue, Philadelphia, Pa. (Loc. No. 11)
1715 Grandview Avenue, Pittsburgh, Pa. (Loc. No. 12)
Prudential Bldg., 800 Boylston Street, Boston, Mass. (Loc. No. 13)
Clay Jones Bldg., 1250 Jones, San Francisco, Calif. (Loc. No. 14)
900 Fourth Avenue, Seattle, Wash. (Loc. No. 15)
7777 Bonhomme Avenue, Clayton, Mo. (Loc. No. 16)
5202 River Road, Bethesda, Md. (Loc. No. 17)
417 Gardenia Street, West Palm Beach, Fla. (Loc. No. 18)

CORRECTION

20146-CD-P-(6)-78 Commercial Communications, Inc. (new) correct to indicate that the construction permit is for a new station. All other particulars remain as reported on PN No. 883, dated November 7, 1977.

20747-CD-AL-78 James H. Cerqui d.b.a. Central Answering & Paging, correct to add call sign, KDS816, Monroe, Mich. All other particulars remain as reported on PN No. 896, dated February 6, 1978.

21906-CD-P-(2)-77 Grant's Radiotelephone Service, (KUD202) correct entry to read C.P. for additional facilities to operate on 2173.6 MHz to be located at Washington Pass, 37.5 miles north of Gallup, N. Mex. Loc. No. 3; and a new repeater facility to operate on 2123.6 MHz to be located at Powell, 0.4 miles NNW. of Thoreau, N. Mex.

220078-CD-P-78 Williams Metro Communications Corp. (new) Correct entry to read: C.P. for new station to operate on 454.175 454.225 and 454.300 MHz to be located at 1213 west Tharpe Street, Tallahassee, Fla. All other particulars are to remain as reported on PN No. 881, dated October 25, 1977.

INFORMATIVE

It appears that the following Applications may be mutually exclusive and subject to the Commission's rules regarding ex-parte presentation by reason of potential electrical interference.

Frequency: 152.24 MHz.

Arnold Anderson d/b.a. Concho Communications San Angelo, Tex. 20497-CD-P-78.

Mobile Phone of Texas, Inc. Wichita Falls, Tex. 20456-CD-P-78.

RURAL RADIO

60104-CR-P-78 Cameron Telephone Co. (KLR59) C.P. for additional facilities to operate on 158.07 MHz to be located at Block 45, West Cameron area, Gulf of Mexico.

60103-CR-P-78 RCA Alaska Communications, Inc. (new) C.P. for a new central office station to operate 152.60 MHz to be located 179 miles SW. of Barrow, Point Lay Dew, Alaska.

POINT TO POINT MICROWAVE RADIO SERVICE

IA—1202-CF-P-78 Northwestern Bell Telephone Co. (new), 3101 West 1st., Sioux City, (Woodbury) Iowa. Lat. 42°29'51" N., Long. 96°26'55" W. C.P. for a new station on frequency 6108.3h MHz on azimuth 46.7° toward Le Mars, Iowa.

IA—1203-CF-P-78 Same (new) 6.5 miles east, 8. miles South of Le Mars, (Plymouth) Iowa. Lat. 42°46'59" N., Long. 96°02'10" W. C.P. for a new station on frequencies 6390H MHz on azimuth 227.0 degrees toward Sioux City, Iowa. 6360.3V MHz on azimuth 13.7 degrees toward Sheldon, Iowa.

IA—1204-CF-P-78 Same (new) 3 miles West, 1.7 miles South of Sheldon, (Sioux) Iowa. Lat. 43°09'21" N., Long. 95°54'42" W. C.P. for a new station on frequencies 6137.9V MHz on azimuth 193.8 degrees toward Le Mars, Iowa, 6108.3V MHz on azimuth 78.8 degrees toward Hartley, Iowa.

IA—1205-CF-P-78 Same (new) 0.5 miles west, 2.8 miles north of Hartley, (O'Brien) Iowa. Lat. 43°13'00" N., Long. 95°29'15" W. C.P. for a new station on frequencies 6390V MHz on azimuth 259.1° toward Sheldon, Iowa, 6360.3H MHz on azimuth 106.5° toward Spencer, Iowa.

IA—1206-CF-P-78 Same (new) 100 West Fifth St. Spencer, (Clay) Iowa. Lat. 43°08'32" N., Long. 95°08'46" W. C.P. for a new station on frequency 6137.9H MHz on azimuth 286.7° toward Hartley, Iowa.

LA—1209-CF-P-78 South Central Bell Telephone Co. (KLU69), 3951 Erato St., New Orleans, (Orleans) La. Lat. 29°57'14" N., Long. 90°05'54" W. C.P. to add frequency 6256.5V Mhz and remove antennas on 6226.9H MHz toward Paradis, La.

LA—1210-CF-P-78 Same (KGF92) 5 miles south of Paradis, (St. Charles) La. Lat. 29°48'36" N., Long. 90°25'17" W. C.P. to add frequencies on 6004.5H, MHz toward N O Broadmoor, La., 6004.5V MHz toward Thibodaux, La., replace antennas on 5974.8V MHz toward N O Broadmoor, La. and 5974.8H MHz toward Thibodaux.

LA—1211-CF-P-78 Same (KGG21) 204 Back St., Thibodaux, (Lafourche) La. Lat. 29°47'10" N., Long. 90°49'16" W. C.P. to add frequencies on 6286.2H MHz toward Morgan City, La., 6256.5H MHz toward Paradis, La., replace antennas on 6197.2V MHz toward Morgan City, La. and 6226.9V MHz toward Paradis, La.

LA—1212-CF-P-78 Same (WAN71) Corner of 9th and Willard, Morgan City, (St. Mary) La. Lat. 29°42'14" N., Long. 91°12'03" W. C.P. to add frequencies 6034.2V MHz toward Thibodaux, La., 6004.5V, 6123.1V MHz toward Franklin, La., replace antennas on frequenceis 5945.2H MHz toward Thibodaux, La. and 5945.V MHz toward Franklin, La.

LA—1213-CF-P-78 South Central Bell Telephone Co. (WQR40), 0.3 miles SW. of Franklin (St. Mary) La., Lat. 29°47'02" N. Long. 91°31'06" W. C.P. to add frequencies on 6256.5H, 6375.2H MHz toward Morgan City, La., 6286.2H, 6345.5H, MHz toward New Iberia, La., move and replace antennas on 6197.2H MHz toward Morgan City, La.

LA—1214-CF-P-78 Same (WHB42), 201 Center St. New Iberia (Iberia) La., Lat. 30°00'07" N. Long. 91°49'00" W., C.P. to add frequencies on 6034.2V, 6093.5V MHz toward Franklin, La. and 6004.5V MHz toward Lafayette, La.

LA—1215-CF-P-78 Same (KLK84), 530 South Buchanan St. Lafayette (Lafayette) La., Lat. 30°13'32" N., Long. 92°01'10" W., C.P. to add frequency 6256.5H, MHz toward New Iberia, La.

CA—1219-CF-P-78 Pacific Telephone and Telegraph Co. (PP95), 5.6 miles N. of Julian (San Diego) Calif., Lat. 33°09'33" N., Long. 116°36'53" W., C.P. to add a new point of communication on frequency 11485H, MHz on azimuth 341.4° toward Warner Springs, Calif.

CA—1220-CF-P-78 Same (New), 8.1 miles NNW. of Warner Spgs. (San Diego) Calif., Lat. 33°23'01" N., Long. 116°42'18" W., C.P. for a new station on frequencies 11035H, MHz on azimuth 161.3° toward Julian, Calif. and 3730H, MHz on azimuth 299.6° toward Wildomar, Calif.

CA—1221-CF-P-78 Same (New), 2.9 miles NNE. of Wildomar (Riverside) Calif., Lat. 33°38'20" N., Long. 117°14'42" W., C.P. for a new station on frequencies 3770V MHz on azimuth 119.3° toward Warner Spgs., Calif., 11485H, MHz on azimuth 304.7° toward Corona, Calif.

CA—1222-CF-P-78 Same (New), 3950 S. Main St. Corona (Riverside) Calif., Lat. 33°49'43" N., Long. 117°34'27" W., C.P. for a new station on frequency 11035H, MHz on azimuth 124.5° toward Wildomar, Calif.

CA—1223-CF-P-78 Same (KMA31), Panaoche Mountain, 10 miles NNE. of Panoche (Fresno) Calif., Lat. 36°43'32" N., Long. 120°45'49" W., C.P. to change V to H on frequency 4190 MHz toward Joaquin Ridge, Calif.

CA—1224-CF-P-78 Same (KMA32), Joaquin Ridge, 11 miles N. of Coalinga (Fresno) Calif., Lat. 36°18'20" N., Long. 120°24'08" W., C.P. to change V to H on frequency 4198 MHz toward Panoche Mountain, Calif.

IL—1227-CF-P-78 Illinois Bell Telephone Co. (KXR78), Chicago 6 10 S. Canal St. Chicago (Cook) Ill., Lat. 41°52'54" N., Long. 87°38'24" W., C.P. to add frequency 6301V MHz toward Eola, Ill.

IL—1228-CF-P-78 Same (KXR54), 1.53 miles North of Eola (DuPage) Ill., Lat. 41°47'57" N., Long. 88°14'12" W., C.P. to add frequency 6078.6V MHz toward Chicago Ill.

AR—1245-CF-P-78 Southwestern Bell Telephone Co. (KKB55), 725 South Church St. Jonesboro (Craighead) Ark., Lat. 35°50'11" N., Long. 90°42'17" W., C.P. to add frequency on 11685V MHz on azimuth 286.9° toward Bono, Ark.

AR—1246-CF-P-78 Same, (WCU294), 3.2 miles SW. of Bono (Craighead) Ark., Lat. 35°51'48" N., Long. 90°48'53" W., C.P. to add a new point of communication on frequencies 11155V MHz on azimuth 106.8° toward Jonesboro, Ark. and 6286.2H, MHz on azimuth 200.9° toward Weiner, Ark.

AR—1247-CF-P-78 Same (New), 2.2 miles SW. of Weiner (Poinsett) Ark., Lat. 35°36'30" N., Long. 90°56'03" W., C.P. for a new station on frequencies 6034.2V MHz on azimuth 20.9° toward Bono, Ark. and 6034.2H, MHz on azimuth 269.5° toward Newport, Ark.

AR—1248-CF-P-78 Same (WCU291), 121 S. Poplar Newport (Jackson) Ark., Lat. 35°36'20" N., Long 91°15'57" W., C.P. to add a new point of communication on frequency 6286.2V MHz on azimuth 89.3° toward Weiner, Ark.

KS—1259-CF-P-78 American Telephone and Telegraph Co., (KAM47), Dodge City Jct., 0.5 miles NW. of Dodge City (Ford) Kans., Lat. 37°45'57" N., Long. 100°02'03" W., C.P. to add frequency 4198V MHz toward Mullinville, Kans.

KS—1260-CF-P-78 Same (KAM48), 3 miles S. of Mullinville (Kiowa) Kans., Lat. 37°32'10" N., Long. 99°27'59" W., C.P. to add frequencies 4190V MHz toward Dodge CT Jct, and Cullison, Kans.

KS—1261-CF-P-78 Same (KAM62), 4 miles SSW. of Cullison (Pratt) Kans., Lat. 37°34'17" N., Long. 98°55'42" W., C.P. to add frequency 4198V MHz toward Mullinville and Nashville, Kans.

KS—1262-CF-P-78 Same (KAM63), 5.5 miles S. of Nashville (Barber) Kans., Lat. 37°21'20" N., Long. 98°25'39" W., C.P. to add frequency 4190V MHz toward Cullison and Bluff City, Kans.

KS—1263-CF-P-78 American Telephone and Telegraph Co. (KAM64), 2 miles SSW. of Bluff City (Harper) Kans., Lat. 37°02'35" N., Long. 97°53'50" W., C.P. to add frequencies 4198V MHz toward Nashville, Kans. and 2129V MHz toward South Haven, Kans.

KS—1264-CF-P-78 Same (KAM65), 5.5 miles SE. of South Haven (Sumner) Kans., Lat. 36°59'58" N., Long. 97°18'59" W., C.P. to add frequencies 2179V MHz toward Bluff Cy., Kans. and 4198V MHz toward Hardy, Kans.

OK—1265-CF-P-78 Same (KKC97), 3.5 miles WNW. of Hardy (Kay) Okla., Lat. 36°58'27" N., Long. 96°52'00" W., C.P. to add frequency 4190V MHz toward South Haven, Okla.

CA—1274-CF-P-78 Continental Telephone Co. of California (KNL83), 16461 Mojave Drive, Victorville (San B'dno) Calif., Lat. 34°31'42" N., Long. 117°18'14" W., C.P. to replace transmitters and antennas on 10995V and 10755V MHz toward Quartzite, Calif.

CA—1275-CF-P-78 Same (KNL84), Quartzite, 5.7 miles N. of Victorville (San B'dno) Calif., Lat. 34°36'37" N., Long. 117°17'15" W., C.P. to change frequencies 6226.9V and 6345.5V MHz to 6301H and 6360.3H MHz toward Barstown, Calif., change 6019.3V and 6137.9V to 5945.2H and 5974.8V MHz toward R Springs R. and replace transmitters. Replace antennas on frequencies 11285V and 11525V MHz toward Victorville, Calif.

CA—1276-CF-P-78 Same (KMW61), State Highway 66 extended Barstow (San B'dino) Calif., Lat. 34°54'05" N., Long. 117°01'59" W., C.P. to change 5974.8V and 6093.5V MHz to 6078.6V and 6108.3H MHz, replace antennas and transmitters toward Quartzite, Calif.

CA—1277-CF-P-78 Same (KNL86), R Springs R, 1.1 miles S. of Running Springs

(San B'dino) Calif., Lat. 34°11'26" N., Long. 117°05'59" W., C.P. to change frequencies 6271.4V, 6390V to 6197.2V, 6226.9H MHz toward Quartzite, Calif., change 6212.1H, 6330.6H to 6197.2V, 6226.9H MHz toward San B'dino, Calif., change 6182.4H, 6301H to 11645V, 11245H MHz toward R Springs Co., Calif., change 6241.7V, 6360.4V to 11365V, 11605V MHz toward Lakeview Pt., Calif. Replace transmitters and antennas.

CA—1278-CF-P-78 Same (KMQ79), San B'dino, 1320 King Street, San Bernardino (San B'dino) Calif., Lat. 34°06'08" N., Long. 117°18'50" W., C.P. to change frequencies 5960H and 6078.6H MHz to 5974.8H and 6034.2H MHz toward R Springs R, Calif., replace transmitters and antennas.

AZ—1300-CF-P-78 Mountain States Telephone Co. (WIV25), Mormon Mountain, 17.8 miles SE. of Flagstaff (Coconino) Ariz., Lat. 34°58'08" N., Long. 111°30'25" W., C.P. to add a new point of communication on 2162H MHz on azimuth 41.7° toward Shongopovi, Ariz.

CA—1279—CF-P-78 Continental Telephone Co. of California (KNL87), R Springs Co., 2636 Secret Dr., Running Springs (San B'dino) Calif., Lat. 34°12'21" N., Long. 117°06'22" W., C.P. to change frequencies 5932.5H and 6049H MHz to 10715V and 11115H MHz toward R Springs R, replace transmitters and antennas.

CA—1280-CF-P-78 Same (KNL85), Lakeview Pt., 5 miles ENE of Running Springs (San B'dino) Calif., Lat. 34°14'10" N., Long. 117°01'40" W., C.P. to charge frequencies 5960V, 6078.6V MHz to 10715H, 10875H MHz toward Big Bear Lake, Calif., change 5989.7V, 6108.3V MHz to 11075V, 10915V MHz toward R Springs R, Calif., replace transmitters and antennas.

CA—1281-CF-P-78 SAME (KNL88), 560 Bartlett Road, Big Bear Lake (San B'dino) Calif., Lat. 34°14'33" N., Long. 116°54'41" W., C.P. to change frequencies 6212.1V, 6330.6V MHz to 11645H, 11325H MHz toward Lakeview Pt., Calif., replace transmitters and antennas.

CA—1282-CF-P-78 SAME (KSV97), Ford Mountain, 27 miles NNE of Barstow (San B'dino) Calif., Lat. 35°14'19" N., Long. 116°44'39" W., C.P. to replace antennas on frequencies 5960H and 6078.6H MHz toward Goldston Echo, Calif.

CA—1158-CF-AL-(3)-78 Microwave Communications Corp., consent to assignment of licenses from Microwave Communications Corp., assignor to Western Tele-Communications, Inc., assignee for stations KMN54—Mt. Vaca; KNM53—Saint John Mtn. and KNM66—Oroville Airport all in the State of California.

CORRECTIONS

OK—1036-CF—P-78 Oklahoma Allied Telephone Co. (KPP33), 310 Clayton Street, Poteau (Le Flore) Okla. Lat. 35°03'08" N., Long 94°37'13" W. Correct state to read Oklahoma. All other particulars remain the same as reported on Public Notice, report No. 894 January 23, 1978.

VA—1182-CF-TC—(12)-78 Norfolk Carolina Telephone Co. The file number for this application is corrected to read 1182-CF-TC-(13)-78 and station KJJ67, Chesapeake, Va. should be included. All other particulars remain the same as reported on Public Notice No. 896, dated February 6, 1978.

POINT TO POINT MICROWAVE RADIO SERVICE

MAJOR AMENDMENTS

IL—3686-CF-P-77 MCI Telecommunications Corp. (WLI71), Chicago South, IL., Lat. 41°44'08" N. Long. 87°37'52" W. Amend application to change frequency 6315.9V to 5945.2H MHz towards Downers Grove, IL.

IL—3687-CF-P-77 Microwave Communications, Inc. (WAS65), Downers Grove, IL., Lat. 41°46'22" N., Long. 87°59'50" W. Amend application to change frequency 6063.8V to 6197.2H MHz towards Chicago South, IL.

CA—7857-CF-P-72 Western Tele-Communications Inc. (WOI61), 1390 Market Street, San Francisco, CA, at Lat. 37°46'38" N., Long. 122°24'58" W. Delete proposed facility 5974.8H MHz toward Mt. Vaca, CA (WOI62). All other terms same as reported on Public Notices dated 5-8-72 and 6-3-74.

CA—7858-CF-P-72 Same as above (WOI62), Mt. Vaca, CA., at Lat. 38°24'55" N., Long. 122°06'52" W. Change entry from Public Notice dated 5-8-72 to read: C.P. add 6197.2V MHz toward San Francisco on azimuth 200° 52 min.; add 6197.2H 6256.5H, 6286.2V, 6404.8V MHz toward Bird Valley on azimuth 13° 08 min.; and add new point of communication KXTV to operate on 6286.2H 6404.8H MHz on azimuth 72° 11 min.

CA—7859-CF-P-72 Same (New), Hamilton City, CA, at Lat. 39°39'09" N., Long. 122°00'23" W. Delete entry as reported Public Notice dated 5-8-72 listing site as St. John Mtn., CA and add: new station at Hamilton City to operate on frequencies 5945.2H, 5974.8V, 6004.5H, 6152.8V MHz toward Henleyville on azimuth 322° 22 min.; 5974.8V, 6152.8V MHz via power split toward KHSL-TV on azimuth 59° 33 min.

CA—7861-CF-P-72 Same (WQN46), Henleyville, 7.8 Miles NW. of Corning, CA, at Lat. 39°58'12" N., Long. 112°19'36" W. Change entry to read: C.P. to add frequencies 6256.5H, 6286.2V, 6375.2H, 6404.8V MHz toward Inskip Hill, CA on azimuth 37° 53 min. as listed on Public Notice dated 5-8-72.

CA—7862-CF-P-72 Same (WQN47), Inskip Hill, 1.5 Miles WNW. of Paynes Creek, CA, at Lat. 40°20'46" N., Long. 121°56'37" W. Delete Public Notice entry of 5-8-72 and Add: C.P. to add frequencies 6004.5V, 6034.2H, 6123.1V, 6152.8H MHz toward Hatchet Mtn., CA on azimuth 8° 32 min.

CA—7864-CF-P-72 Same (WOI67), Hatchet Mtn., 5 miles NE. of Hillcrest, CA, at Lat. 40°54'21" N., Long. 121°49'58" W. Entry should read: Add frequencies 6197.2H, 6286.2V, 6315.9H, 6404.8V MHz toward Weed, CA on azimuth 318° 26 min.; add 6197.2H, 6286.2V, 6404.8V MHz toward KRCR-TV on azimuth 234° 17 min. This replaces entry of May 8, 1972.

CA—7865-CF-P-72 Same (WOI68), 3 Miles South of Weed, CA, at Lat 41°22'41" N., Long. 122°23'25" W. Entry should read: C.P. add 5945.2V, 5974.8H, 6034.2H, 6152.8H MHz toward Mt. Ashland, OR on azimuth 340° 56 min. This replaces entry of May 8, 1972.

OR—7866-CF-P-72 Western Tele-Communications, Inc. (NEW), Mt. Ashland, 7.5 miles South of Ashland, OR, at Lat. 42°04'52" N., Long. 122°43'00" W. Delete all particulars from Public Notice dated 5-8-72 re Little Chinquapin Mtn., OR and add: C.P. for new station to operate on 6197.2V, 6256.5V, 6286.2H, 6345.5H MHz toward Spring Mtn.; 6197.2V, 6256.5V, 6345.5H MHz via power split toward KOBI-TV and KMED-TV (via passive reflector) on azimuths 330° 47 min.; 336° 03 min.; 333° 02 min. and 243° 25 min., resp.

OR—7867-CF-P-72 Same as above (New), Spring Mountain, 12.5 Miles North of Wimer, OR, at Lat. 42°42'56" N., Long. 123°11'55" W. Delete all particulars from entry on Public Notice dated 5-8-72 re Wolf Ridge, OR and add: C.P. for new station to operate on 5945.2H, 5974.8V, 6034.2V, 6152.8V MHz toward Sutherlin, OR on azimuth 343° 49 min.

OR—7869-CF-P-72 Same (WOI71), 6.5 Miles West of Sutherlin, OR, at Lat. 43°23'48" N., Long. 123°28'11" W. Change entry from Public Notice 5-8-72 to read: C.P. add frequencies 6226.9V, 6256.5H, 6404.8V, 6286.2V MHz toward Coburg Ridge on azimuth 25° 14 min.

OR—7870-CF-P-72 Same (WOI72), Coburg Ridge, 3.5 Miles North of Springfield, OR, at Lat. 44°06'58" N., Long. 122°59'55" W. Correct entry from Public Notice dated 5-8-72 to read: C.P. to add frequencies 6004.5V, 6034.2H, 6063.8V, 6123.1V MHz toward Vineyard Hill; add 6063.8V, 6123.1V MHz via power split toward KEZI-TV and 6034.2H, 6063.8V MHz via power split toward KVAL-TV on azimuths 339° 57 min.; 239° 38 min. and 216° 18 min., resp.

OR—7872—CF—P-72 Same (WOI73), Vineyard Hill, 4 miles North of Corvallis, OR, at Lat. 44°38'47" N., Long. 123°16'11" W. Correct entry to read: C.P. add 6212.0V, 6241.7H, 6271.4V, 6360.3H MHz toward Dallas, OR on azimuth 346° 56 min. from Public Notice dated 5-8-72.

OR—7873-CF-P-72 Same (WOI74), 4 miles NW. of Dallas, OR, at Lat. 44°58'34" N., Long. 123°22'39" W. This replaces entry of Public Notice dated 5-8-72 to read: C.P. add 5989.7H, 6049.0H, 6078.6V, 6108.3H MHz toward Scappoose, OR on azimuth 18° 12 min.

OR—7874-CF-P-72 Same (WHA88), 6 Miles WNW. of Scappoose, OR, at Lat. 45°46'54" N., Long. 122°59'55" W. Correct entry to read: C.P. to add 6182.4H, 6241.7H, 6301.0H, 6330.7V MHz toward Portland TOC, on azimuth 139° 12 min. from Public Notice dated 5-8-72.

CA—4265-CF-P-74 Same (New), Bird Valley, CA, at Lat. 38°49'41" N., Long. 121°59'13" W. Delete proposed facilities 6004.5H MHz directed toward Mt. Vaca, CA (WOI62) and 6004.5H MHz toward Maxwell, CA. All other terms same as reported on Public Notice dated 6-10-74.

CA—4266-CF-P-74 SAME (New), Maxwell, 0.5 Mile south of Delavan, CA, at Lat. 39°20'53" N., Long. 122°11'12" W. Delete proposed facility 6197.2V MHz toward Bird Valley, CA. All other terms same as Public Notice dated 6-10-74.

[FR Doc. 78-4476 Filed 2-17-78; 8:45 am]

[6712-01]

[CC Docket No. 78-50; FCC 78-82]

TELECOMMUNICATION SERVICES FOR THE DEAF AND HEARING IMPAIRED

Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: Inquiry into the telecommunication needs of the deaf and hearing-impaired.

DATES: Comments must be received on or before May 1, 1978 and reply comments must be received on or before June 15, 1978.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James K. Smith, Common Carrier Bureau, 632-9342.

NOTICE OF INQUIRY

Adopted: February 8, 1978.

Released: February 13, 1978.

In the matter of Telecommunication Services for the Deaf and Hearing Impaired, CC Docket No. 78-50.

1. It is estimated that there are more than thirteen million people with impaired hearing in the United States.[1] For some, particularly the deaf, the inaccessibility of the telephone and other two-way telecommunications services creates barriers to normal human interactions customarily taken for granted by the non-impaired sector of society. However, new technological developments in telecommunications, electronics and computer processing capabilities may make it possible to provide better means of communication using the telecommunications network through the introduction of new services and equipment currently not available. Under the Federal Communications Commission's mandate to regulate communications "* * * so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide, and worldwide wire and radio communications service * * *",[2] the Commission seeks to determine the current status of telecommunications services for the deaf, the communications needs of the deaf and hearing-impaired that are not currently being met, and how modern technology and other resources can be utilized in the communications sector to meet these needs.[3]

2. The primary objective in instituting this inquiry is to provide a nationwide forum whereby communications common carriers and other vendors of communications related equipment can interact with the deaf community in order to better understand their communications needs. In addition, the creation of a comprehensive record in this area will be of assistance to the Commission in formulating any policies or rules that may ultimately evolve from this or subsequent proceedings.[4]

Existing TTY System for the Deaf

3. Currently, the primary means of electronic communications available to a deaf individual is the TTY system. The abbreviation "TTY" has traditionally stood for "teletypewriter", and the TTY system employs a class of such terminals which operate on a dial-up basis over the public switched telephone network. The TTY system was developed initially by members of the deaf community because the telephone companies did not offer a service to meet their needs. In 1964 a deaf orthodontist and a deaf engineer designed a system which would allow the use of TTY terminals over the public telephone network. An essential feature of this system was the development of a modem which allowed TTY terminals to be acoustically coupled to the network. Initially, TTY terminals had been almost exclusively surplus or obsolete teletypewriters, donated by the Bell System, Western Union Telegraph Co., and the International Record Carriers.[5] More recently, a wider range of terminals incorporating modern technology has been developed and marketed for use by the deaf; and it is estimated that there are 15,000-20,000 TTY terminals currently in use.[6]

4. In spite of the application of new technology, however, the inherent limitations of the existing TTY system appear to render it less than optimal, both in terms of an efficient utilization of the communciations channel and in meeting the needs of the deaf community. The TTY system has two serious drawbacks. First, the terminal equipment used by the deaf is incompatible with standard computer equipment used in the provision of communication services. Second, because it results in the transmission of data over the network at very low bit rates, the system makes very inefficient use of the telephone network. The compatibility problem arises because neither the teletypewriter terminal nor the modems used by the deaf incorporate data communication standards. The TTYs used by the deaf are "5 level Baudot" machines which utilize a standard that, while being compatible with international Telex standards, is not compatible with TWX or data communications standards which utilize an "8 level ASCII" code. In addition to the basic incompatibility of terminal devices, the modems used in this system are incompatible with modems used in data communications. Most data communications services use the four frequencies standardized in the Bell 103-type modem, while the modems designed in 1964 for the deaf use different frequencies. This incompatibility in modem frequencies, and the Baudot/ASCII incompatibility prevents TTY users from taking advantage of whatever benefits might flow from being able to communicate with people or entities using modern data communication terminals. The second limitation of the TTY system lies in the fact that because it operates on a dial-up basis it is necessary to maintain the connection between two TTY terminals while the users slowly type out their messages. While these factors may render use of the TTY system less than optimal, the question arises as to whether these limitations are of such a nature that they serve to impose an unreasonable burden on either the TTY user or the telephone network.

5. This leads us to inquire as to whether modern technology can be utilized in providing new and innovative communications services which do not have the apparent limitations of the existing TTY system. Computer technology has added a new dimension to the telecommunications industry and already has had a profound impact in terms of the provision of new and innovative communication services as seen, for example, in the development and use of packet switching in certain communication networks. Whether sophisticated computer technology can be applied to the specific needs of the deaf remains to be seen. To the extent that there are limitations inherent in the existing TTY system, attention should be given to whether applications of computer technology could be utilized to overcome these limitations and yield more

[1] Jerome D. Schein and Marcus T. Delk, Jr., "The Deaf Population of the United States" (National Association of the Deaf, (1974) p. 4, "National Census of the Deaf Population" (1971). Throughout this Notice the terms "deaf" and "hearing-impaired" are used interchangeably.

[2] 47 U.S.C. 151.

[3] This inquiry does not address mass communications services for the deaf, such as the use of the vertical blanking interval of the television broadcast signal (addressed in Docket No. 20693, 63 FCC 2d 378 (1976)) or the use of the SCA subcarrier of an FM broadcast station.

[4] On December 30, 1977, the National Center for Law and the Deaf (NCLD) filed a "Petition for Rulemaking," which, in essence, seeks to have the Commission institute an inquiry into matters raised herein and to adopt such rules as are deemed necessary. Rather than establishing a separate proceeding, the issues raised in NCLD's petition are incorporated into this Inquiry. We leave to another proceeding the adoption of specific rules in this area, should we find that a need exists.

[5] A non-profit organization called Teletypewriters for the Deaf, Inc. was established to act as a clearinghouse to recondition such machines and make them available to the deaf.

[6] On December 15, 1976, the Commission issued a Public Notice announcing the installation of a "TTY phone" in the Commission's Consumer Assistance Office.

flexible communications services for the deaf and hard of hearing. In an attempt to provide a forum for the expression of views in this area, we invite comments on the possible applications and benefits of modern computer technology in the provision of new and innovative communication services for the deaf.

6. In the long run there may be electronic message services which more fully meet the needs of the deaf. If for the near term, however, the TTY system is to be the primary means of electronic communications available to the deaf, it becomes appropriate to inquire as to whether users of the TTY system should be provided supporting services which are normally provided to non-deaf customers, such as: operator assistance, directory assistance, business office assistance, recorded messages, and pay TTY terminals in public locations. Comments are sought as to the feasibility, need or other justification for the provision of such services to deaf customers. Moreover, due to the absence of telephone industry offerings of TTY terminal/modem combinations that are compatible with the existing TTY system, comments are also sought on whether there are currently any legal, contractual or regulatory barriers to the telephone industry's offering of TTY terminals and appropriate modems which are compatible with the existing TTY system. Comments should also address whether a need exists for the provision of such services, and whether the telephone industry has any offerings or current plans for new or similar offerings in the future.[7]

PREFERENTIAL RATES

7. Various interests within the deaf community have argued[8] for lower rates for deaf users of TTYs over the interstate public telephone network. This is based on recognition that a voice customer can communicate information faster than can a TTY customer using the currently available TTY system and equipment. For interstate toll service the deaf user is charged by the minute; however, he or she communicates more slowly than voice telephone users. This may result in higher toll charges for deaf users than for other users. It has been argued that this has a discriminatory effect which should be remedied through preferential rates for deaf users of TTYs over the interstate toll network.[9]

8. The reason advanced for establishing preferential rates for deaf users of the TTY system is to alleviate an economic constraint that may, in some cases, foreclose usage of the system. The argument is made that the usage sensitive nature of the interstate toll charges, in conjunction with the longer duration of a TTY call, inhibits the use of the TTY system. If this should be found to be the case, the establishment of preferential rates for interstate toll service would be a possible method of alleviating any unreasonable economic inequities accruing to the TTY user which serve to inhibit his or her use of the system. The issue of the need and justification for preferential rates should be addressed by the comments in this inquiry.

9. From the Commission's perspective it is important to first determine what constraints, if any, the interstate MTS toll structure imposes on the ability of the deaf to use the TTY system. If an unreasonable constraint should be found to exist, we invite comments on whether the Commission should take some action on its own or whether the problem is of a nature which should be addressed by Congress rather than by this Commission. Those comments addressing possible preferential rates should address the adverse effects, if any, upon the remaining ratepayers in the form of higher rates, as well as possible benefits that might accrue to the deaf community in terms of increased accessibility and usage resulting from lower rates. In this regard studies of estimates of the demand for TTY service and the impact preferential rates would have on carrier revenues should be submitted where available. In addition, any studies or other data concerning the percentage of TTY users, or potential users, suffering economic hardship from the costs of interstate toll service would be appropriate.

RESEARCH AND DEVELOPMENT

10. The question arises as to whether the Government can or should provide money for the development of new electronic message services for the deaf, for the development of inexpensive TTY compatible terminal devices, or for further research in related areas. The economics of these services may be such that profitable private industry operation may result if Federal funds could be applied during the design or demonstration phase. Inasmuch as the principal objective of this inquiry is to provide a forum for ascertaining the telecommunication needs of the deaf and hearing-impaired research and development needs may be addressed. Realizing that the most we can do in this regard is to serve as a repository for the comments that might be submitted, the record may still serve as a valuable source of information. For example, private and governmental entities could enter in the record of this proceeding, if they so desire, a description of their respective programs pertaining to telecommunications services for the deaf and whether or not they have funds designated for research and development in this area. Accordingly, interested parties may comment on the appropriateness of, and need for, research and development efforts and demonstration projects in this area, as well as existing funding programs currently in effect.

ITEMS OF INQUIRY

11. In view of the foregoing we seek to obtain information, views and recommendations from interested members of the public in order to ascertain the telecommunication needs of the deaf and possible responses to these needs by communication common carriers and independent equipment vendors. The Commission seeks comments on any aspect relevant to a consideration of this subject matter which may not have been raised herein; and, with respect to the issues raised, we specifically request respondents to address the following:

(a) Whether there is a need for new, specialized communication services for the deaf?

(b) Whether any regulatory barriers exist which act as a constraint on the development of new and innovative services for the deaf?

(c) Whether either the incompatibility between Baudot And ASCII terminals, or the interstate MTS toll structure inhibits usage of the TTY system?

(d) Whether a need exists, and whether it would be feasible for the

[7] Without entering into a discussion of the boundary between deafness and hearing impairment, we note that the hearing-impaired may have a range of choices currently available, including amplified handsets and hearing aids with a telephone pickup feature that operate by means of electromagnetic leakage. The Bell System, GT&E, and other independent telephone companies are requested to provide updated information for the record in this proceeding which describes their plans for accommodating hearing aid users. Comments are also sought on the need to establish standards such as electromagnetic leakage, in the manufacturing of telephone handsets (telephone company provided and customer owned), or some other standard such as handsets designed with jacks capable of accommodating hearing devices used by the hearing-impaired.

[8] See, for example, "Statement of the National Center for Law and the Deaf", submitted to the House Interstate and Foreign Commerce Committee, hearings on Domestic Common Carriers, September 26, 1977.

[9] We note that the New York Public Service Commission has recently considered the matter of preferential rates for deaf users of TTY terminals on the public network and has ordered its staff to work with New York Telephone Company to develop reduced charges for deaf teletypewriter users. (Order dated July 6, 1977, in Case No. 27205). In addition, the Connecticut Public Utilities Control Authority recently concluded that the chargeable time for intrastate toll applicable to TTY calls should be reduced by 75 percent. (Decision dated December 16, 1977, in Docket No. 70526).

telephone companies to provide the following services to deaf customers using TTYs: Operator, directory, and business office assistance, recorded messages, and pay TTY terminals in public locations?

(e) Whether there are any legal, contractual, or regulatory barriers to telephone companies that stand in the way of their offering TTY terminal/modem combinations that are compatible with the existing TTY system?

(f) Whether it is necessary for the benefit of hearing aid users for the Commission to establish standards, such as electromagnetic leakage, etc., in the manufacturing of telephone handsets?

(g) Whether there is a need or justification for preferential rates for the deaf, and what economic impact such rates would have, if any?

(h) Whether there are any unmet research needs in bringing new services to the deaf, and what sources of funding are available to support any additional research that may be needed?

(i) Whether federal research and development funds are needed and would the use of such funds be appropriate for demonstration projects in this area?

12. Accordingly, pursuant to sections 4(i), 4(j), 201-205, and 403 of the Communications Act of 1934, as amended, *It is ordered*, That an inquiry is hereby instituted.

13. Interested persons may file comments on or before May 1, 1978, and reply comments on or before June 15, 1978. All relevant and timely comments will be considered by the Commission. In reaching its determinations in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

14. Pursuant to the applicable procedures set forth in §1.51 of the Commission's rules and regulations, an original and 9 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

15. Should individual members of the deaf community desire to participate in this proceeding, informal comments for the record may be filed over a specially installed TTY. The number of this TTY terminal will be announced in March. Meanwhile, procedural questions and general inquiries can be made over the FCC's TTY at 202-632-6999.

FEDERAL COMMUNICATIONS COMMISSION,[10]
WILLIAM J. TRICARICO,
Secretary.

[10] Commissioner Lee absent; Commissioner Washburn issued a separate statement. See attached statement of Commissioner Washburn.

FEBRUARY 8, 1978.

SEPARATE STATEMENT OF COMMISSIONER ABBOTT WASHBURN

RE: NOTICE OF INQUIRY INTO THE NEEDS OF THE DEAF AND HEARING IMPAIRED

It was Alexander Graham Bell's keen interest in speech and the deaf, one hundred years ago, which gave us the telephone. Had he been one of the experts in electricity and magnetism of that day, according to his biographers, he would have "known" that the transmission of the human voice over wire was "impossible."

In light of this history it is ironic that today's 13 million hearing-impaired U.S. citizens enjoy so little benefit from the vast modern switched telephone network.

The present Inquiry (adopted unanimously), therefore, is most welcome and should help to speed the process of bringing modern telecommunications services to the deaf. Its timing is propitious in light of the great advances in computer communications and the work now going forward on electronic message services. We hope there will be wide response, comment, and suggestions from all interested sectors: common carriers, equipment manufacturers, Government agencies, private firms with expertise in data/hard copy communications, and representatives of the deaf community.

[FR Doc. 78-4479 Filed 2-17-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 27, 1978. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

AGREEMENT NO. 8640-3.

FILING PARTY: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. 8640-3, between Compania Anonima Venezolana de Navegacion and Prudential Lines, Inc., is an application for a two month extension through June 3, 1978, of the parties' basic cargo revenue pooling and equal access agreement in the trade between the United States ports of New York, Philadelphia, and Baltimore and those of Venezuela.

By Order of the Federal Maritime Commission.

Dated: February 14, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-4544 Filed 2-17-78; 8:45 am]

[6730-01]

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 8, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign com-

petitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO.: T-2553-B

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker, Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-B, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the 10-year sublease of a gantry crane to be used for cargo handling purposes at the Packer Avenue Marine Terminal. During the first three years, Lavino will load and unload containerized cargo from ships of other terminal operators and will have the right to collect and retain a reasonable charge for the use of the crane and other facilities. As compensation, Lavino will pay $50,544.00 as annual rental for the use of the crane.

AGREEMENT NO.: T-2553-C

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker, Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-C, between Philadelphia Port Corp. (Port) and Lavino Shipping Co. (Lavino), provides for the renewable, five-year sublease of Berth B and related storage areas with improvements to be constructed, located at Packer Avenue Terminal II. The premises will include a terminal area consisting of a transit shed, berthing space, roll-on/roll-off facility, railroad tracks, paved area, and additional backup land consisting of six acres. As compensation, Lavino will pay rental according to a formula which will enable Port to meet its commitments for payment and is set forth in the agreement.

AGREEMENT NO.: T-2553-D.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker, Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-D, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the sublease of a second Container Crane to be used on Packer II Container Terminal. As compensation, Lavino will pay 8.86 percent of the Capital Cost of the crane, as annual rental.

AGREEMENT NO.: T-2553-E.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

AGREEMENT NO: Agreement No. T-2553-E, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the sublease of a container storage area to be used in the transfer and storage of cargo located at Packer Avenue Marine Terminal II. As compensation, Lavino will pay, as annual rental, $3,500 per acre for the land plus 10.36 percent of the Capital Cost of improvements.

AGREEMENT NO.: T-2553-F.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-2553-F, between Philadelphia Port Corp. and Lavino Shipping Co. (Lavino), provides for the sublease of a third crane at the Packer II Container Terminal. As compensation, Lavino will pay, as annual rental, 8.85 percent of the Capital Cost of the crane with a minimum annual rental of $240,000.

AGREEMENT NO.: T-2880-15.

FILING PARTY: Albert B. Dearden, Deputy Chief, Leases & Operating Agreements Division, Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048.

SUMMARY: Agreement No. T-2880-15, between the Port Authority of New York and New Jersey (Port) and Barber Lines A/S (Barber), modifies the parties' basic agreement providing for Barber's lease of Piers 9A and 9B at the Brooklyn-Port Authority Marine Terminal, New York, N.Y., for use by Barber as a public marine terminal facility. The purpose of the modification is to add Pier 8 to the leased premises, provide for certain construction by the Port at the leased premises and adjust the rental so that Barber will pay the Port the greater of $2 multiplied by revenue tons handled at the facility, or $800,000 per annum, not to exceed a maximum annual payment of $1,600,000. Barber may assign this lease agreement and its rights thereunder to John W. McGrath Corp.

AGREEMENT NO.: T-3092-A

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-3092-A, between Philadelphia Port Corp. (Port) and I.T.O. Corp. of Ameriport, Inc., (I.T.O.), provides for the 30-year sublease to I.T.O. of certain premises consisting of 20.1405 acres of land at the Tioga I Marine Terminal which Port leases from Philadelphia Electric Co. (PECO). As compensation, I.T.O. will pay annual rental as set forth in the agreement ranging from $100,008 for the first five years to $125,004 for the last five years. PECO reserves the right to terminate, upon notice, any or all parts of the sublease necessary for the performance of its corporate business.

AMENDMENT NO.: T-3092-1.

FILING PARTY: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Suite 305, Washington, D.C. 20036.

SUMMARY: Agreement No. T-3092-1, between Philadelphia Port Corp. and I.T.O. Corp. of Ameriport, Inc., (I.T.O.), amends the basic agreement between the parties which provides for the renewable, five-year sublease of the Tioga I Marine Terminal for the handling of waterborne commerce and purposes incidental thereto. The purpose of this modification is to allow for the construction of a truck gatehouse and electrical installation to service refrigerated containers. As compensation for the improvements, I.T.O. will pay 10.36 percent of the Capital Cost of each of the improvements and will amend its insurance coverage to include the improvements.

AGREEMENT NO.: T-3376-1.

FILING PARTY: Dwight Green, Traffic Consultant, Port of Palm Beach District, P.O. Box 9935, Riviera Beach, Fla. 33404.

SUMMARY: Agreement No. T-3376-1, between the Port of Palm Beach District (Port) and Caribbean Lines Corp. (CLC), modifies the parties' basic agreement providing for the lease to CLC of premises located in Palm Beach, Fla. The purpose of the modification is to extend the term of the agreement for an additional one-year period and to adjust the rental accordingly.

AGREEMENT NO.: T-3577.

FILING PARTY: Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Fla. 33404.

SUMMARY: Agreement No. T-3577, between Port of Palm Beach District (Port) and Adams-Whiddon Farms, Inc., (AWF), provides for the one-year renewable exclusive lease to AWF of office space located at the Port of Palm Beach, Fla. In addition, AWF will be permitted the nonexclusive right to use the Port's lands and dock facilities for the loading and unloading of AWF vessels. As compensation, Port will receive as rent $600 per year. AWF shall also be responsible for the payment of all applicable tariff charges as specified in the then cur-

rent tariff published by the Port, as well as all utility charges, as a result of AWF's operations.

By order of the Federal Maritime Commission.

Dated: February 15, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-4545 Filed 2-17-78; 8:45 am]

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 36 CFR.

Certificate No.	*Owner/operator and vessels*
01035	Ove Skou: *Baltic Skou.*
01323	Manchester Liners Ltd.: Seatrain Bennington, Manchester Venture.
01935	Partnership between Steamship Co. Svendborg Ltd. and Steamship of 1912 Ltd.: *Niels Maersk.*
01337	Marfin Management Trust (Reg.): *Maria Topic.*
01453	Aiden Shipping Co. Ltd.: *Verdala.*
01465	Scottish Ship Management Ltd.: *Brittenburg.*
02209	Flota Mercante Grancolombiana S.A.: *Rio Atrato.*
02458	The China Navigation Co. Ltd.: *Foochow.*
02877	Nippon Yusen Kabushiki Kaisha: *Wakagiku Maru.*
03294	Companhia de Navegacao Lloyd Brasileiro: *Rio Verde.*
03502	Shinyei Senpaku K.K.: *Hudson Maru.*
03601	Etela-Suomen Laiva Oy: *Pasila.*
03614	A/S Kristian Jebsens Rederi: *Bedouin Brunes.*
03708	Puget Sound Tug & Barge Co.: *509, 544.*
03740	Lake Charles Dredging & Towing Co., Inc.: *L.S.C. 302.*
-3997	Baltika Schiffahrtsgesellschaft Reith & Co.: *Columbus Tahiti, Columbus Noumea.*
04124	Gulf Oil Canada Ltd.: *Gulf Canada*
04240	Petroleo Brasileiro S.A.: *Jurua.*
04308	Toxon Navigation Co. S.A.: *Toxon.*
04601	American Tunaboat Association: *Sea Fox.*
04642	South African Marine Corp. Ltd.: *S.A. Tzaneen.*
04939	Panocean-Anco Ltd: Post Challenger, Post Champion, Post Charger, Post Chaser, Post Endeavour, Post Enterprise.
05010	Mt. Vernon Barge Cleaning Inc.: *MVBC No. 3.*
05040	General Construction Co.: *Western No. 5.*
05756	Compagnie Nationale de Navigation: *Pierre Guillaumat. Vendemiaire.*
06248	Commercial Corporation Sovrybflot: *Agatovyi, Aviator Amga, Aragonit, Arzamas, Akmolinsk, Astronom, Ardatov, Akhilles, Belovo, Dolomit, Meteorit, Nadezhda, Oktant, Yuzhnomorsk, Askold, Amursk, Anisimovka, Aralsk, Bakaevo, Baikal, Belkino, Galifan Batarshin, Bikin, Danko, Kommunist, Mys Shelikhova, Pechenga, Nakhodka, Posjet, Revolyutsioner, M. Reshetnikov, Sibiriak, Tretjakovo, Atlantika,*
06399	Tokumaru Kaiun K.K.: *Nittoku Maru.*
06906	Directia Navigatiei Maritime Navrom: *Deva.*
07255	Teh Tung Steamship Co. Ltd.: *Trophy.*
07523	Harbert Construction Corp.: *Louise Daniel.*
07574	Georgian Shipping Co.: *General Merkvila, Khudozhnik A. Gerasimov, Khudozhnik Vladimir Serov.*
08071	Anglo Nordic Bulkships (Management) Ltd.: *Nordic Conqueror.*
08413	McLean Contracting Co.: *Jamestown.*
08889	Companhia Portuguese De Transportes Maritimos E.P.: *Ilha De Porto Santo, Joao Da Nova, Ponta S. Lourenco.*
£08894	£Maritime Coastal Containers, Ltd.: *Berglind.*
09785	San Diego Transportation Co.: *420.*
09792	United Fair Agencies, Ltd.: *Bagru, Union Refer.*
09919	Compania De San Hacienda, S.A.: *Iran Pars.*
09990	Alaska Brick Co., Inc.: *Katmai*
10215	Fountain Shipping Co., Ltd., S.A.: *Larissa.*
10280	Kuwait Oil Tanker Co. (U.K.), Ltd.: *Al Faiha.*
10718	Smit-Lloyd B.V.: *Smit-Loyd 116.*
10771	Alecandria Shipping & Navigation Co.: *Ihab I.*
11260	Intercontinental Transportation Services, Ltd.: *Santa Marta*
11372	Crowley Maritime International S.A.: *Noordzee Challenger.*
11713	Yukiteru Kaiun Kabushiki Kaisha: *Koyo Maru.*
11754	Perca Asiatica S.A.: *Gloria Ace.*
12376	Sea Horse Navigation S.A.: *Sea Triumph.*
12711	Golden Triangle Towing & Fueling Co., Inc.: *GT-10, GT-11, GT-103, GT-108, GT-109, GT-110, Big John.*
12876	Pesqueras Gabriel Gonzalez S.A.: *Pegago Segundo.*
12944	K/S Borgsten Dolphin A/S & Co.: *Borgsten Dolphin.*
13039	Luhr Bros., Inc.: *L-1000B.*
13095	Kingston Shipping Co., Inc.: *Capricorn.*
13103	Transisland S.A.: *Silver Fox.*
13117	Iyo Kosan (Panama) S.A.: *Ryujin Maru.*
13210	Global Navigation & Shipping Corp.: *Aurora.*
13212	Ventail Shipping, Inc.: *Court Lady.*
13213	Southwold Maritime, Inc.: *Al Samad.*
13214	Rosslare Bay Shipping Co., Ltd.: *Al Rakeeb.*
13239	Strider 4, Ltd.: *Opal Bounty.*
13242	Shipco 2295, Inc.: *Atigun Pass.*
13262	Parthenon Shipping Enterprises S.A.: *Parthenon.*
13268	Good Faith Shipping Co. S.A.: *Agios Spyridon.*
13269	Nea Fokea Shipping Co., Ltd.: *Pavlos XII.*
13279	The Shipping Corp. of New Zealand, Ltd.: *Fetu Moana, Tiare Moana.*
13299	Elise Shipping, Inc.: *Elise.*
13314	Marubeni Maritime Management, Inc.: *Unity Reefer.*
13331	Premier Transport Corp. of Monrovia: *North Emperor.*
13334	Global Gas Transport, Inc.: *Permian Gas.*
13335	Reliance Gas Transport Corp.: *Danian Gas.*
13337	Taikoo Navigation Co., Ltd.: *Kwangtung, Sinkiang.*
13342	Halsbury Shipping, Ltd.: *Bangkok Star.*
13343	Seaarland Shipping Management Ges. m.b.H.: *Furia, Falloro.*
13344	Unique Trading K.K.: *Mie Maru No. 7, Unique.*
13347	Commerce Shipping Co., Ltd.: *Thassos.*
13348	Trans Global Shipping Corp.: *Menites.*
13349	Aleutian Transportation, Inc.: *LSMR 508.*
13351	Costami S.A.: *Nena.*
13352	Golden Hope Steamship, Inc.: *Golden Hope.*
13355	Viking Transport, Inc.: *Sun Gas.*
13356	Himeji Navigation Co., S.A.: *Himeji.*
13357	Manuel Gestoso Costas: *Penalba.*
13358	Orbit Maritime S.A.: *Ube.*
13359	Ultramar Belgrano S.A.: *Skymnos.*
13360	Ultramar Anchorena S.A.: *Elena.*
13364	Second Shipmor Associates: *Overseas Ohio.*
13365	Sparti Compania Naviera S.A. Panama: *Transworld Sailor.*
13367	Navios Miner, Inc.: *Navios Miner.*
13368	Sanko Kisen (Cayman), Ltd.: *Torrent.*
13369	Societe Nationale Maritime S.A.: *Adina.*
13370	Bowoon Sangsa Co. Ltd.: *Bowoon No. 7.*
13371	Hohsing Line S.A.: *Hohsing Arrow.*
13375	Solomon Navigation Ltd.: *Oceanus Campaigner.*
13376	Challenger Shipping Corp.: *Bierum.*
13378	Rederiet Ole E. Kristensen KS 2: *Lady Anne.*
13381	Betty K Agencies Ltd.: *Betty K, Betty K IV.*
13382	Naviera Joaquin Davila y CIA., S.A.: *Canabal.*
13387	Lorelei Shipping Corp.: *Evi II, Hermy, Pacific River, Atlantic River.*
13389	Yugen Kaisha Kiyofuji Shoji: *Kiyofuji Maru No. 2.*
13392	Timur Carriers (Private) Ltd.: *Trans America, Trans Europa.*
13393	Sinoia Steamship Inc.: *Sinoia.*
13394	Seabound Shipping Corp.: *St. Spyridon.*
13395	Myrmidones Compania, Naviera S.A.: *Nedi.*
13396	Scandinavian Partner-Ship 10: *Atlantic Pioneer.*
13398	Fannie Maritime Corp.: *Fannie.*
13401	Unamonte Naviera S.A.: *Seven Ocean.*
13406	Trans Pacific Enterprise Pte Ltd.: *East Sea.*
13407	Compania Maritima Rea S.A.: *Rea.*
13408	Harmony Navigation Corp.: *Conqueror Bulker.*
13410	Thracia Shipping Co. S.A.: *Gaasterdyk.*
13412	Auricula Maritime Inc.: *Agios Dimitrios.*
13416	Oleander Shipping S.A.: *Crown.*
13417	Tauras Trading Co. (H.K.) Ltd.: *Patricia Trader.*
13418	Epimithefs Shipping Co. Ltd.: *Epimithefs.*
13419	Chugoku Sougyo Co. Ltd.: *C. S. Valiant.*
13420	Sanei Kaiun K.K.: *Key Glory.*
13422	Kustvaartbedrijf Vershoor en Switynk: *Adriana.*
13458	Tredegan Compania Naviera S.A.: *Providence.*
13459	Ste Pour le Developpement du Cabotage (Sodeca): *Marina.*
13460	Nichiyo Kisen Kabushiki Kaisha: *Koyo Maru.*
13473	Compania Progress Three S.A.: *Progress Pride, J. U. 3.*
13480	West Coast Shipping Co.: *Atlantic Trader, Avila, Lompoc, Santa Maria, Santa Paula, Sansinena II.*
13487	Roasario Investments Corp.: *Veni.*
13492	Phoenix Maritime Carriers Inc.: *Oriental Discoverer.*
13519	Crisantema Line S.A.: *Genciano, Petrelo, Pasato.*
13525	Luna Nagivation Co. Ltd.: *Alice Act.*
13528	Torenia Maritime Inc.: *Siam Bay.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-4546 Filed 2-17-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 13, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice

in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 13, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests an extension without change clearance of Form FCS-1, Car Statistics—General Service Cars, required to be filed by 45 Class I linehaul railroads pursuant to Ex Parte 241. The report is made for the month of October of each year on a continuing basis and is filed with the ICC in two reports. The first report is due December 31 of each year and is to contain information on lines 1 through 13 and 25 through 27 of Form FCS-1, and the second report is due no later than April 30 of each year and is to contain information on lines 14 through 24 of Form FCS-1. Data are used by the ICC to estimate the number of cars individual railroads should own in order to furnish their shippers with an adequate supply. The ICC estimates reporting time to average 4 hours for each report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-4522 Filed 2-17-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F-459]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Energy Regulatory Commission involving the application of the Alabama Power Company for an increase in electric rates.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

FEBRUARY 7, 1978.

[FR Doc. 78-4531 Filed 2-17-78; 8:45 am]

[6820-24]

[Federal Property Management Regulations Temporary Regulation F-454]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in an investigation before the Rhode Island Public Utilities Commission involving a proposed alternative rate structure for the Newport Electric Co.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Rhode Island Public Utilities Commission involving a proposed alternative rate structure for the Newport Electric Co.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

FEBRUARY 7, 1978.

[FR Doc. 78-4532 Filed 2-17-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

COMMUNITY ALCOHOLISM SERVICES REVIEW COMMITTEE

Meeting

In acordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of March 1978:

Community Alcoholism Services Review Committee, March 31 to April 2, 8:30 a.m., Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md. 20014.

Open: March 31, 8:30 to 9:30 a.m. Closed: Otherwise.

Contact: Mr. Sidney Leopold, Room 11-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to alcoholism services activites and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 8:30 a.m. to 9:30 a.m., March 31, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.

Dated: February 14, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-4478 Filed 2-17-78; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 75G-0081]

PFIZER, INC.

Withdrawal of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (GRASP 5G0045) proposing affirmation that the use of glycine hydrochloride, L-cysteine hydrochloride, L-arabinose, and β-alanine in hydrolyzed vegetable protein (HVP) based meat flavors is generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 Withdrawal of petition without prejudice of the procedural food additive regulations (21 CFR 171.7), Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017, has with drawn its petition (GRASP 5G0045), notice of which was published in the FEDERAL REGISTER of June 16, 1975 (40 FR 25501), proposing that the use of glycine hydrochloride, L-cysteine hydrochloride, L-arabinose, and β-alanine in hydrolyzed vegetable protein (HVP) based meat flavors is generally recognized as safe.

Dated: February 10, 1978.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc. 78-4477 Filed 2-17-78; 8:45 am]

[4110-35]

Health Care Financing Administration

PHARMACEUTICAL REIMBURSEMENT ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following advisory committee meeting:

Name: Pharmaceutical Reimbursement Advisory Committee.

Date and time: March 14, 1978 (9 a.m. to 5 p.m.); March 15, 1978 (9 a.m. to 2:30 p.m.).

Place: Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20202.

Purpose of meeting: The Pharmaceutical Reimbursement Advisory Committee was established pursuant to § 19.4 of the regulations "Limitations on Payment or Reimbursement for Drugs" (45 CFR Part 19), published in the FEDERAL REGISTER, July 31, 1975 (40 FR 32284). The Committee advises the Pharmaceutical Reimbursement Board (composed of Department employees) on the appropriateness of proposed maximum allowable cost (MAC) determinations submitted to it by the Board, and upon request advises the Secretary and the Board on general policies and procedures of the Department in reimbursing or paying the cost of drugs used in departmentally funded program.

MAC proposals: The Board has submitted proposed MAC limits for certain forms and strengths of doxepin HCl, meprobamate, and phenylbutazone to the Committee. The Committee will review and advise the Board on the appropriateness of the following MAC limits:

Drug/strength/dosage form	Proposed MAC limit
Doxepin HCl, 25 mg capsules	$0.1150
Doxepin HCl, 10 mg capsules	.0940
Doxepin HCl, 50 mg capsules	.1765
Meprobamate, 400 mg tablets	.0125
Meprobamate, 200 mg tablets	.0108
Phenylbutazone, 100 mg tablets	.0750

Copies of the transmittal and supportive material are available for inspection in Room 3076, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201. Limited single copies may be obtained from the Executive Secretary of the Committee.

Public comments: Requests for scheduled oral presentations to the Committee on the MAC proposals should be submitted to the Executive Secretary, Mr. Peter J. Rodler, and should include the names of the persons who will make the oral presentation. These requests will be accepted no later than March 9, 1978, and should contain the oral presentation in its entirety together with all supporting studies or materials. A minimum of 20 copies of the presentation and supporting studies or materials should be delivered to the Executive Secretary no later than March 9, 1978.

A summary of the written comments received no later than March 9, 1978, will be forwarded to Committee members prior to the meeting. All written communciations will be filed and will be available at the meeting for consideration.

The Committee meeting is open to the public. Public attendance is limited to space available. If time permits, additional public comments will be allowed. In addition, interested persons may submit written statements at or immediately following the meeting.

Communications regarding the Committee should be addressed to Mr. Peter J. Rodler, Executive Secretary, Pharmaceutical Reimbursement Advisory Committee, Health Care Financing Administration, Room 3076, Mary E. Switzer Building. 330 C Street SW., Washington, D.C. 20201.

Dated: February 14, 1978.

PETER J. RODLER,
Executive Secretary, Pharmaceutical Reimbursement Advisory Committee.

[FR Doc. 78-4523 Filed 2-17-78; 8:45 am]

[4110-08]

National Institutes of Health

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Working Group

Notice is hereby given of a Working Group sponsored by the Recombinant DNA Molecule Program Advisory Committee at the Summer House Inn, 7955 La Jolla Shores Drive, La Jolla, California 92037, on March 11, 1978 from 9:00 a.m. to 5:00 p.m. Conference Room to be posted at Hotel.

The Working Group will discuss the preparation of a list of organisms known to exchange genetic information by natural physiological processes, as stipulated in the proposed revised Guidelines for Research Involving Recombinant DNA Molecules.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, NIGMS, NIH, Building 31, Room 4A52, Bethesda, Maryland—telephone 301 496-6051.

The meeting will be open to the public. Attendance by the public will be limited to space available.

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-4605 Filed 2-17-78; 8:45 am]

[4110-12]

Assistant Secretary for Planning and Evaluation

TELECOMMUNICATIONS DEMONSTRATION PROGRAM

Grant Awards

Pursuant to section 392A of the Communications Act of 1934, as amended by section 8 of the Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976, the Assistant Secretary for Planning and Evaluation announces the award of grants for telecommunication demonstrations of non-broadcast technology as applied to health education, and social service delivery.

This program operates under regulations published July 13, 1977 (42 FR 36149). Ninety-five applicants responded to a solicitation published July 22, 1977 (42 FR 37602). The following awards have been made for Program Year 1977.

Applicant	System and service	Amount
Center for Excellence, Inc., Williamsburg, Va.	FM radio/cable using SCA channel and mix of terminal equipment—to deliver programing to the visually and hearing-impaired, and the temporarily and permanently homebound.	$60,456
University of Denver Graduate School of Librarianship, Denver, Colo.	Telefax/slow scan TV using voice-grade telephone lines to deliver educational and informational services to remote communities.	198,764
The Pennsylvania State University University Park, Pa.	Cable/ITFS—to deliver continuing education services and foster institutional cooperation	86,984
University of Wisconsin—extension Madison, Wis.	Automated dial-access telephone—to deliver social services information on health, nursing, food, and nutrition, math instruction, etc.	53,184
State of Alabama Telecommunications Division, Montgomery, Ala.	UHF radio/telephone—to assist in the delivery of emergency medical services	128,000
Roman Catholic Archdiocese of Boston, Deaf Community Center, Boston, Mass.	Computer/telephone—to provide communications services for the deaf	147,825
Wernersville State Hospital, Wernersville, Pa.	Microwave/cable/CCTV—to reduce isolation and provide other services to emotionally-ill patients	64,410
PACE Institute, Inc., Cook County, Ill.	CCTV/interactive slow scan TV with audio—to provide educational services to a correctional institution	183,415

Another solicitation is planned for 1978, and it is anticipated that an announcement will be made before July. Information will appear in the FEDERAL REGISTER.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc. 78-4564 Filed 2-17-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 39791]

MONTANA

Application

FEBRUARY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185, (1970 Supplement III), Texaco, Inc., has applied for a natural gas pipeline right-of-way for a 2-inch line across the following public lands;

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 22 E.,
Sec. 26, E½SW¼, SW¼SW¼, and N½SE¼; and
Sec. 27, N½SW¼, W½SE¼, and SE¼SE¼.

The pipeline will convey natural gas across 2.04 miles of public land in Carbon County, Mont.

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 conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, Drawer 1160, Lewistown, Mont. 59457.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-4533 Filed 2-17-78; 8:45 am]

[4310-31]

Geological Survey

GULF OF MEXICO AREA

Disposal of Outer Continental Shelf Royalty Oil

Notice is hereby given that applications from eligible small refiners for the purchase of the United States' share of oil produced from Outer Continental Shelf (OCS) lands (Gulf of Mexico Area only) will be accepted if received by March 20, 1978, pursuant to regulations set forth in 30 CFR 225a.

A small refiner is defined in 30 CFR 225a.2(a) as:

(a) "Small refiner" means an owner of an existing refinery or refineries (including refineries not in operation) who qualifies as a small business concern under the rules of the Small Business Administration and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities.

The eligibility of small refiners will be determined in accordance with the rules of the Small Business Administration in effect as of October 30, 1975.

This Notice is pursuant to the "future contracts" paragraph of the FEDERAL REGISTER Notice of July 14, 1976, which states as follows:

"As additional royalty oil becomes available, it will be offered only on an annual basis with the next offering being made to provide for delivery of royalty oil on July 1, 1977. Any contracts entered into on this date or the next anniversary date of July 1, 1978, will have a term that will expire on July 1, 1979."

Approximately 25,000 barrels per day of Gulf of Mexico royalty oil will be available for contract from July 1, 1978, to July 1, 1979. First preference for this royalty oil will be given to eligible small refiners who are not presently under contract for royalty oil. The remainder of available Gulf of Mexico royalty oil will be allocated to eligible applicants on an equitable basis, which will have the effect of increasing the base allocation volume.

This royalty oil would be allocated on an application-number basis. An allocation would be made to each qualified refiner and to each refiner for which a final determination as to its qualification had not been made by the Small Business Administration. The allocation of royalty oil to each refiner would include consideration of the following:

(a) Each refiner would receive an equal amount as its base allocation volume, depending on the amount of royalty oil available and the number of such refiners.

(b) No volume of royalty oil received would exceed the base allocation volume which is presently 2,373 barrels per day, but which may be increased by the availability of oil not allocated to eligible first preference refiners.

(c) The sum of the volumes of OCS and onshore royalty oil acquired or being acquired by a refiner would not exceed 60 percent of the combined refinery capacity of that refiner.

(d) The amount allocated to a refiner would not exceed the maximum stated need.

(e) The final amount of royalty oil allocated to any refiner from all OCS Areas plus the amount of royalty oil being received from onshore Federal leases could not exceed the base allocation volume. In the event the amount of onshore royalty oil acquired or being acquired by a refiner exceeded the base volume of OCS royalty oil allocated, no allocation of OCS royalty oil would be made to such refiner.

In accordance with Part 225a.6, the following information should be furnished with each application for royalty oil:

A. 1. Name and address.

2. Location of refinery or refineries.

3. Affiliation or association with any other refiner of oil or diversified company. Specify exact affiliation or association.

4. Total number of employees including those employed by affiliated or associated companies.

B. 1. Capacity of each refinery.

2. Crude oil currently available from production or by purchase in the open market, broken down by source, amount, and type or grade into the following categories:

a. From applicant's own and controlled production. Include information on any current sales of owner or controlled production.

b. By purchases under firm contracts running 6 months or more.

c. From day-to-day spot purchases or other arrangements.

d. From crude oil imported by allocation under the mandatory imports program; include details of current exchange agreements connected with such import allocations and any information concerning the disposition of any unused import allocations.

C. 1. Minimum amount and grade of additional crude oil needed to meet existing refinery commitments or existing refinery capacity. Specify amount and grade.

2. Name of fields which, you believe, offer a potential source of crude oil supply.

D. A tabulation, for the last 12 months of operation, of the amount and grade of crude oil refined each month and kind and amount of the principal finished products.

E. A self-certification that the refinery is a small business concern in accordance with the appropriate guidelines of the Small Business Administration, Title 13 of the Code of Federal Regulations, Part 121.3-9.

F. Copies of certified letters which offer to purchase oil from all major suppliers operating in the vicinity of the refinery and the fields where royalty oil is requested and attach copies of the replies to these letters. Also, any other evidence that may be available of efforts made to purchase needed oil in the open market.

A drawing will be held at a place and date to be established later for the purpose of determining preferential selection of delivery points and leases for royalty oil from the Gulf of Mexico OCS.

Applications for the purchase of this royalty oil (from leases in the Gulf of Mexico OCS) should be submitted to the Area Oil and Gas Supervisor for Production Control, U.S. Geological Survey, P.O. Box 7944, Metairie, La. 70011.

WILLIAM B. OVERSTREET,
Acting Director.

[FR Doc. 78-4679 Filed 2-17-78; 8:45 am]

[4310-70]

Heritage Conservation and Recreation Service

HISTORIC PLACES

National Register

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 13, 1978. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by March 3, 1978.

RONALD M. GREENBERG,
Acting Keeper of the National Register.

COLORADO

Denver County

Denver, *Elitch Theatre*, W. 38th Ave. and Tennyson St.

GEORGIA

Putnam County

Eatonton vicinity, *Rock Eagle Site*, N of Eatonton off GA 300.

ILLINOIS

Cook County

Chicago, *Hyde Park-Kenwood Historic District*, roughly bounded by 47th and 59th Sts., Lake Park and Cottage Grove Aves.
Chicago, *South Shore Beach Apartments*, 7321 S. Shore Dr.
Chicago, *Swift House*, 4500 S. Michigan Ave.
Glencoe, *Sylvan Road Bridge*, Sylvan Rd.
Wilmette, *Bahai Temple*, 100 Linden Ave.

DuPage County

Lombard, *First Church of Lombard*, Maple and Main Sts.

Hamilton County

McLeansboro, *Cloud, Aaron G., House*, 164 S. Washington St.

Kane County

St. Charles vicinity, *Garfield Farm and Tavern*, W of St. Charles at IL 38 and Garfield Rd.

Lake County

Waukegan, *Near North Historic District*, roughly bounded by Glen Flora Ave., RR tracks, Ash St., and City Hall.

Logan County

Mount Pulaski, *Mount Pulaska Courthouse*, Public Square.

Marion County

Centralia, *Sentinel Building*, 232 E. Broadway.

Massac County

Metropolis, *Curtis, Elijah P., House*, 405 Market St.

Ogle County

Oregon, *Pinehill*, 400 Mix St.

Rock Island County

Moline, *Huntoon, Joseph, Homestead*, 821 16th St.

Union County

Anna, *Stinson Memorial Library*, 409 S. Main St.

Will County

Joliet, *Union Station*, 50 E. Jefferson St.

INDIANA

Grant County

Matthews, *Cumberland Covered Bridge*, SR 1000 over Mississinewa River.

Marion County

Indianapolis, *Pierson-Griffiths House*, 1028 N. Delaware St.

MARYLAND

Carroll County

Westminister vicinity, *Royer, Christian House*, N of Westminster on Fridinger Mill Rd.

Montgomery County

Brookeville vicinity, *Brookeville Wollen Mill and House*, 1901 Brighton Dam Rd.

St. Marys County

Chaptico vicinity, *Gravelly Hills*, NW of Chaptico on Davis Rd.

Washington County

Hagerstown vicinity, *Long Meadows*, N of Hagerstown on Marsh Pike.

NEW MEXICO

Grant County

Faywood vicinity, *Montoya Site*, N of Faywood.
San Juan vicinity, *Wheaton-Smith Site*, N of San Juan.
San Lorenzo vicinity, *Janss Site*, N of San Lorenzo.

NORTH CAROLINA

Brunswick County

Southport vicinity, *Brunswick Town Historic Site*, N of Southport off NC 133.

Durham County

Durham vicinity, *Horton Grove Complex*, N of Durham on SR 1626.

Vance County

Henderson, *Henderson Fire Station and Municipal Building*, Garnett and Young Sts.
Henderson, *Mistletoe Villa*, Young Ave.

OKLAHOMA

Oklahoma County

Oklahoma City, *Oklahoma County Home for Girls*, 6300 N. Western Ave.

TENNESSEE

Meigs County

Decatur, *Meigs County Courthouse*, Court Square.

TEXAS

Dallas County

Dallas, *Munger Place Historic District*, roughly bounded by Henderson, Junius, Prairie, and Reiger Sts.

VIRGIN ISLANDS

St. John Island

Cruz Bay vicinity, *Congo Cay Archeological District*, N of Cruz Bay off St. John Island.

WISCONSIN

Dane County

Madison, *Elliott, Edward C., House*, 137 N. Prospect Ave.

Walworth County

Delavan, Stowell, Israel, Temperance House, 61-65 E. Walworth Ave.

Waukesha County

Okauchee, *Okauchee House*, 34880 Lake Dr. HABS.

[FR Doc. 78-4251 Filed 2-17-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-3]

DOXYCYCLINE

Reactivation of Investigation

Notice is hereby given that the United States International Trade Commission on February 7, 1978, after considering the written arguments of all the parties of record, granted the December 6, 1977, motion of Pfizer Inc. to terminate the Commission's August 13, 1975, suspension, and ordered the reactivation of Commission investigation No. 337-TA-3 of Doxycycline, effective February 21, 1978. For the purpose of the investigation so reactivated, Myron R. Renick, Chief Administrative Law Judge, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

In approving the motion to reactivate, the Commission has concluded that the investigation can be continued in a manner which will not unduly burden International Rectifier Corp. or Pfizer, Inc. It is clear from the argument on the motion that information can be supplied to the Commission, including information developed in the course of discovery and court proceedings, without unduly burdening the parties. The Commission and the courts can carry out their respective responsibilities in such a manner as not to impinge on or interfere with each other.

Notice of institution of this investigation was originally published in the FEDERAL REGISTER on May 2, 1973 (38 FR 10837), and notice of suspension of the investigation was published in the FEDERAL REGISTER on August 18, 1975 (40 FR 34545).

Issued: February 15, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-4566 Filed 2-17-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program Solicitation

The National Institute of Law Enforcement and Criminal Justice announces the solicitation of research proposals for a program in the theory of general deterrence. Interested researchers may obtain a copy of the solicitation by writing to:

Director, Office of Research and Evaluation Methods, NILECJ/LEAA, 633 Indiana Avenue NW., Washington, D.C. 20531.

This solicitation will award only grants. LEAA policy prohibits profit-making firms from competing in such grant processes.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 78-4534 Filed 2-17-78; 8:45 am]

[7527-01]

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

TASK FORCE ON THE ROLE OF THE SCHOOL LIBRARY MEDIA PROGRAM IN NETWORKING

Meeting

Notice is hereby given of the National Commission on Libraries and Information Science (established by Pub. L. 91-345) holding a meeting of the Task Force on the Role of the School Library Media Program in Networking. This meeting of the Task Force will be held on March 20-21, 1978, at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Va.

PROPOSED AGENDA

(1) Review and discuss draft No. 3 of the Task Force report.

(2) Structuring of NCLIS-AASL program at the annual ALA meeting in June 1978.

(3) Stucturing of the Task Force program at the Annual Conference of the American Association of State Administrators in February 1979.

ALPHONSE F. TREZZA,
Executive Director.

FEBRUARY 13, 1978.

[FR Doc. 78-4535 Filed 2-17-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS PROCEDURES SUBCOMMITTEE

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Procedures Subcommittee will hold a meeting at 4:30 p.m. on March 8, 1978, in Room 1062, 1717 H Street NW, Washington, D.C. This meeting will be open to the public except for those portions necessary to protect information which would represent an undue invasion of personal privacy if released.

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. 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.

4:30 P.M.-6 P.M. (OPEN)

The Subcommittee will meet in open session to discuss proposed ACRS recommendations regarding the establishment of a statutorily independent, quasi-judicial board for evaluation of accidents which may occur in nuclear reactors; NRC staff procedures related to nuclear powerplant operations at "stretch" power; and proposed reorganization of ACRS Subcommittee and Working Group assignments.

6 P.M.-6:30 P.M. (CLOSED)

The Committee will meet in closed session to discuss the qualifications of candidates proposed for ACRS membership.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to hold portions of this meeting in closed session, as noted, to avoid the disclosure of information which if released would represent an undue invasion of privacy (5 U.S.C. 552b.(c)(6)). Separation of factual information from information considered exempt from disclosure under exemption (6) of 5 U.S.C. 552b.(c) during the closed portions of this meeting is not considered practical.

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. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: February 15, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-4582 Filed 2-17-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY ACTIVITIES

Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on March 8, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

WEDNESDAY, MARCH 8, 1978, 8:45 A.M. UNTIL ABOUT 1 P.M.

A. The Subcommittee will hear presentations from the NRC staff and will hold discussions with this group pertinent to the following:

(1) Proposed Regulatory Guide 1.XXX, "Criteria for E.I. & C.S. Portions of Safety Systems."

(2) Proposed Regulatory Guide 1.139, "Guidance for Residual Heat Removal."

(3) Regulatory Guide 1.128, Revision 1, "Installation Design and Installation of Large Lead Storage Batteries for Nuclear Power Plants."

(4) Regulatory Guide 1.68, Revision 2, "Initial Test Programs for Water-Cooled Reactor Power Plants."

1 P.M. UNTIL THE CONCLUSION OF BUSINESS

B. The Subcommittee will hear presentations from the NRC staff and will hold discussions with this group pertinent to the following:

(1) Draft effective amendments to 10 CFR Part 50 Section 50.34 "Maintaining Integrity of Structures, Systems and Components Important to Safety During Construction at Multi-Unit Sites."

(2) Draft effective amendments to 10 CFR Part 50 Section 50.71 to require that "Applicants for or Holders of Power Reactor Operating Licenses Periodically Update Their Final Safety Analysis Reports (FSAR's)."

(3) Draft effective amendments to 10 CFR Part 50 Section 50.44, "Standards for Combustible Gas Control Systems in Light Water Cooled Power Reactors."

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding regulatory guides 1.128, revision 1; 1.68, revision 2; and 10 CFR Part 50, Section 50.44 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practical to Mr. Gary R. Quittschreiber (ACRS), the designated Federal employee for the meeting, in care of ACRS-Nuclear Regulatory Commission, Washington, D.C. 20555, or telecopy them to the designated Federal employee, 202-634-1925, as far in advance of the meeting as practical. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee, Mr. Gary R. Quittschreiber, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: February 16, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-4668 Filed 2-17-78; 8:45 am]

[7590-01]

RISK ASSESSMENT REVIEW GROUP

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a two-day open meeting of the Risk Assessment Review Group of the U.S. Nuclear Regulatory Commission (NRC), to be

held at 8:30 a.m., on March 9 and 10, 1978, in Room 1167 of the Matomic Building, 1717 H Street, NW., Washington, D.C. The purposes of this meeting are to continue the review of the final report of the Reactor Safety Study (WASH-1400) and the peer comments thereon, to obtain information on developments in the field of risk assessment methodology and to discuss subjects that might be included in the report of the Review Group.

The Risk Assessment Review Group is an independent group established by the NRC (42 FR 34955) for the purpose of providing advice and information to the Commission regarding the final report of the Reactor Safety Study, WASH-1400 (NUREG-75/014), and the peer comments on the Study, advice and recommendations on developments in the field of risk assessment methodology and courses of action which might be taken on future development and use of risk assessment methodology. This advice and information will assist the Commission in establishing policy regarding the use of risk assessment in the regulatory process. It will also clarify the achievements and limitations of the Reactor Safety Study. The Review Group will submit a report to the Commission on or before July 1, 1978.

In carrying out these assignments, it is anticipated that a number of working sessions will be scheduled at different locations, with notification to the public well in advance of each meeting. With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 10 readily reproducible copies to the Review Group at the beginning of the meeting. Comments should be limited to areas within the Group's purview. Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 2, 1978, to Dr. John H. Austin, Office of Policy Evaluation, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting. Of course, comments not received in time for this meeting will be circulated to the members of the Review Group for consideration at a future meeting. Comments should pertain to the field of risk assessment methodology or should be based on the final report of the Reactor Safety Study, copies of which are available for public inspection at:

1. The NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

2. The NRC's five Regional Offices of Inspection and Enforcement:

Region I: 631 Park Avenue, King of Prussia, Pa. 19406.

Region II: Suite 1217, 230 Peachtree Street, Atlanta, Ga. 30303.

Region III: 799 Roosevelt Road, Glen Ellyn, Ill. 60137.

Region IV: Suite 1000, 611 Ryan Plaza Drive, Arlington, Tex. 76012.

Region V: Suite 202, 1990 N. California Boulevard, Walnut Creek Calif. 94596.

Copies of the Final Report may be obtained from:

U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Probabilistic Analysis Staff. Attn: Melea S. Fogle, telephone: 301-492-8377, 7735 Old Georgetown Road, Bethesda, Md. 20014.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The time allotted for such statements will be at the discretion of the Chairman. The Review Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) 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 alloted therefor can be obtained by a prepaid telephone call on March 8, 1978, to the Office of Policy Evaluation (telephone 202-254-5184, Attn: John Austin) between 8:15 a.m. and 5 p.m. e.d.t.

(d) Questions may be asked only by members of the Review Group.

(e) Statements of views or expressions of opinion made by members of the Review Group at open meetings are not intended to represent final determinations or beliefs.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the minutes of the meeting will be available for inspection on or after May 29, 1978, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated at Washington, D.C., February 14, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-4420 Filed 2-17-78; 8:45 am]

[7590-01]

[Docket No. 50-244]

ROCHESTER GAS & ELECTRIC CORP.

Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Provisional Operating License No. DPR-18, issued to Rochester Gas & Electric Corp. (the licensee), for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, N.Y.

The amendment would authorize operation in cycle 8 with reload fuel supplied by Exxon Nuclear Co., Inc. (ENC) and would make related changes to the Technical Specifications. The safety analysis for the ENC supplied fuel includes thermal hydraulic analysis, neutronic analysis, ENC fuel design, plant transient analysis, core rod ejection analysis, and an Emergency Core Cooling System analysis.

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 23, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional 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 Section 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 Lex K. Larson, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific 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 in-

terest 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 licensee's request dated January 6, 1978, NRC letter December 16, 1977 dealing with Ginna's ECCS model and RG&E's response of January 16, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, N.Y. 14627.

Dated at Bethesda, Md. this 13th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-4419 Filed 2-17-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 10, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release. Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Designation of Certifying Official, 22-8794, on occasion, 36,000 schools, Caywood, D. P., 395-3443.

DEPARTMENT OF ENERGY

Manufacturer's Coal Inventories as of November 30, 1977, MA-412, single time, 1,400 coal consuming manufacturers, C. Louis Kincannon, 395-3211.

NATIONAL SCIENCE FOUNDATION

Final Evaluation Data Collection Plan of OSME, single time, education administrators, human resources division, Laverne V. Collins, 395-3532.

OSME Student Survey, single time, 400 fourth grade students, human resources division, Laverne V. Collins, 395-3532.

OSME System Questionnaire, single time, education administrators and teachers in Oregon, human resources division, Laverne V. Collins, 395-3532.

OFFICE OF MANAGEMENT AND BUDGET

President's Reorganization Project: Real Property Services:

Interview Guide: State and Private Industry, single time, 8 State governments, 12 major corporations, Lowry, R. L., 395-3772.

Contractors Questionnaire, single time, 250 Government contractors: Real property services, Lowry, R. L., 395-3772.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' and Importers' Questionnaire (carbon steel plate), single time, producers and importers of carbon steel plate, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Application for Registration (and Food Service Management Company Registration Determination), FNS-189-19, annually, 641 food service management companies, human resources division, budget review division, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, 1978 Census of Agriculture Area Sample (Test), single time, 2,000 heads of households in area segments, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Follow-up of the Graduates of the University of Chicago's GSSA, OS-2-78, single time, 400 graduates and 200 employers, Human Resources Division, Reese B. F., 395-3532.

Social Security Administration, State Agency Operations Report-Worksheet, SSA-3471-1-7, weekly, 55 disability sections-State agencies, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Departmental and Other Pipeline Carrier Accident Report, 7000-1, on occasion, 300 liquid pipeline companies, Strasser, A., 395-6132.

REVISIONS

VETERANS ADMINISTRATION

Mobile Home On-Site Inspection Report, 26-8519, on occasion, veterans; fee-basis inspectors, 2,000 responses, 1,000 hours, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Report of Marital Status, BRI 49-175, other (see SF-83), survivor annuitants, 31,000 responses, 4,150 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Statement of Budget, Income and Equity—FMHA Borrower, FMHA 442-2, quarterly, public bodies and nonprofit corporation, 20,000 responses, 20,000 hours, Ellett, C. A., 395-6132.

Food and Nutrition Service, Regulations for the National School Lunch Program, on occasion, State agencies and school food authorities, 71,384 responses, 37,948 hours, Human Resources Division, Budget Review Division, 395-3532.

Economics, Statistics, and Cooperatives Service-Statistics, June Enumerative Survey, annually, sample of farmers, 150,700 responses, 52,800 hours, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:

Industry Identification Questionnaire, BE-607, on occasion, foreign-owned U.S. business, 25 responses, 50 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.

Confidential Quarterly Report; Transactions of U.S. branches or Agencies of Foreign Banking Firms With Home Offices, BE-606B, quarterly, foreign owned U.S. banking branch or agency, 300 responses, 300 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.

Transactions of Unincorporated U.S. Business Enterprise With Foreign Parent, BE-606, quarterly, foreign owned unincorporated U.S. enterprises, 420 responses, 420 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.

Transactions of U.S. Corporation With Foreign Parent, BE-605, quarterly, foreign owned U.S. corporations, 4,716 responses, 4,716 responses, 4716 hours, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Fertility Values and Family Growth, NIH-CH-33, single time, women in Philadelphia, 1,000 responses, 1,000 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF TRANSPORTATION

Departmental and Other Transit System Security Survey, single time, individuals, Strasser, A., 395-6132, Office of Federal Statistical Policy and Standard.

EXTENSIONS

COMMUNITY SERVICES ADMINISTRATION

Summary of Work Program and Budget, 419 and 419A, annually, CAA; LPA, 2,000 responses, 1,000 hours, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Qualifications Inquiry—Administrative Law Judge, CSC-192, on occasion, supervisors and associates of job applicant, 15,000 responses, 2,500 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Economics:

Farm and Rural Land Market Survey, ERS-FPED-7, semiannually, brokers, salesmen, appraisers, lenders, 8,100 responses, 2,700 hours, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

Cotton Objective Yield Survey, CE-12-33A, other (see SF-83), cotton producers, 3,440 responses, 1,063 hours, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

Animal and Plant Health Inspection Service, application for U.S. Veterinary Biologics Establishment License, VS 14-1, on occasion, veterinary biological product producers, 22 responses, 22 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Technical Standards Order Authorization, FAR-37, on occasion, firms within the aircraft industry, 385 responses, 3,044 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-4597 Filed 2-17-78; 8:45 am]

[3110-01]

Office of Federal Procurement Policy

FEDERAL PROCUREMENT INSTITUTE

Change in Name

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of change in name of the Federal Procurement Institute.

SUMMARY: pursuant to Pub. L. 93-400, the Administrator for Federal Procurement Policy hereby gives notice that the Policy Board of the Federal Procurement Institute has voted to change the name of the Federal Procurement Institute (FPI) to Federal Acquisition Institute (FAI). This change is effective as of March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Martinez, Assistant Administrator for Labor Affairs and Personnel, telephone 202-395-4934.

SUPPLEMENTARY INFORMATION: Under Pub. L. 93-400, authority for Federal procurement policy is vested in the Administrator for Federal Procurement Policy. All executive agency procurement policies, regulations, procedures, and forms are subject to those prescribed by the Administrator.

LESTER A. FETTIG,
Administrator.

[FR Doc. 78-4537 Filed 2-17-78; 8:45 am]

[6820-40]

PRESIDENT'S COMMISSION ON MENTAL HEALTH

A 2-DAY MEETING

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following Presidential committee meetings scheduled to assemble during the month of March 1978.

The President's Commission on Mental Health, March 6, 1978—9:30 a.m. to 5 p.m.[1]; March 7, 1978—9:30 a.m. to 5 p.m.; New Executive Office Building, Room 2010, Pennsylvania and 17th Streets NW., Washington, D.C., open meeting.

Contact: Mary Ann Orlando, Special Assistant to the Chairman, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

Purpose. The President's Commission on Mental Health is a policy recommendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order No. 11973 and was directed to identify the mental health needs of the Nation. In particular, the Commission shall seek to identify: How the mentally ill, emotionally disturbed, and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next 25 years; ways the President, the Congress, and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed, and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies, and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent, and how the financing should be divided among Federal, State, and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

Agenda. This meeting will be open to the public. This will be a working session without presentations and the agenda will consist of a general discussion of issues pertaining to the commission's report to the President.

Substantive program information may be obtained from: Mary Ann Orlando, Special Assistant to the Chairman, The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 2050.

BENEDICT LATTERI,
Administrative Officer, President's Commission on Mental Health.

FEBRUARY 14, 1978.

[FR Doc. 78-4536 Filed 2-17-78; 8:45 am]

[1] If the work of the Commission cannot be concluded by 5 p.m., March 7, 1978, the Commission will continue its meeting at 9:30 a.m., March 8, 1978, at the same location.

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14465; File No. SR-BSPS-78-1]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on February 2, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

PILOT TRADE COMPARISON AND REPORTING SERVICE

(a) The Corporation shall offer a Pilot Trade Comparison and Reporting Service (the "Service"), to be used by not more than fifteen (15) participants at any one time, for transactions in "exempt securities" as defined under section 3(a)(12) of the Securities Exchange Act of 1934, effected by or

for a participant in accordance with this Rule. After approval of the pilot program by the Commission it will continue until such time as the Commission takes action on SR-BSPS-77-5, the rule change by which the Corporation proposes to offer this Service on a permanent basis. Each participant may, to the extent it so desires, use the Service, by submitting data, as provided for herein, for transactions in any exempt securities effected by or for the participant and by so doing agrees to be bound by this Rule for the transaction as to which data is submitted and to pay the fees therefor as set forth in the Fee Schedule.

(b) (i) To use the Service a participant shall submit, individually by trade, the information specified by the Corporation in the forms or format specified therefor, which form or format shall include the identification of the participant, the subject security, the contra side, the quantity, the unit price, the aggregate price, the trade date and the settlement date. When a participant is the contra side to the transaction and has submitted the information specified by the Corporation to utilize this Service with respect to that transaction, the Corporation shall effect the comparison of the transactions as set forth herein. Where a non-participant is the contra side to the transaction or where a participant is the contra side and has not submitted the information specified by the Corporation to utilize the Service for that transaction, the Corporation shall take such action as it deems reasonable and appropriate to effect a comparison of the transaction for the participant. Included among such actions, the Corporation may submit the requisite data directly to the contra side in exchange for the contra side's statement of the terms of the transaction, or establish means whereby the Corporation may exchange data and effect a comparison of the transaction with the clearing agency to which the contra side has submitted the data regarding the transaction.

(ii) Participants using the Service shall submit the specified data on the day after the day of the transaction no later than 12 o'clock, noon, of the time in effect at the main office of the Corporation, except that participants submitting data to branch offices of the Corporation shall submit data no later than the time specified by that branch office which shall not be sooner than the time such data would have to be submitted to the Corporation's main office.

(c)(i) Where a participant utilizes the Service, within 24 hours after the Corporation has received the requisite data from the participant and the contra side or the contra side's clearing agency, the Corporation shall give each participant a time stamped report (the First Report) setting forth: (a) The terms of all transactions which compare, which shall include with respect to securities on which interest is accumulated the interest accumulated until the settlement date; (b) the terms of all transactions reported by the participant and not reported by the contra side; (c) the terms of all transactions reported by the contra side and not reported by the participant; and (d) those transactions in items (b) and (c) which appear to the Corporation to be valid transactions and the reasons causing the non-comparison can be readily resolved by the parties thereto. Within 24 hours after the time of the First Report, the participant shall furnish to the Corporation the data regarding transactions in items (b), (c), and (d) on which agreement has been reached with the contra side, in such form or format as the Corporation shall specify which shall include the same information as that specified in paragraph (b)(i) hereof. Where the contra side to a trade is a non-participant or a participant which is not using the Service for that transaction, the Corporation shall lend reasonable assistance to the participant during this 24 hour period to resolve all transactions in categories (b), (c), and (d). Within 48 hours of the time of the First Report, the Corporation shall make available to a participant a report (the Second Report) which shall show all transactions which were not compared in the First Report but which subsequently have compared and the transactions previously reported in the First Report in categories (b), (c), and (d) which still remain in such categories.

(d) (i) A participant may use the Service for transactions effected on an "as of" or delayed delivery basis if the data is furnished in accordance with paragraph (b) hereof.

(ii) A participant may delete data as to transactions which have been submitted to the Service if such deletion instruction is furnished within six hours of the time for submission of transaction data for that transaction or if such deletion instruction is for a transaction in categories (b), (c), or (d) of the First Report and such instruction is furnished within 24 hours of the time of the First Report.

(iii) Transaction data not submitted to the Service by the time specified in paragraph (b)(ii) hereof may be submitted within 24 hours of the time of the First Report, in accordance with paragraph (c) hereof, and shall be included in the Second Report.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this new Rule is to enable the Corporation to offer a Pilot Trade Comparison and Reporting Service (the "Service") for transactions in exempt securities effected by the participants. This pilot program is being offered pending Commission action on SR-BSPS-77-5, a proposed rule change by which the Corporation proposes to offer this Service on a permanent basis.

At the present time this type of service is offered by other clearing agencies only to their participants for trades in securities "cleared" by that clearing agency and, in some instances, is only available for trades between participants in that clearing agency. However, other than Depository Trust Company, the Corporation is aware of no other clearing agency offering a service for the comparison and reporting of trades in exempt securities.

During the Pilot program the Service will be limited to no more than 15 participants for trades in exempt securities effected by that participant regardless of where they are executed. Further, the Service will be available for transactions between participants as well as transactions between a participant and a non-participant. In the latter instance and in instances of a trade between participants which one participant does not submit to the Service, the Corporation will act on behalf of the submitting participant in endeavoring to effect a comparison. This will involve the Corporation in sending confirmation notices to the contra side in a manner consistent with the Rule's time frames and may involve use of the messengers of the Corporation, its branch offices and its correspondents to hand deliver such notices. The Corporation will also establish relationships with other clearing agencies to exchange transaction data where the contra party submits such data to another clearing agency. Finally, the Service is non-exclusive because a participant is not compelled to use the Service for all of its transactions or even for all of its transactions in certain securities. Rather, a participant may utilize the Service as it desires when it deems such utilization and the cost thereof in comparison to other comparison services advantageous.

This Rule Change is part of a program which the Corporation has adopted to develop and establish a full clearance and settlement system for all securities.

The Proposed Rule Change relates to the prompt and accurate clearance and settlement of securities transactions, fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transac-

tions by providing participants the means through which they can compare transactions in all securities in which they have effected a transaction, regardless of with whom the transaction has been effected, and thereby more speedily reach agreement as to the exact terms of all transactions and more expeditiously effect the consummation thereof.

The Corporation does not believe that the proposed rule change will impose any burden on competition.

On or before March 28, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 14, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 13, 1978.

[FR Doc. 78-4472 Filed 2-17-78; 8:45 am]

[8010-01]

[File No. 500-1]

FINANCIAL GENERAL BANKSHARES, INC.

Suspension of Trading

FEBRUARY 13, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Financial General Bankshares, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:00 p.m., e.s.t., on February 13, 1978 through February 22, 1978.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-4471 Filed 2-17-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/16]

ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW; STUDY GROUP ON HOTELKEEPERS' LIABILITY

Meeting

A meeting of the Study Group on Hotelkeepers' Liability, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held at 10 a.m. on Tuesday, March 21, 1978, in room 5519 of the Department of State. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The Study Group will review the UNIDROIT Preliminary Draft Convention on the Hotelkeeper's Contract in its current form and discuss the applicability of the future instrument on the Hotelkeeper's Contract to contracts concluded between tour organizers and hotelkeepers and its relations with the 1970 international Convention on the Travel Contract.

Entrance to the Department of State building is controlled, and members of the general public should use the C Street entrance. Entry will be facilitated if arrangements are made in advance, and it is requested that members of the general public who plan to attend the meeting inform their name, affiliation, and address to Ms. Dorothy Fagan, Office of the Legal Adviser, Department of State, prior to March 21, 1978. The telephone number is area code 202, 632-8134.

Dated: February 10, 1978.

RICHARD D. KEARNEY,
Chairman.

[FR Doc. 78-4548 Filed 2-17-78; 8:45 am]

[4710-01]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The Department of State will hold a meeting on March 14 for the Working Group on Accounting Standards of the Advisory Committee on Transnational Enterprises. The Working Group will meet from 9:30 a.m. to 5:30 p.m. with a break for lunch. The meeting will be held in Room 1406 of the State Department, 2201 C Street NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss ongoing work in international bodies in the area of the harmonization of accounting standards. Particular reference will be made to the United Nation's Report of the Group of Experts on International Standards of Reporting and Accounting and the possibility of work in this field in the Organization of Economic Cooperation and Development.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on area code 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of each working group will, as time permits, entertain oral comments from members of the public attending the meetings.

Dated: February 10, 1978.

RICHARD D. KAUZLARICH,
Executive Secretary.

[FR Doc. 78-4467 Filed 2-17-78; 8:45 am]

[4710-01]

[CM-8/14]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The ad hoc working group on nuclear ships of the Subcommittee on Safety of Life at Sea (SOLAS), a component of the Shipping Coordinating Committee (SHC), will conduct an open meeting on Wednesday, March 8, 1978, at 9:30 a.m. in Room 8240 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of this meeting is to discuss the results of the February meeting of the Intergovernmental Maritime Consultative Organization's (IMCO) Working Group on Nuclear Ships, where Chapters 1, 2, 8, and 9 of the proposed IMCO Code of Safety for Nuclear Ships were considered. In addition, the SOLAS working group will also discuss Chapter 5 of the proposed Code in final preparation for the next IMCO meeting on the subject.

Requests for further information should be directed to Cdr. John Deck

III, U.S. Coast Guard (G-MMT-4), Washington, D.C. 20590, telephone 202-426-2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

FEBRUARY 8, 1978.

[FR Doc. 78-4468 Filed 2-17-78; 8:45 am]

[4710-01]

[Public Notice CM 8-15]

STUDY GROUP 1 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 9, 1978, in Conference Room D, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting on March 9 is to review the work underway in preparation for the CCIR Special Preparatory Meeting (SPM) which will convene in October 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman.

Dated: February 13, 1978.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR National Committee.

[FR Doc. 78-4547 Filed 2-17-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Intention to Disclose.

SUMMARY: This document provides notice that the Service intends to make open to public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions.

DATES: Requests for additional deletions must be submitted by March 28, 1978. A petition in the United States Tax Court must be filed by May 8, 1978. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determination described in this notice will be made open to public inspection on June 19, 1978.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Chief, Rulings Disclosure Branch, Internal Revenue Service, T:FP:R Room 6549, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George E. Freeland of the Rulings Disclosure Branch, Tax Forms and Publications Division, Office of the Assistant Commissioner, Technical, 202-566-4378 or 202-566-6272.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memoranda) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Accordingly, the Service is preparing to open to public inspection the written determinations issued after December 31, 1967 (except those issued in response to requests submitted after October 31, 1976) classified as reference and that originated in the Individual Tax Division, Office of the Assistant Commissioner (Technical), or predecessor divisions, and that involve issues falling within the jurisdiction of that Division.

Issues falling within the jurisdiction of the Individual Tax Division are those involving:

(a) Income taxes of noncorporate taxpayers (including individuals, partnerships, estates, and trusts);

(b) Political organizations under section 527 of the Internal Revenue Code (except section 527(f));

(c) Employment taxes and taxes on self-employment income;

(d) Estate, gift, and certain excise taxes;

(e) Procedure and administrative provisions of the Internal Revenue Code, except those specifically applicable to employee plans, exempt organizations, and actuarial determinations.

The Division also has jurisdiction over issues involving both noncorporate and corporate taxpayers with respect to:

(f) Charitable contributions; tenant-stockholders of cooperative housing corporations;

(g) Employee stock option and stock purchase plans;

(h) Real estate investment trusts;

(i) Election of certain small business corporations as to tax status and related matters, except the rules relating to certain qualified pension plans. The Division does not have jurisdiction over issues involving excise taxes under Chapters 42 and 43 of the Internal Revenue Code, nor did it issue written determinations prior to October 1, 1973, involving Interest Equalization Tax.

The Division is composed of three Branches: Individual Income Tax Branch (T:I:I); Estate and Gift Tax Branch (T:I:EG); and Wage, Excise and Administrative Provisions Branch (T:I:WEA). All reference written determinations issued during the prescribed time periods discussed in this notice and originating in these branches or predecessor branches are intended to be within the scope of this notice.

DELETIONS

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpaper identifying numbers, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized representatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with the proposed deletions indicated. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should be deleted. Any request for additional deletions must be submitted by March 28, 1978, and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a peti-

tion in the United States Tax Court. This petition must be filed by May 8, 1978.

ADDITIONAL DISCLOSURE

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses or taxpayer identifying numbers, the Service will contact the person to whom the written determination pertains before further action is taken.

BACKGROUND FILE DOCUMENTS

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received. The notice and any other correspondence relating to public inspection of written determinations will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. on June 19, 1978. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court will not be made available until after a court determination regarding that portion is made.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-4558 Filed 2-17-78; 8:45 am]

[4830-01]

PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Intention to Disclose.

SUMMARY: This document provides notice that the Service intends to make open to public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions.

DATES: Requests for additional deletions must be submitted by March 28, 1978. A petition in the United States Tax Court must be filed by May 8, 1978. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determination described in this notice will be made open to public inspection on June 19, 1978.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Chief, Rulings Disclosure Branch, Internal Revenue Service, T:FP:R Room 6549, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George E. Freeland of the Rulings Disclosure Branch, Tax Forms and Publications Division, Office of the Assistant Commissioner, Technical, 202-566-4378 or 202-566-6272.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memorands) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Pursuant to section 1201(b) of the Tax Reform Act of 1976, the Internal Revenue Service earlier made available certain written determinations to complainants in Freedom of Information Act proceedings commenced before January 1, 1976. Accordingly, the Service is preparing to open to public inspection, as the first of the written determinations to be made open under section 6110(h) of the Code, the written determinations described in this notice that were earlier made available to the complainants in the following cases:

I. In *Internal Revenue Service* v. *Fruehauf Corporation, et al.*, 522 F. 2d 284 (6th Cir. 1975), the categories of documents described by the court as follows:

(1) All unpublished private rulings and/or letter rulings originating in the Miscellaneous and Special Provisions Tax Division, Excise Tax Branch, of the Office of Assistant Commissioner (Technical), Internal Revenue Service, which were issued between January 1, 1947 and to September 13, 1973 to manufacturers of automobile truck chassis, automobile bodies, truck and bus trailer and semi-trailer chassis, truck and bus trailer and semi-trailer bodies, and tractors of a kind chiefly used for highway transportation in combination with a trailer or semi-trailer, or to any trade association of any one or more such manufacturers, in which determinations were made of:

(a) All items includable or excludable in the price for which a taxable article is sold under section 4216(a) of the Internal Revenue Code (or any predecessor section) and any Regulations issued pursuant thereto.

(b) The methods, means, formulae or procedures for determining or computing, by a manufacturer of taxable articles, the applicable constructive sales price, under section 4216(b), section 4216(b)(1), and section 4216(b)(2), of the Internal Revenue Code of 1954 (or any predecessor section), and any Regulations issued pursuant thereto, upon sales by such manufacturers to:

1. A retailer.
2. A wholesaler.
3. A wholesaler distributor.
4. A user or ultimate consumer.

(c) The existence of non-existence under section 4216(b) of the Internal Revenue Code of 1954 (or any predecessor section), and any Regulations issued pursuant thereto, particularly (without limitation) Treasury Regulations Section 148.1-5 and Treasury Regulations 46(1940), Sections 316.8, 316.10, 316.12, 316.13, 316.14, and 316.15, of:

1. A retailer.
2. A wholesaler.
3. A wholesaler distributor.
4. Sales at retail.
5. Sales at wholesale.
6. Sales to wholesale distributors.

(d) The methods, means, formulae, or procedures for determining or computing, by manufacturer of taxable articles, the applicable exclusion of local advertising charges from the sales prices of taxable articles under section 4216(f) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(e) The methods, means, formulae, or procedures for determining or computing, by a manufacturer of taxable articles, the credit for tax paid on tires or inner tubes under section 6416(c) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(f) The definition of the term "the purchase price" as used in section 6416(c)(1) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(g) The definition(s) of taxable and nontaxable trailers, semi-tailers, truck and bus trailers and semi-trailer chassis, truck and bus trailer and semi-trailer bodies and containers under section 4061(a) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto.

(h) The methods, means, formulae, or procedures for computing the applicable tax under sections 4061(a) and 4216(b) of the Internal Revenue Code of 1954 (or any predecessor section) and any Regulations issued pursuant thereto on a projected or estimated basis instead of upon an article by article basis.

The term "private rulings and/or letter rulings" shall include (without limitation) both ordinary letter rulings, unpublished private rulings, and those portions of the responses to Technical Advice requests that are or were intended for issuance to taxpayers.

Also to be made open to public inspection are those written determinations dealing with the subjects described above that were issued between September 13, 1973, and June 13, 1974.

II. In *Cosmos Broadcasting Corp.* v. *Donald C. Alexander, et al.*, Civil Action No. 75-1991 (D.D.C., filed 11/26/75), the categories of documents described by the complainant as follows:

Letter rulings issued under section 1071 of the Internal Revenue Code of 1954 relating to the type of properties the purchase of which would qualify for tax deferral, and more specifically whether proceeds from the sale of cable television systems could be reinvested in a radio or television broadcasting station and vice versa.

III. In *Robert A. Klayman* v. *Internal Revenue Service, et al.*, Civil Action No. 75-1584 (D.D.C., filed September 26, 1975), the categories of documents described by the complainant as follows:

(1) All unpublished letter rulings originating in the Mining and Timber Section or Oil and Gas Section of the Engineering and Valuation Branch of the Office of the Assistant Commissioner (Technical), Internal Revenue Service, (including any predecessors of those Sections) issued under section 612 or 613 of the Internal Revenue Code of 1954 or Treasury Regulations §1.612-3 or §1.613-2 thereunder, to lessees or lessors (or prospective lessees or lessors) of mineral rights (including oil and gas and hard mineral rights) or timber rights on or after July 4, 1967, which discuss or determine any or all of the following:

(a) Whether a payment or payments made by a lessee to a lessor of mineral or timer rights constitute a "bonus" as defined in Treasury Regulation §1.612-3(a), "advanced royalties" as defined in Treasury Regulation §1.612-3(b), or "delay rental" as defined in Treasury Regulation §1.612-3(c);

(b) The proper tax treatment by the lessee of an advance payment made by a lessee to a lessor of mineral or timber rights where such payment is recoverable by the lessee out of royalties on mineral or timber subsequently extracted or cut;

(c) The distinctions between bonuses and advance royalties in mineral or timber lease transactions.

(2) All unpublished letter rulings originating in the Internal Revenue Service Sections referred to in (1) above issued on or after August 16, 1954, and before July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

(3) The portions intended for issuance to taxpayers of all responses to technical advice requests originating in the Internal Revenue Service Sections referred to in (1) above issued on or after July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

(4) The portions intended for issuance to taxpayers of all responses to technical advice requests originating in the Internal Revenue Service Sections referred to in (1) above issued on or after August 16, 1954, and before July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

IV. In *Shakespeare of Arkansas, Inc.* v. *Internal Revenue Service, et al.*, Civil Action N. F-75-41-C W.D. Ark., filed June 23, 1975) the categories of documents described by the complainant as follows:

The private rulings or technncial advice memoranda issued by the Excise Tax Branch which rulings relate to the taxability or nontaxability of items of fishing tackle and the actual or constructive selling price at which fishing is to be taxed, under section 4161 and 4216 of the Code.

Deletions

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpayer identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized represntatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with the proposed deletions indicated. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should be deleted. Any request for additional deletions must be submitted by March 28, 1978, and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in the United States Tax Court. This petition must be filed by May 8, 1978.

Additional Disclosure

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses, or taxpayer identifying numbers, the Service will contact the person to whom the written determination pertains before further action is taken.

Background File Documents

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. However, background file documents relating to "general" written determinations issued before July 5, 1967, will not be made available. A general written determination is any written determination other than one the Comissioner determines to have signifcant reference value. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received. The notice and any other notice or correspondence relating to public inspection of written determinations will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C. on June 19, 1978. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court shall not be made available until after a court determination regarding such portion is made.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-4559 Filed 2-17-78; 8:45 am]

[4810-25]

Office of Foreign Assets Control

IMPORTATION FROM TURKEY OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL MILL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Availability of Special Certificates for Imports From Republic of Turkey

Special certificates issued under the certification agreement between the United States and the Government of the Republic of Turkey became available on November 16, 1977, for imports from that country of ferrochromium and chromium-bearing steel mill products. Material imported after that date may only be imported if a special certificate is presented to Customs at the time of entry.

Importers are reminded that a special certificate must be procured and filed with Customs on or before March 1, 1978, to complete liquidation of entries covering certifiable materials imported between July 18, 1977 and September 18, 1977.

Dated: February 8, 1978.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc. 78-4525 Filed 2-17-78; 8:45 am]

[4810-40]

Office of the Secretary

[Dept. Circular Public Debt Series—No. 6-78]

TREASURY NOTES OF MARCH 31, 1982

Series G-1982

FEBRUARY 16, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of U.S. securities, designated Treasury Notes of March 31, 1982, Series G-1982 (CUSIP No. 912827 HN 5). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated March 6, 1978, and will bear interest from that date, payable on a semiannual basis on September 30, 1978, and each subsequent 6 months on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1982, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing U.S. securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., eastern standard time, Wednesday, February 22, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 21, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a one-eighth of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be adivsed of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secre-

tary's action under this section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Monday, March 6, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing U.S. securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, March 2, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Wednesday, March 1, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-4614 Filed 2-17-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on March 7, 1978, at 9 a.m. The meeting will be for the purposes of reviewing the Post-Vietnam Era Veterans' Educational Assistance Program (Chapter 32, title 38, United States Code) and Pub. L. 95-202 enacted November 23, 1977, particularly as it relates to a study required by section 304(b) of Pub. L. 95-202.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mr. C. L. Dollarhide, Deputy Director, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2152, prior to March 1.

Interested persons may attend, appear before, or file statements with the committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2:00 p.m. on March 7, 1978.

Dated: February 14, 1978.

MAX CLELAND,
Administrator.

[FR Doc. 78-4521 Filed 2-17-78; 8:45 am]

[8320-01]

BAY PINES VETERANS ADMINISTRATION CENTER AT BAY PINES, FLA.

Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the Bay Pines, Florida, Proposed Replacement Hospital," dated February 1978, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed replacement hospital is to be located on the existing Bay Pines, Fla., Veterans Administration Center site. The project proposes construction on the existing site of a 520-bed medical and surgical replacement building with support facilities. A new 120-bed nursing home care unit to supplement the existing nursing home and a 200-bed domicilliary are also proposed. Building 1, presently a hospital patient building will be renovated to house 190 psychiatric beds. Buildings 22 and 23 will be renovated for administration and ancillary services.

This Draft Statement discusses the environmental impact of the proposed Replacement Hospital. The document is being placed for public examination in the Veterans Administrtion Office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20402.

Single copies of the draft statement may be obtained on request to the above office.

By direction of the Administrator.

Dated: February 15, 1978.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-4569 Filed 2-17-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 593]

ASSIGNMENT OF HEARINGS

FEBRUARY 15, 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 111302 (Sub-No. 99), Highway Transport, Inc. Extension KY, now assigned March 14, 1978, at Nashville, TN, will be held in Room A-440, Federal Building, 801 Broadway.

MC 138627 (Sub-No. 21), Smithway Motor Express, Inc., now assigned March 10, 1978, at Chicago, IL, is canceled and application dismissed.

MC 115841 (Sub-No. 579), Colonial Refrigerated Transportation, Inc., is now assigned for pre-hearing conference April 18, 1978, at 9:30 a.m. local time in Washington, DC, at the offices of the Interstate Commerce Commission.

MC 94350 (Sub-No. 402), Transit Homes, Inc., now assigned March 21, 1978, at Washington, DC, is postponed indefinitely.

MC 107012 (Sub-No. 238), North American Van Lines, Inc., now being assigned for continued hearing on April 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 32779 (Sub-No. 13), Silver Eagle Co., now being assigned April 12, 1978 (8 days), for continued hearing at Portland, OR, and will be held in Room 103, Pioneer Court House, 555 S.W. Yamhill Street.

MC 143668, Long Island Airports Limousine Service Corp. now being assigned April 26, 1978 (3 days), at New York, NY, in a hearing room to be later designated.

MC 119789 (Sub-No. 372), Caravan Refrigerated Cargo, Inc., now being assigned April 25, 1978 (1 day), at New York, NY, in a hearing room to be later designated.

MC 135732 (Sub-No. 27), Aubrey Freight Lines, Inc., now being assigned April 24, 1978 (1 day), at New York, NY, in a hearing room to be later designated.

AB 12 (Sub-No. 56), Southern Pacific Transportation Co., abandonment between Brenham and Giddings in WA, Fayette and Lee Counties, TX, is assigned for continued hearing on April 3, 1978 (4½ days), at Brenham, TX, and will be held in the City Auditorium, Vulcan Street.

MC 107012 (Sub-No. 250), North American Van Lines, Inc., is now assigned for prehearing conference April 13, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 108313 (Sub-No. 14), Caledonia Lines, Inc., is now assigned for hearing April 12, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 143555 (Sub-No. 2), Riverside Transportation Co., Inc., is now assigned for hearing April 12, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MCC 9686, *Willis Shaw Frozen Express, Inc.* v. *Texas Continental Express, Inc.*, is now assigned for hearing April 25, 1978, at the offices of the Interstate Commerce Commission, Washinton, DC.

MCC 9933, *Carolina Coach Co.* v. *Junius Lucas*, is now assigned for hearing April 18, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 720 (Sub-No. 38), Bird Trucking Company, Inc., is now assigned for hearing April 19, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MCC 9856, *Willetts Travel, Inc.* v. *Blue and White Lines, Inc.*, is now assigned for hearing June 13, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 116915 (Sub-No. 33), Eck Miller Transportation Corp., is now assigned for hearing April 10, 1978 (2 days), at Dallas, TX, at a hearing room to be later designated.

MC 119988 (Sub-No. 127), Great Western Trucking Co., Inc., is now assigned for hearing April 12, 1978 (1 day), at Dallas, TX, at a hearing room to be later designated.

MC 4405 (Sub-No. 561), Dealers Transit, Inc., is now assigned for hearing April 13, 1978 (2 days), at Dallas, TX, at a hearing room to be later designated.

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

[FR Doc. 78-4560 Filed 2-17-78; 8:45 am]

[7035-01]

[Notice No. 15TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 7, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1783 (Sub-No. 19TA), filed January 16, 1978. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway South, Nashua, NH 03060. Applicant's representative: Mary Kelly, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the sites of International Paper Co., at or near Corinth and Ticonderoga, NY, to points in the New York, NY, commercial zone, Nassau and Suffolk Counties, NY, NJ, CT, MA, RI, ME, VT, and NH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) International Paper Co., Room 1616, 220 E. 42nd Street, New York, NY 10017. (Attention: Charles E. McHugh, manager and motor carrier barge rates.) Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Louden Road, Concord, NH 03301.

No. MC 10872 (Sub-No. 47TA), filed January 16, 1978. Applicant: BE-MAC TRANSPORT CO., INC., 7400 North Broadway, St. Louis, MO 63147. Applicant's representative: Carl L. Steiner, Axelroad, Goodman, Steiner, and Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, OK, to points in IL on and north of Interstate Hwy 70, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pet Inc., Frozen Foods Division, 400 South 4th Street, St. Louis, MO 63102. Send

protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

No. MC 28378 (Sub-No. 46TA), filed January 9, 1978. Applicant: GREAT LAKES EXPRESS (a Michigan corporation), 114 Fifth Avenue, New York, NY 10011. Applicant's representative: G. G. Heller, 114 Fifth Avenue, New York, NY 10011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and related commodities manufactures* by the Dow Chemical Co., between the plantsite of the Dow Chemical Co., at Ludington, MI, on the one hand, and on the other, Detroit, MI, on traffic having prior or subsequent movement by rail or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dow Chemical U.S.A., an operating division of the Dow Chemical Co., 14955 Sprague Road, P.O. Box 36111, Strongsville, OH 44136. Send protests to: Maria B. Kejess, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 59655 (Sub-No. 11TA), filed January 9, 1978. Applicant: SHEEHAN CARRIERS, INC., P.O. Box 57, 62 Lime Kiln Road, Suffern, NY 10901. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and materials, equipment and supplies* used in the manufacture or sale of containers (except commodities in bulk) between the facilities of Beverage Bottle Division, Hoover Ball and Bearing Co., at New Castle, DE, on the one hand, and, on the other, points in PA, on the west of the Susquehanna River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Beverage Bottle Division, Hoover Ball and Bearing Co., Tri Port Road, Georgetown, KY 40324. Send protests to: Maria B. Kejess, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 61788 (Sub-No. 35TA), filed January 7, 1978. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION CO., 1541 Reeves Street, P.O. Box 2268, Dothan, AL 36301. Applicant's representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite and warehouse facilities of the John Deere Co., located at or near Conyers, GA, an off-route point in connection with the carrier's authorized regular routes. Restricted against the transportation of traffic, direct or interline, between Atlanta, GA, on the one hand, and on the other, the plantsite and warehouse facilities of John Deere Co., located at or near Conyers, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Deere Co., 5147 Peachtree Industrial Boulevard NE., Atlanta, GA 30341. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

NOTE.—Applicant plans to tack this authority with its other authority and to interline with other carriers at Atlanta, GA; Dothan, Mobile, Montgomery, Birmingham, AL, as principal gateways.

No. MC 94350 (Sub-No. 406TA), filed December 16, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, in initial movements from the plantsites of Champion Home Builders at or near Weiser, Parma, and New Plymouth, ID, to points in OR, WA, NV, MT, WY, UT, and ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Champion Home Builders Co., 5573 East North Street, Dryden, MI 48428. Send protests to: E. E. Strotheid, District Supervisor, ICC, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 97310 (Sub-No. 26TA), filed January 16, 1978. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, MS 39301. Applicant's representative: David A. Watson, Jr., 3730 First Avenue South, Birmingham, AL 35222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including machinery, supplies, pulp, paper, and allied products, (except classes A and B explosives and commodities which by reason of size or weight require the use of special equipment), between the plantsite of Alabama River Pulp Co., Inc., at or near Claiborne, AL, on the one hand, and, Monroeville, AL, on the other as an off-route point in connection with applicant's Sub-5 regular route authority between Selma, AL, and Claiborne, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alabama River Pulp Co., Inc., P.O. Box 906, Monroeville, AL 36460. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 103051 (Sub-No. 419TA), filed January 11, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Gainesville, GA, to points in AL, GA, MS, FL, KY, NC, SC, TN, VA, and WV, for 180 days. Supporting shipper(s): Cargill, Inc., 949 Ridge Road, Gainesville, GA 30501. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 103051 (Sub-No. 420TA), filed January 18, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, 934 44th Avenue, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Nashville, TN, to all points in SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Exxon Co., U.S.A., Charlotte, NC 28209. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 109708 (Sub-No. 81TA), filed January 17, 1978. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, 2580 Executive Road, Dundee, FL 33828. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice concentrate*, in bulk, in tank vehicles from Plymouth, IN, to Lansing, MI, for 180 days. There is no environmental impact involved in this application.

Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Peninsular Products, 2701 East Michigan Avenue, Lansing, MI 48912. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, 8410 Northwest 53d Terrace, Monterey Building, Suite 101, Miami, FL 33166.

No. MC 110525 (Sub-No. 1222TA), filed January 9, 1978. Applicant: CHEMICAL LEAMAN TANK LINES INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, in tank vehicles, from the plantsite of Agrico Chemical Co., at Melbourne, KY, to points in the States of ILL, IN, KY, MI, OH, VA, and WV. Restricted to the transportation of traffic originating at the above-mentioned plantsite, for 180 days. Supporting shipper: Agrocp Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Phila., PA 19106.

No. MC 112520 (Sub-No. 348TA), filed January 9, 1978. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, 122 Appleyard Drive, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical cellulose woodpulp*, restricted to shipments having a subsequent movement by water, from Jesup, GA, to Savannah and Brunswick, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): ITT Rayonier, Inc., P.O. Box 1747, Savannah, GA 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112595 (Sub-No. 75TA), filed January 9, 1978. Applicant: FORD BROTHERS, INC., 510 Riverside Drive, P.O. Box 727, Ironton, OH 45638. Applicant's representative: James W. Muldon, Attorney at Law, Suite 1815, 50 West Broad Street, Columbus, OH 45638. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co., at Melbourne, KY, to points in the States of IL, IN, KY, MI, OH, VA, and WV. Restrictions: restricted to traffic orginating at the above-mentioned plantsite, for 180 days. Supporting shipper: J. J. Stefanec, Director, Transportation Legislation and Research, Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Frances A, Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 113678 (Sub-No. 710TA), filed December 2, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver) CO 80022. Applicant's representative: Roger M. Shaner, 4810 Pontiac Street, Commerce City (Denver) CO 80022. 303-287-3211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk and frozen foods), in vehicles equipped with mechanical refrigeration. From City of Industry, CA to Albuquerque, NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Double-D Foods, Inc., 14970 Don Julian Road, City of Industry, CA 91746. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customshouse, 721 19th Street, Denver, CO 80202.

No. MC 115331 (Sub-No. 444TA), filed January 10, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, E. St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn syrup, high fructose corn syrup and blends of liquid sugar with high fructose corn syrup of C. S.*, from Supreme, LA., to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Supreme Sugar Co., Inc., Suite 329, One Shell Square, New Orleans, LA 70139. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 116519 (Sub-No. 47TA), filed January 4, 1978. Applicant: FREDERICK TRANSPORT LTD., R.R. 6, Chatham, ON, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Harvester-threshers, combined (combines) and parts and attachments thereof*, when moving in mixed loads therewith, from the plantsite and storage facilities of Sperry New Holland Division, Sperry Rand Corp., at Lexington, NE, to ports of entry in the United States-Canada international boundary line located in MI, NY, VT, NH, and ME, for 180 days. Restrictions: (1) The transportation authorized herein is restricted to foreign commerce, (2) the transportation authorized herein is restricted to the transportation of shipments destined to points in the Provinces of ON, PQ, NB, NS, PE, and NF. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sperry New Holland Division, Sperry Rand Corp., 500 Diller Avenue, New Holland, PA 17557 (Richard Devenney, General Traffic Manager). Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 118806 (Sub-No. 58TA), filed January 9, 1978. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Winnipeg, MB, Canada R2J 3K4. Applicant's representative: Bernard J. Kompare, Singer & Sullivan, P.C., Suite 1600, 10 South LaSalle Street, Chicago, IL 06063. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the ports of entry on the international boundary line between the United States and Canada, at or near Pembina, ND, and Noyes, MN, to Rockford, IL, restricted to traffic moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Manitoba Rolling Mills Canada Ltd., P.O. Box 2500, Selkirk, MB, Canada R1A 2B4. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building, and U.S. Post Office, 657 2d Avenue, North, Fargo, ND 58102.

No. MC 120737 (Sub-No. 47TA), filed December 15, 1977. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South 4th Avenue R.R. No. 5, Canton, IL 61520. Applicant's representative: Donald W. Smith, Attorney, Suite 2465-One Indiana Square, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *attachments, parts, and equipment designed for use with tractors, when moving in mixed loads with tractors*, from Harrison County, MS, to points in the United States (except AK and HI). (3) *Materials, equipment and supplies* (except commodities in bulk) used in the assembly and distribution of, and equipment designed for use with the articles described in (1) and (2) above, from points in the United States (except AK and HI) to Harrison County, MS, for 180 days. Restriction:

Restricted to traffic destined to the facilities utilized by International Harvester Co. in Harrison County, MS. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Melvin J. Zwart, Manager of Transportation, International Harvester Co., 600 Woodfield, Schaumburg, IL 60196. Sent protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 121658 (Sub-No. 10TA), filed January 9, 1978. Applicant: STEVE D. THOMPSON, 1205 Percy Street, P.O. Box 149, Winnsboro, LA 71295. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment) between Ruston, LA and Shreveport, LA, serving all intermediate points: from Ruston, LA, over U.S. Hwy 80 and/or Interstate 20 to Shreveport and return over the same routes. Applicant intends to tack this authority to its MC 121658 and Subs 2, 4, and 8. Applicant also intends to interline with other carriers at all points of joinder with routes authorized in MC 121658, including Jackson, MS and Shreveport and Monroe, LA, for 180 days. Supporting shippers: G. & O., Inc., P.O. Box 1207, Jackson, MS 39205, Don Bass Co., P.O. Box 4478, Jackson, MS, Jackson Plastics Films, Inc., Clinton Industrial Park, Clinton, MS 39056, Crawler Parts, Inc., P.O. Box 3078, Jackson, MS 39207, Strickland Associates, P.O. Box 5006, Jackson, MS 392016, Graham Paper Co., P.O. Box 2660, Jackson, MS 39205, Superior Transfer & Storge Co., Inc., P.O. Box 3108, Jackson, MS 39205, Cardinal Paper Co., P.O. Box 2656, Jackson, MS 39205, Yazoo Mfg. Co., P.O. Box 4207, Jackson, MS, Van Trow Oldsmobile, 226 E. Main Street, Jackson, MS 39205, Mississippi Industries for the Blind, 2730 Bailey Ave., Jackson, MS, Stuart C. Irby, 815 S. State Street, Jackson, MS 39205, Bestway Express, Inc., N. Bierdman Rd., Jackson, MS, Campbell Sixty-Six Express, 1090 E. McDowell Rd., Jackson, MS 39204, Gold and Suckle, 4154 Mansfield Rd., Shreveport, LA 71108, S. & H. Distributing Co., Inc., 1550 Bollinger Street, Shreveport, LA, Stuart C. Irby, 1025 Jack Wells Blvd., Shreveport, LA, Handling Equipment Corp., 1023 Montgomery Street, Shreveport, LA, Hollis and Co., 251 Montgomery Street, Shreveport, LA, Menge Pump and Machinery Co., 1510 Grimmit Dr., Shreveport, LA, Evans Sporting Goods Co., Inc., 414 Airport Dr., Shreveport, LA, Caddo Radiator Works, Inc., 215 Caddo Street, Shreveport, LA, Glidden Paint Co., 2120 Kings Highway, Shreveport, LA, Bar-Brook Manufacturing Co., Division of Sought Fighers Systems, Shreveport, LA 71103, Dandy Products, 1026 Joseph Street, Shreveport, LA, Bossier Diesel, P.O. Box 5134, Bossier City, LA 71111. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 133566 (Sub-No. 96TA), filed December 1, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Applicant's representative: Charles W. Beinhauer, Esq., One World Trade Center, $4959, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy or confectionery, cocoa, paste, cocoa butter, malt, milk, sauce, toppings,* and *syrup,* in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles). From the plantsites and storage facilities of Hersey Food Corp., at or near Derry Township, PA. To points in the States of Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Nebraska, Kentucky, Missouri, Kansas, Texas, Oklahoma, Mississippi, and Denver, Colorado, for 180 days. Restricted to traffic originating at the above named plantsites and destined to points in the named destination States. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hersey Foods, Inc., 19 East Chocolate Avenue, Hershey, PA 17033. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 133651 (Sub-No. 257TA), filed January 9, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., Box 552, Riggin Rd., Muncie, IN 47305. Applicant's representative: George E. Batty, Box 552, Riggin Rd., Muncie, IN 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles by meat packing houses,* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Bowling Green Packing Co. located at or near Bowling Green, KY, to New York, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bowling Green Packing Co., 615 Boat Landing Rd., Bowling Green, KY. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Ft. Wayne, IN 46802.

No. MC 138469 (Sub-No. 50TA), filed December 8, 1977. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354; Oklahoma City, OK 73107. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, Il 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and pharmaceutical, nutritional, veterinary, and industrial products, in soft elastic gelatin capsules, in vehicles equipped with mechanical refrigeration,* from the facilities of R. P. Scherer Corp., located at Detroit, MI to Phoenix and Scottsdale, AZ; Broomfield, Denver, and Englewood, CO; Carmel, Evansville, Hammond, Indianapolis, and South Whitley, IN; Cedar Rapids, Des Moines, Fort Dodge, Iowa City, Madrid, Mason City, and Mechanicsville, IA; Elwood, Great Bend, and Shawnee Mission, KS; Hazelwood, Kansas City, St. Joseph, St. Louis, and Springfield, MO; Lincoln and Omaha, NE; Bryan, Cincinnati, Cleveland, Columbus, Dayton, Mansfield, and Vandalia, OH; Shawnee, Tecumseh, and Tulsa, OK; Pawtucket, RI; Salt Lake City, UT; Milwaukee, WI; points in the commercial zones of the above named cities and points in the States CA, CT, IL, NJ, NY, PA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. P. Scherer Corp., 4425 Grinnell Avenue, Detroit, MI 48213. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office and Court House Bldg., 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 141124 (Sub-No. 14TA), filed January 9, 1978. Applicant: EVANGELIST COMMERCIAL CORP., Hangar 5, Greater Wilmington Airport, P.O. Box 1709, Wilmington, DE 19899. Applicant's representative: Boyd B. Ferris, 50 W. Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts, panels, hardware, electrical control parts, steel channels, and equipment, materials, and supplies* used or useful in the manufacture and sale thereof, except commodities in bulk. Between the plantsites and facilities of Overland Door Corp. and its subsidiaries in Cortland, NY; Lewistown, PA; Salem, OR; Grand Island, NE; Sacramento and Los Angeles, CA; Athens,

GA; Covington, KY; Dallas and Ft. Worth, TX; Marion, OH; and Hartord and Shelbyville, IN for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Overhead Door Corp., 6250 L.B.J. Freeway, Dallas, TX 75240. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch Street, Room 3238, Phila., PA 19106.

No. MC 142431 (Sub-No. 4TA), filed January 9, 1978. Applicant: WAYMAR TRANSPORT CORP., 1755 SE 108th Street, Runnells, IA 50237. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, articles distributed by meat packing plants and foodstuff* (except hides and commodities in bulk) from the plantsites of Geo. A. Hormel & Co. at Scottsbluff and Fremont, NE to points in CT, and MA, restricted to shipments originating at the named origins and destined to named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, IA 50309.

No. MC 142607 (Sub-No. 2TA), filed December 15, 1977. Applicant: A. FUSCO SERVICE, INC., 3138 Webster Ave., Bronx, NY 10467. Applicant's representative: Bruce J. Robbins, Esq., Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Electric kitchen appliances and materials, parts, equipment, and supplies used in the manufacture, packaging, sale, and distribution of electric kitchen appliances, between points in the commercial zones of Baldwin, Castile, East Rochester, Mineola, Perry, and New York, NY, Secaucus and, on the other, points in the commercial zones of Pittsburgh, PA and Winona and Rochester, MN (2) *Electric kitchen appliances*, from points in the commercial zones of Baldwin, Castile, East Rochester, Mineola and Perry, NY; Secaucus and South Kearny, NJ; Manchester, KY; Pittsburgh, PA and Winona and Rochester, MN, to points in the commercial zones of Chicago, IL; Fort Wayne, IN; Forest Park GA, Baltimore and Halethorpe, MD; East Hampton, MA; Grand Rapids, MI; Kansas City and St. Louis, MO; Sparks, NV; Manchester and Nashua, NH; Syracuse, NY; Raleigh, NC; Fairless Hills, Johnstown, and Wilkes-Barre, PA, and Richmond, VA Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Van Wyck International Corp. of Mineola, NY for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Van Wyck International Corp., 49 Windsor Avenue, Mineola, NY 11501. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 143462 (Sub-No. 2TA), filed December 22, 1977. Applicant: ERWIN TRUCKING, INC., 7176 North 50th Street, Omah, NE 68152. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk): (1) From the facilities of Beef Nebraska, Inc., at Omaha, NE, to Boston, MA; Philadelphia, Pa; and New York, NY, and points in its commercial zone; (2) from the facilities of Dubuque Packing, Co. at Omaha, NE, to Boston and Springfield, MA; South Windsor, CT; New York, NY, and points in its commercial zone; Mount Kisco and Waterford, NY; Philadelphia, PA; Landover, MD; and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Michael M. Erman, President, Beef Nebraska, Inc., 3301 G Street, Omaha, NE 68107; (2) Ralph L. McGee, Transportation Manager, Dubuque Packing Co., 4003 Dahlman Ave., Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 143978 (Sub 1TA), filed January 9, 1978. Applicant: EMERSON DELIVERY, INC., 307 12th Street SE., Cedar Rapids, IA 52401. Applicant's representative: James H. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts* between Cedar Rapids, IA, on the one hand, and, on the other, points in ND, SD, WY, CO, OK, and TX, under continuing contract or contracts with FMC Corp. of Cedar Rapids, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: FMC Corp., Crane & Excavator Division, 1201 6th Street, Cedar Rapids, IA 52406. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 144061TA, filed December 1, 1977. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Applicant's representative: Piken & Piken, Esqs., One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powdered pollution control and stack neutralizing additives; liquid pollution control combustion catalyst additives; and pollution control feeding equipment:* (1) Between the facilities of Apollo Chemical Corp., located at or near Whippany, NJ, on the one hand, and on the other, points in the United States except AK and HI; (2) between the facilities of Apollo Chemical Corp., located at or near Marshall, TX, on the one hand, and, on the other, points in the States of AZ, CA, OR, WA, NV, ID, NM, MT, OK, UT, MO, IL, NE, LA, and FL., *raw materials used in the manufacture of powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; and liquid pollution control combustion catalyst additives*, from points in the United States except AK and HI, to the facilities of Apollo Chemical Corp., located at or near Whippany, NJ, and Marshall, TX, for 180 days. Restriction: The above restricted to service under contract or continuing contracts with Apollo Chemical Corp. of Whippany, NJ. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Apollo Chemical Corp., 35 South Jefferson Road, Whippany, NJ 07981. Send protests to: Joel Morrows, District supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102.

No. MC 144089TA, (second correction), filed December 13, 1977, published in the FEDERAL REGISTER issue of January 16, 1977, republished February 6, 1978, and republished as corrected this issue. Applicant: C.D.F. TRUCK RENTAL CORP., 43 Camille Road, Revere, MA 02151. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation panels*, from Sanford, ME, to points in AL, AR, CT, FL, GA, IL, IN, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and the DC; *roofing and felt paper, and foil*, from Lockland, OH; Finksburg, MD; Salem, Ridgefield, and

Netcong, NJ; Attleboro, MA; Kaukauna, WI; and West Monroe, LA, to Sanford, ME, for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with NRG Barriers, Inc., Sanford, ME. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): NRG Barriers, Inc., 61 Emery Street, P.O. Box 30, Sanford, ME 04073. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to add the portion of authority sought by applicant that was omitted.

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

[FR Doc. 78-4562 Filed 2-17-78; 8:45 am]

[7035-01]

Notice No. 296]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by March 23, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77502, filed January 11, 1978. Transferee: FTC MOVING & TRUCKING, INC., 69 Ovid Street, Seneca Falls, NY 13148. Transferor: Van Ditto Moving & Trucking, Inc. (same address as transferee). Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 53676, issued April 18, 1955, as follows: *General commodities,* with certain exceptions, over specified regular routes, between Waterloo, NY, and Cayuga, NY, serving the intermediate points of Seneca Falls, NY, service subject to certain specified conditions. *Household goods,* as defined by the Commission over irregular routes between Seneca Falls, NY, and points within 30 miles thereof, on the one hand, and, on the other, points in CT, MA, NJ, NY, OH, and PA; *malt beverages,* in cans and bottles, from Cleveland, OH, to Auburn, NY; *empty containers for malt beverages from Auburn, NY, to Cleveland, OH; and classes A, B, and C explosives, moving on government bills of lading, from the site of the Seneca ordnance plant at or near Romulus, NY, to New York, NY, and points in MD, MA, NJ, and PA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).*

No. MC-FC-77508, filed January 13, 1978. Transferee: EARL C. AND V. DARLENE DANIELS, 202 East Center Street, Manchester, CT 06040. Transferor: Colony Tours, Inc., 345 North Main Street, West Hartford, CT 06117. Applicants' representative: Hugh M. Joseloff, 80 State Street, Hartford, CT 06103. Authority sought for approval of a change in control of Colony Tours, Inc., a company holding a broker's license, by transferee's purchase of all of the issued and outstanding capital stock of said company. Said license is more particularly set forth in certificate No. MC 12856, issued February 26, 1971, as follows: *Passengers and their baggage,* in charter operations, beginning and ending at points in Hartford County, CT, and extending to points in the United States, including AK and HI. Colony Tours, Inc., is authorized to engage in the above-specified operations as a broker at West Hartford, CT. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77512, filed January 15, 1978. Transferee: S. BERRY AND SON, INC., 349 North Avenue, Wakerfield, MA 01880. Transferor: Warren D. Chase, d.b.a. Chase Auto Express, 37 Lowell Street, Reading, MA 01867. Transferor's representatives: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155, Frederick T. O'Sullivan, Box 2184, Peabody, MA 01960. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 14359, issued January 14, 1954, as follows: *General commodities,* with certain exceptions, over specified regular routes, between Reading, MA, and Boston, MA, serving the intermediate points of Medford, Sommerville, Stoneham, Everett, Malden, Melrose, and Wakefield, MA; *household goods,* as defined by the Commission, between Lynn, MA and points within 25 miles of Lynn, on the one hand, and, on the other, points in ME, NH, VT, CT, RI, NY, NJ, DE, PA, MD, and Washington, DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77513, filed January 17, 1978. Transferee: JAMES WILLIAM LIVESAY d.b.a. Golden Bay Freight Lines, 1097 Old County Road, San Carlos, CA 94070. Transferor: James William Livesay and Daniel George Hoxter, a partnership, d.b.a. GOLDEN BAY FREIGHT LINES, 1097 Old County Road, San Carlos, CA 94707. Applicants' representatives: Ann M. Pougiales, 100 Bush Street, San Francisco, CA 94104, Robert E. Miller, 845 Oak Grove Avenue, Menco Park, CA 94025. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 120708 (Sub-No. 1) issued in the name of James William Livesay d.b.a. Golden Bay Freight Lines, and acquired by transferor pursuant to MC-FC-76750 approved December 17, 1976, and effective February 3, 1977 as follows: *General commodities,* with exceptions between all points on or within five miles laterally of the following highways: 1. U.S. Hwys Nos. 101 and 101 Bypass between San Francisco and San Jose, both inclusive. 2. U.S. Hwy No. 40 and State Hwy No. 17 between Richmond and Los Gatos, both inclusive. 3. U.S. Hwy No. 50 and State Hwy No. 9 between Oakland and Saratoga, both inclusive. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77529, filed January 30, 1978. Transferee: WINSTON COACH CORP., 41 Pembrook Drive, Stony Brook, NY 11790. Transferor: Four Seasons Coach Lines, Inc., (Robert E. Goldstein, receiver), 8 West 40th Street, New York, NY. Applicants' representative(s): Sidney J. Leshin, Attorney At Law, 575 Madison Avenue, New York, NY 10022, Robert E. Goldstein, 8 West 40th Street, New York,

NY. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 134684, issued January 28, 1971, as follows: *Passengers* and *their baggage* in the same vehicle with passengers, in one-way or round-trip charter operations, over irregular routes, beginning or ending at points in Suffolk County, NY, and extending to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

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

[FR Doc. 78-4563 Filed 2-17-78; 8:45 am]

[7035-01]

[AB 109 (SDM)]

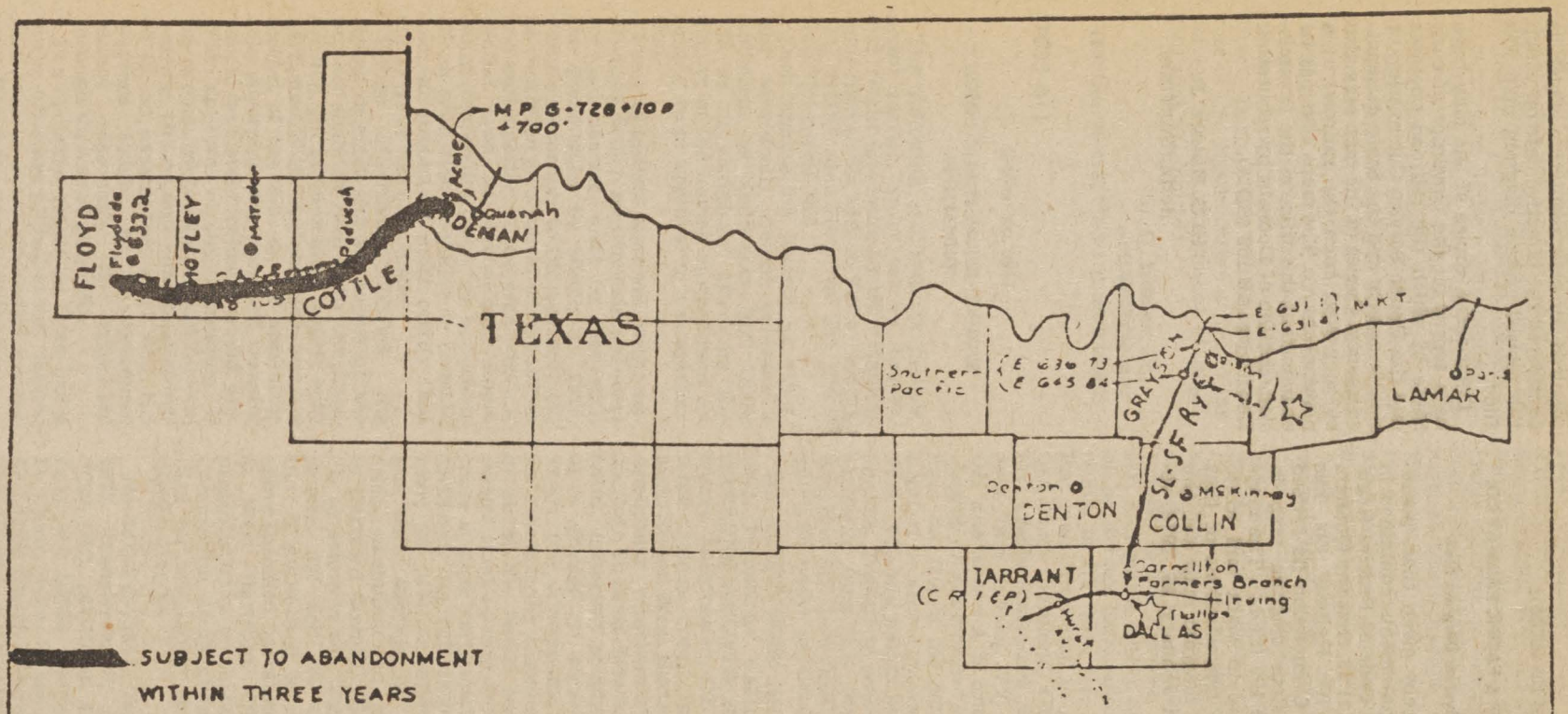
QUANAH, ACME & PACIFIC RAILWAY CO.

Revised System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Quanah, Acme and Pacific Railway Co., has filed with the Commission its revised color-coded system diagram map in Docket No. AB 109 (SDM). The maps reproduced here in black and white are reasonable reproductions of that revised system diagram map and the Commission on January 26, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the revised system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 109 (SDM).

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



AB-109 (SDM)

QUANAH, ACME AND PACIFIC RAILWAY COMPANY SYSTEM AND

TEXAS DIAGRAM MAP

OCT. 1977

[AB-109 (SDM)]

REVISED LINE DESCRIPTION FOR THE QUANAH, ACME & PACIFIC RAILWAY CO.

CATEGORY 1

Line for which abandonment application will be filed with the Interstate Commerce Commission within 3 years:

Texas

(a) Acme to Floydada, TX, AB-109.
(b) Located wholly within the State of TX.
(c) Located in the TX counties of Cottle, Motley, Floyd, and Hardeman.
(d) Railroad mileposts G-728.4 to G-833.2.
(e) Agency stations at Paducah, TX (G-768) and Floydada, TX (milepost G-833.2).

[FR Doc. 78-4561 Filed 2-17-78; 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

[6715-01]

1

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, February 23, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: AO 1977-49, AO 1977-54, AO 1978-4.
IV. Procedures on nonfilers: Part I.
V. Appropriations and budget.
VI. Classification actions.
VII. Pending legislation.
VIII. Pending litigation.
IX. Liaison with other Federal agencies.
X. Routine administrative matters: A. Monitoring of disclosure of office accounts. B. Authorization of special projects.

Portions closed to the public (executive session).

Audit matters. Compliance. Personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-384-78 Filed 2-16-78; 3:40 pm]

[6720-01]

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., February 22, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

EFTS-RSU Application—Continental Federal Savings & Loan Association, Oklahoma City, Okla.

Concurrent Consideration of Three Applications: (1) Branch Office Application—Home Federal Savings & Loan Association of Palm Beach, Palm Beach, Fla.; (2) Branch Office Application—Citizens Federal Savings & Loan Association of St. Lucie County, Fort Pierce, Fla; and (3) Limited Facility Application—First Federal Savings & Loan Association of Fort Pierce, Fort Pierce, Fla.

Branch Office Application—First Federal Savings & Loan Association of Erwin, Erwin, Tenn.

Branch Office Application—California Federal Savings & Loan Association Los Angeles, Calif.

Application for Increase in Accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance and Transfer of Secondary Reserve—Norton Savings & Loan association, Norton, Kans., into Heritage Savings Association, Hays, Kans.

Consideration of Amendment of Charterchange of Name—West Side Federal Savings & Loan Association of New York City, New York, N.Y.

Consideration of Withdrawal of Agenda Item P-379—"Rural Branching" Amendment.

ANNOUNCEMENT IS BEING MADE AT THE EARLIEST PRACTICABLE TIME

No. 137, February 16, 1978.

[S-383 Filed 2-16-78; 2:24 pm]

[7590-01]

3

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 13, 1978 (Changes).
PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

By a vote of 4-0 on February 14, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that these agenda items be held on less than one week's notice to the public. Immediate discussion is required in order to complete action on the pending matters.

WEDNESDAY, FEBRUARY 15; 3:30 P.M.

Discussion of personnel matters. (Closed—Exemption 6, continued from February 14, 1978.)

THURSDAY, FEBRUARY 16; 9:30 A.M.

Item 4—Affirmation of Recommendations on Advanced Reactor Safety Research Contracts. (Approximately 5 minutes—Public meeting.)

THURSDAY, FEBRUARY 16; 1:30 P.M.

Discussion of OIA Report on Apollo Testimony. (Cancelled.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary,

FEBRUARY 15, 1978.

[S. 381-78 Filed 2-16-78; 9:49 am]

[7910-01]

4

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR, 7084, February 17, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, February 22, 1978.

CHANGE IN MEETING: Addition of Matter 12 to the previously announced agenda.

MATTER TO BE CONSIDERED:

12. Recommended Clearance Without Assignment:

Colt Industries, Inc., fiscal years ended December 31, 1973 and 1974.

Consolidated with:

Colt Industries Operating Corp., Crucible, Inc., Chandler Evans, Inc., CII Seafarer, Inc.

STATUS: Open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 15, 1978.

GOODWIN CHASE,
Chairman.

[S-380-78 Filed 2-15-78; 9:49 am]

[8010-01]

5

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 6904, February 16, 1978.

PREVIOUSLY ANNOUNCED DATES: Tuesday, February 21, 1978; Wednesday, February 22, 1978.

STATUS: Closed and Open.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: The following item will not be considered by the Commission at the closed meeting on February 22, 1978, immediately following the 10 a.m. open meeting:

Opinion.

In addition, the closed meeting scheduled to be held at 10 a.m. on Tuesday, February 21, 1978, will be held at 11 a.m. on that date; and the open meeting schedule for 10 a.m. on Wednesday, February 22, 1978, will be held at 1:30 p.m. on that date.

Chairman Williams and Commissioner Loomis, Evans, Pollack and Karmel determined that Commission business required the rescheduling of the above matters and that no earlier notice thereof was possible.

FEBRUARY 15, 1978.

[S-382-78 Filed 2-16-78; 2:16 pm]

federal register

TUESDAY, FEBRUARY 21, 1978
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

■

HEAD START

Announcement of Program Expansion Grants for Fiscal Year, 1978

[4110-92]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

Administration for Children, Youth and Families

[Program Announcement No. 13.600-782]

Head Start; Announcement of Program Expansion Grants for Fiscal Year 1978

The Administration for Children, Youth and Families, Office of Human Development Services announces that applications will be accepted from:

(1) existing Head Start grantees for the purpose of expanding enrollment in their full year Head Start programs (including the Parent and Child Centers Program) during Fiscal Years 1978 and 1979; and,

(2) public and private non-profit agencies and organizations (including existing Head Start grantees) who wish to compete for grants to establish new full year programs during Fiscal Years 1978 and 1979 in areas currently unserved by the Head Start program.

Expansion of existing Head Start programs and establishment of new programs is limited to:

(1) the Territories (Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and the Virgin Islands);

(2) programs serving children of migrant farmworkers, American Indian and Native Alaskan children; and,

(3) those States whose FY 1978 funding allocation is sufficient to enable additional children to be served. (See section C. Available Funds for a listing of funding allocations and amounts available for program expansion.)

Applications from existing Head Start grantees which propose program expansion in areas currently served by Head Start are to be submitted between March 1 and May 30, 1978. ACYF Regional Offices and the Indian and Migrant Program Division of ACYF headquarters will establish application submission deadlines for individual Head Start grantees within the March 1 to May 30 timeframe. Existing Head Start grantees which will be invited to submit expansion applications will be notified by letter of their individual application submission deadlines.

Applications from public and private non-profits agencies and organizations (including existing Head Start grantees) wishing to compete for grants to establish new full year programs in areas not currently served by Head Start must be submitted no later than July 14, 1978.

To be considered for a grant award, applications must:

(1) Be received within the established deadline dates;

(2) Be complete; and,

(3) Conform to the requirements of this announcement as well as to additional instructions that will be available by each ACYF regional office and the headquarters Indian and Migrant Program Division.

Additional Instructions

By February 28, 1978, existing grantees will receive, by letter, additional instructions and information, including specific funding and enrollment targets for sub-State areas (counties or other jurisdictions).

Detailed application instructions and information concerning sub-state areas currently unserved by Head Start will be made available to all interested applicants in the form of an "application kit." Application kits will be made available, upon request, to all interested applicants as of March 15, 1978. (See addresses for ACYF Regional Offices and the Indian and Migrant Program Division, from which application kits may be obtained, at the end of this announcement).

Authorizing Legislation and Regulations

The Head Start program is authorized by Title V, Part A, of the Headstart, Economic Opportunity and Community Partnership Act of 1974, as amended (42 U.S.C. 2921 et seq.).

The regulations applicable to this program include: 45 CFR Part 1302, Policies and Procedures for Selection, Initial Funding and Refunding of Head Start Grantees, and for Selection of Replacement Grantees; 45 CFR Part 1303, Procedures for Appeals for Head Start; Delegate Agencies and for Opportunities to Show Cause and Hearing for Head Start Grantees; and 45 CFR Part 1304, Program Performance Standards for Operation of Head Start Programs by Grantees and Delegate Agencies.

A. PROGRAM PURPOSE

Project Head Start is a national program providing comprehensive developmental services primarily to low-income preschool children and their families. To aid enrolled children to obtain their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of parents of enrolled children in the development, conduct, and direction of local programs.

While Head Start is targeted primarily on low-income children (i.e., children from families with incomes below the poverty line or eligible for public assistance), Head Start policy permits up to 10 percent of the children enrolled in local programs to be from families who do not meet these low income criteria. In addition, the Head Start legislation requires that a minimum of 10 percent of the enrollment opportunities in each State be made available to handicapped children. Such children are expected to be enrolled in all local programs, to participate in the full range of Head Start services and activities in a mainstream setting with their non-handicapped peers, and to receive needed special education and related services.

B. ELIGIBLE APPLICANTS

Existing Head Start grantees are eligible to apply for increased funding to expand programs in areas currently served. Any public or private nonprofit agency or organization, including existing Head Start grantees, are eligible to apply for funding to establish a new Head Start program in an area currently unserved by Head Start. Eligibility is conditioned by the following considerations and exceptions:

(1) Eligibility for funding to provide Head Start services to children living on Federally recognized Indian reservations or in Alaskan Native villages is restricted to applicants which are governing bodies of an Indian tribe or Alaskan Native village, or which are the designated representatives of these bodies.

(2) No application proposing to serve children in two or more States will be considered for funding except in cases wherein such programs already exist, or in the case of proposals to serve American Indian children or children of migratory farmworkers.

(3) No applications to establish a new Head Start program in an area (e.g., county, a city, or an Indian Reservation) currently served by an existing Head Start program will be considered for funding. An exception to this rule will be made in the event that an existing Head Start grantee declines to accept additional funding to implement the expansion planned for an area currently under its jurisdiction. In such a case, other potential applicants may be invited to submit applications and will be considered for funding.

(4) With respect to target areas which are currently unserved but are under the jurisdiction of a Federally recognized Community Action Agency (CAA) operating a Head Start program, the applicant of choice will be the cognizant CAA Head Start grantee. If the existing CAA Head Start grantee declines to accept additional funding to implement the expansion planned for such an area, other potential applicants may be invited to submit applications and will be considered for funding. (This consideration

does not apply to applicants proposing to serve children of migratory farmworkers, American Indian children or Native Alaskan children.)

(5) No applications to enlarge existing or create new summer Head Start programs will be considered.

(6) Applications from current Head Start grantees to expand existing Parent and Child Center (PCC) programs will be considered for funding; applications to create new PCC programs will not be considered.

To be eligible for funding, all applicants must meet the requirements of 45 CFR Part 1302.1-2(e) and (g) which require evidence of applicant's legal status and financial viability. Copies of all applicable regulations will be included in the application kit.

C. AVAILABLE FUNDS

The Fiscal Year 1978 appropriation for Head Start is $625 million, an increase of $150 million over the Fiscal Year 1977 funding level. The purpose of this increase is twofold:

(1) To provide existing grantees with additional funds to offset increases in the cost of living; and,

(2) To accomplish an expansion of the Head Start program.

The funding level for Head Start in each State is determined in accordance with the provisions of Sec. 513(a) Title V, Head Start and Follow Through Act. The relevant statutory language is as follows:

ALLOTMENT OF FUNDS: LIMITATION ON ASSISTANCE

Sec. 513(a) Of the sums appropriate pursuant to section 512 for any fiscal year beginning after June 30, 1975, the Secretary shall allot not more than 2 per centum among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respectrive needs. In addition, the Secretary shall reserve not more than 20 per centum of the sums so appropriated for use in accordance with such criteria and procedures as he may prescribe. The remainder shall be allocated among the States, in accordance with the latest satisfactory available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, and (2) the relative number of related children living with families with incomes below the poverty line in each State as compared to all States; but there shall be made available, for use by Headstart programs within each State, no less funds for any fiscal year than were obligated for use by Headstart programs within such State with respect to fiscal year 1975 * * *.

ALLOCATIONS AND ENROLLMENT TARGETS

The following table indicates the Fiscal Year 1978 Head Start allocations and enrollment targets for each State, for the Territories, and for programs serving Indian and migrant children. Specifically, the table indicates:

Column 1—The total Fiscal Year 1978 funding allocation for each area;

Column 2—The amount available in Fiscal Year 1978 for program expansion (i.e., for serving additional children in full year programs), if any;

Column 3—The number of additional children that are expected to be served in full year programs in Fiscal Year 1978-79 with the increased funding made available for program expansion (i.e., the projected expansion target); and,

Column 4—The total funded enrollment level to be reached.

HEAD START ALLOCATIONS FOR FISCAL YEAR 1978

	(1) Total fiscal year 1978 funding level	(2) Total funds for expansion in fiscal year 1978	(3) Additional children to be served fiscal year 1978-79	(4) Total funded enrollment level
REGION I				
Connecticut	$5,050,952	$2,234,814	1,748	3,942
Maine	2,303,886	.....	.....	1,403
Massachusetts	12,967,522	3,620,622	1,864	6,690
New Hampshire	1,215,603	.....	.....	651
Rhode Island	1,859,719	485,405	310	1,155
Vermont	1,300,707	.....	.....	794
REGION II				
New Jersey	16,122,624	3,793,489	1,755	7,319
New York	41,029,426	9,632,507	3,744	16,044
Puerto Rico	22,668,488	5,336,218	3,106	13,570
Virgin Islands	1,281,358	201,962	84	998
REGION III				
Delaware	1,344,115	.....	.....	737
District of Columbia	4,329,751	.....	.....	1,665
Maryland	7,423,396	2,012,902	1,127	4,156
Pennsylvania	23,802,987	9,544,936	5,143	12,730
Virginia	7,590,999	388,428	222	4,380
West Virginia	5,744,793	.....	.....	3,531
REGION IV				
Alabama	13,417,367	.....	.....	8,802
Florida	14,711,230	.....	.....	10,312
Georgia	13,598,724	2,902,868	1,845	8,365
Kentucky	12,883,860	.....	.....	9,522
Mississippi	43,535,089	.....	.....	29,879
North Carolina	13,612,419	.....	.....	9,438
South Carolina	8,273,529	.....	.....	5,974
Tennessee	11,472,205	.....	.....	8,444
REGION V				
Illinois	29,710,687	11,039,657	7,032	18,801
Indiana	7,724,346	.....	.....	5,435
Michigan	22,584,882	12,060,330	8,981	16,700
Minnesota	6,062,236	.....	.....	3,875
Ohio	24,056,839	8,889,397	6,725	18,024
Wisconsin	7,910,134	1,853,929	1,199	5,011
REGION VI				
Arkansas	6,794,940	.....	.....	5,158
Louisiana	11,776,042	.....	.....	8,339
New Mexico	3,506,964	.....	.....	3,386
Oklahoma	8,316,977	.....	.....	6,546
Texas	23,810,755	2,697,948	2,171	18,298

HEAD START ALLOCATIONS FOR FISCAL YEAR 1978—Continued

	(1) Total fiscal year 1978 funding level	(2) Total funds for expansion in fiscal year 1978	(3) Additional children to be served fiscal year 1978-79	(4) Total funded enrollment level
REGION VII				
Iowa	4,143,430	.....	.....	2,721
Kansas	4,005,389	.....	.....	2,520
Missouri	11,540,467	.....	.....	8,327
Nebraska	2,541,105	.....	.....	1,633
REGION VIII				
Colorado	6,318,925	.....	.....	4,135
Montana	1,619,445	.....	.....	961
REGION VIII				
North Dakota	722,057	73,280	57	435
South Dakota	1,215,649	307,326	212	782
Utah	2,023,742	254,934	176	1,364
Wyoming	912,080	.....	.....	536
REGION IX				
Arizona	4,813,450	1,433,508	833	2,778
California	51,970,804	19,666,983	8,629	23,063
Hawaii	2,365,803	.....	.....	1,073
Nevada	795,611	129,730	60	380
Territories (American Samoa, Guam, Trust Territory of the Pacific Islands, Commonwealth of the Northern Marianas Islands)	1,618,642	622,878	540	2,109
REGION X				
Alaska	1,742,947	.....	.....	800
Idaho	1,626,921	.....	.....	930
Oregon	4,497,421	1,867,474	983	2,375
Washington	5,959,745	158,410	97	3,642
INDIAN AND MIGRANT PROGRAM DIVISION				
Programs serving American Indian and Native Alaskan children	19,504,600	6,350,000	3,929	12,126
Programs serving children of migratory farm workers	12,697,280	6,350,000	4,958	10,408

As indicated in the preceding table, the Administration for Children, Youth and Families has established specific expansion and total enrollment targets (columns 3 and 4) which each State is expected to achieve during Fiscal Years 1978 and 1979. In the case of States which will not receive additional funding for program expansion, the enrollment targets reflect the number of children currently served in full year programs. These States are expected to maintain current enrollment levels.

In the case of States which will be receiving funds for program expansion, the total enrollment targets (column 4) reflect the number of children currently served in full year programs plus the additional children that are expected to be enrolled (column 3) with increased funding for program expansion. All States participating in the expansion effort are expected to meet these enrollment targets.

FUNDING AND ENROLLMENT TARGETS FOR SUB-AREAS

Projected funding and enrollment targets for sub-areas within individual States (e.g., for individual countries or other jurisdictions) will be determined by ACYF regional offices and, with respect to programs serving children of migratory farmworkers, American Indian and Native Alaskan children, by the Indian and Migrant Program Divisions. At a minimum, projected enrollment targets for sub-areas within each State which will be determined by ACYF regional offices, must, in the aggregate, equal the established Statewide enrollment targets for each State.

Projected funding targets for individual sub-State areas will be determined on the basis of:

(1) The funds available for program expansion within a particular State; and

(2) The relative degree of unmet need among sub-areas within the State.[1]

Priority for funding will be accorded to those sub-areas (counties or other jurisdiction) with the largest concentrations of low-income preschool children. This principle will also be applied in determining projected funding targets for programs intended to serve children of migratory farmworkers, American Indian and Native Alaskan children.

D. PROGRAM OBJECTIVES

The objective of the Head Start expansion effort is to increase national enrollment in the program by an additional 67,500 children, including at least 10 percent children professionally diagnosed as handicapped. In implementing this effort, it is also ACYF's objective to ensure that all participating children are provided with early childhood development services as defined in the Head Start Program Performance Standards (45 CFR Part 1304).

E. GRANTEE SHARE OF PROJECT

The Head Start legislation provides that Federal financial assistance for a program will not exceed 80 percent of the approved cost of the program or activities, except where current Head Start grantees have received a waiver which increases the Federal share of approved costs.

F. APPLICATION PROCESS

INFORMATION TO BE MADE AVAILABLE—SUBMISSION OF APPLICATIONS

All existing Head Start agencies in States that will be participating in the expansion effort will receive specific information from the cognizant ACYF regional office concerning projected funding and enrollment targets for area currently being served by, or under the jurisdiction of, such agencies. Grantees now serving children of migratory farmworkers, American Indian or Native Alaskan children will receive invitations from the Director, Indian and Migrant Program Division.

With respect to areas currently unserved by Head Start, information concerning projected funding and enrollment targets will be made available to the public through the media, and to the extent feasible, through notices to appropriate public and private nonprofit organizations in each State. Agencies and organizations interested in applying for funds to serve these areas may request application kits from the coginzant ACYF regional office or from the Indian and Migrant Program Division at the ACYF headquarters office.

All applications, whether for the expansion of existing Head Start pro-

[1] It should be noted that the projected funding targets for individual sub-areas represent the level of funding intended to be achieved when new and expanded Head Start programs become fully operational. The initial FY 1978 level of funding for individual programs may vary from the projected funding target in consequence of the "start-up" time required to establish new or expand existing programs, the capacity of grantees to make effective use of resources in implementing expansion activities and other considerations relative to the needs and circumstances of individual applicants.

grams or for the establishment of new programs to serve currently unserved areas, are subject to the Project Notification and Review Procedures required by OMB Circular A-95, Part I. This circular requires applicants to notify State and area-wide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application. Applicants which are Federally recognized Indian tribes are not subject to the requirements of the Project Notification and Review Procedures. Such applicants may voluntarily participate in this system and are encouraged to do so.

In addition, the Head Start legislation requires that any plan or proposal to operate a Head Start program be made available for review to the Governor of each State.

Instructions for meeting these requirements and the names and addresses of State and area-wide clearinghouses will be provided in the application kit.

APPLICATION CONSIDERATIONS—COMPETITIVE AWARDS

Grant applications for the establishment of Head Start programs in currently unserved areas within each State will be subject to a competitive review and evaluation process. This review will be conducted at the ACYF Regional Office level by persons knowledgeable in the areas of Head Start, child development, and/or human services programs who are outside and independent of the cognizant Head Start program office. The results of the competitive review will be taken into consideration by the Regional ACYF Unit Head who, with the concurrence of the Commissioner, ACYF, will make the final selection of the successful applicant for a new Head Start program.

In the case of applications for new programs to serve children of migratory farmworkers, American Indian or Native Alaskan children, the competitive review will be made at the ACYF headquarters office. The results of that review will be taken into consideration by the Director, Indian and Migrant Program Division, who, with the concurrence of the Commissioner, ACYF, will make the final selection of successful applicants. The competitive review and evaluation process will involve assessment of the applications by persons knowledgeable in the areas of Head Start, child development and/or human services programs who are not part of the Indian and Migrant Program Division.

Applications for programs to serve new areas subject to competitive review which do not conform to this announcement, are not complete, or do not meet the July 14, 1978 deadline, will not be considered.

After the regional ACYF Unit Head or the Director, Indian and Migrant Program Division, has chosen the successful applicant, all unsuccessful applicants will be notified by letter of that decision. The letter will include an explanation of the reasons for nonfunding or will indicate that an explanation may be obtained upon request.

HEAD START GRANTEES APPLICATION CONSIDERATION NON-COMPETITIVE AWARDS

Applicants from existing Head Start grantees for expansion in areas currently served by them (or under their jurisdiction) will be reviewed by the appropriate regional ACYF Unit Head or the Director, Indian and Migrant Division (IMPD), and ACYF staff. The regional ACYF staff and the headquarter's IMPD staff will work with existing grantees to stimulate the development of expansion plans and proposals which are consistent with projected area funding and enrollment targets.

GRANT AWARDS

Grants will be awarded in accordance with the availability of funds and Head Start guidelines. The Notice of Grant Awarded (NGA) is used as the official notification of a grant award. The notification referenced all terms and conditions of the grant, and provides the documentary basis for recording the obligation of Federal funds into HEW's accounting system.

The NGA sets forth in writing the amount of funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, the budget period for which support is given, and the grantee's non-Federal share.

G. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

All competing applications proposing to establish Head Start programs in currently unserved areas will be reviewed and evaluation against the following criteria:

(1) The potential of the applicant to establish a program which can serve the prescribed minimum number of children (projected enrollment target) within the funds available. (projected funding target for a particular area);

(2) The qualification and experience of the applicant in planning, organizing and providing child and family services at the community level and to the population groups that are to be served;

(3) The potential of the applicant to provide Head Start services which fully meet the Head Start Program Performance Standards (45 CFR Part 1304), especially those provisions relating to parental involvement and direct parental participation;

(4) The extent to which the applicant has selected target service areas (e.g., particular communities, districts, neighborhoods, etc.) on the basis of a comprehensive community needs assessment, and the extent to which the selection of these target areas is based on the relative incidence of children and families in poverty. (Information to be provided by the applicant can take the form of maps showing the relative incidence of poverty in an applicant's service area, data relating to the racial/ethnic composition of the service area, other pertinent demographic data describing population characteristics, analyses of resources available in individual communities, etc.).

(5) The extent to which the applicant provides evidence of the involvement to parents and other community residents in the development and planning of the application; and the extent to which the applicant has made specific provisions for the direct participation of parents in the planning, conducting and administering the program in accordance with the provisions of Appendix B "The Parents" in 45 CFR Part 1304;

(6) The potential of the applicant for providing Head Start services in a manner which makes such services responsive and accessible to the communities and population groups to be served. (This would, for example, include establishing appropriate service hours, utilizing facilities convenient for the population to be served, providing the appropriate transportation, etc.);

(7) The potential of the applicant to enroll and serve at least 10 percent handicapped children in a "mainstream" setting;

(8) The capacity of the applicant to provide a level of staffing which is conducive to sound child development programming. The following would be considered appropriate staffing:

CHILD-ADULT RATIOS

Children—Age [1]	Number in classroom [2]	Child-adult ratios	Adult in classrooms
3 yr	10 to 12	No more than 4 to 1.	1 teacher
			1 aide
			1 volunteer [3]
4 yr	12 to 15	No more than 5 to 1.	1 teacher
			1 aide
			1 volunteer [3]
5 yr	15 to 21	No more than 7 to 1.	1 teacher
			1 aide
			1 volunteer [3]

[1] Where more than 50 percent of the class falls in the younger age, the ratio for the younger age is applicable.

[2] These numbers reflect actual attendance.

[3] Volunteers can be counted as full-time adults if they are in the classroom 50 percent or more of the program time.

For home-based programs, one home visitor must be responsible for no more than 12 families.

(9) The extent to which the applicant, in hiring classroom teachers, will give priority to the selection of individuals who:

(a) Have a Child Development Associate credential;

(b) Have a Bachelor's Degree in early childhood education with appropriate supervised field experience;

(c) Are willing to participate in training aimed toward acquiring a Child Development Associate credential within two to three years;

(10) The extent to which the applicant will employ staff reflective of the racial and ethnic background of children to be served. This would include persons who speak the primary language of the children and are knowledgeable about their heritage. When a majority of the children speak a language other than English proportionate staffing by persons who speak the language of the children is expected;

(11) The opportunities provided for the employment of parents and other target area residents and for career development opportunities for paraprofessional and other staff;

(12) The extent to which the applicant makes maximum utilization of existing community resources through establishing appropriate linkages, operating agreements, referral processes, etc., with appropriate other agencies, groups and programs serving children and families;

(13) The suitability of the facilities and equipment proposed to be utilized in carrying out the Head Start program; and

(14) The administrative and fiscal capabilities of the applicant to operate a Head Start program.

Applications from existing Head Start grantees proposing to expand services within currently served areas (including, in the case of CAA Head Start grantees, areas under grantee jurisdiction) will be assessed on the basis of the same criteria specified above. However, the review of such applications will be non-competitive, i.e., each application will be considered individually on the basis of its responsiveness of this solicitation and instructions to be provided by ACYF Regional Offices or the Indian and Migrant Program Division on ACYF Headquarters.

Closing Dates for Receipt of Applications

Closing dates for the receipt of applications from existing Head Start grantees proposing to expand program operations in currently served areas will be established for each program by the cognizant ACYF Regional Office or the Indian and Migrant Program Division, as appropriate. The closing date for receipt of applications from agencies and organizations (including existing Head Start grantee) wishing to compete for funds to establish Head Start programs in currently unserved areas is July 14, 1978.

Applications may be mailed or hand-delivered to the Office of Human Development Services' (OHDS) grants management office in the applicant's region or, in the case of applications to serve children of migratory farmworkers, American Indians and Native Alaskan children, to the OHDS grants management office at headquarters. Hand-delivered applications will be accepted during normal working hours. The address and work hours of the appropriate grants management office will be provided as part of the application kit.

An application will be considered to have met the closing date if:

(1) It is at the ACYF receiving office on or before the established closing date;

(2) It is postmarked by the established closing date.

I. Late Applications

Late applications subject to competitive review process will not be considered. They will be returned without consideration, and applicants will be notified accordingly.

J. Availability of Application Forms

Application kits which contain the prescribed application forms and additional instructions for the applicant (e.g., enrollment targets, funding allocations, etc.) may be obtained by writing to the appropriate Regional Office or to the Director, Indian and Migrant Program Division at ACYF headquarters. The application kits will be available by March 15, 1978.

Children, Youth, and Families Unit, Office of Human Development Services, Department of Health, Education, and Welfare, Regions I-X and Indian and Migrant Programs

Region I

Mr. Roy Fleischer, Acting Head, Room 2000, JFK Federal Building, Government Center, Boston, Mass. 02203, 617-223-6450.

Region II

Mrs. Elaine Danavall, Acting Head, Federal Building, 26 Federal Plaza, Room 3900, New York, N.Y. 10007, 212-264-2974.

Region III

Mr. Fred Digby, Acting Head, Post Office Box 13716, 3535 Market Street, Philadelphia, Pa. 19101, 215-596-6763.

Region IV

Mr. John Jordan, Acting Head, 101 Marietta Tower, Suite 903, Atlanta, Ga. 30323, 404-221-2134.

Region V

Mr. Hilton Baines, Acting Head, 300 South Wacker Drive, 15th Floor, Chicago, Ill. 60606, 312-353-1781.

Region VI

Mr. Gerald Hastings, Acting Head, Fidelity Union Tower, Room 500, 1507 Pacific Avenue, Dallas, Tex. 75201, 214-749-2492.

Region VII

Mrs. Linda Carson, Acting Head, Federal Building, 601 East 12th Street, 3d Floor, Kansas City, Mo. 64106, 816-374-5401.

Region VIII

Mr. John Garcia, Acting Head, 1961 Stout Street, Room 7417, Denver, Colo. 80202, 303-837-3106.

Region IX

Mr. Samuel Miller, Acting Head, Federal Office Building, 50 United Nations Plaza, Room 143, San Francisco, Calif. 94102, 415-556-6153.

Region X

————————, Acting Head, Mail Stop 622, Arcade Plaza Building, 1321 2d Avenue, Seattle, Wash. 98101, 206-442-0838.

Hilario Aguirre, Acting Chief, Indian and Migrant Program Division, P.O. Box 1182, Room 2044, Washington, D.C. 20013, 202-755-7715.

(Catalog of Federal Domestic Assistance Program, No. 13.600, Child Development—Head Start.)

Dated: February 13, 1978.

Blandina Cardenas,
Commissioner of Children, Youth and Families.

Approved: February 13, 1978.

Arabella Martinez,
Assistant Secretary for Human Development Services.

[FR Doc. 78-4403 Filed 2-17-78; 8:45 am]

federal register

TUESDAY, FEBRUARY 21, 1978
PART III

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

■

ABANDONED MINE RECLAMATION FUND, FEE COLLECTION AND COAL PRODUCTION REPORTING

Establishment of an Interest Rate for Delinquent Reclamation Fee Payments and Method of Interest Computation

[4310-05]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Part 837]

ABANDONED MINE RECLAMATION FUND FEE COLLECTION AND COAL PRODUCTION REPORTING

Establishment of an Interest Rate for Delinquent Reclamation Fee Payments and Method of Interest Computation

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the reclamation fee payment regulations to establish an interest rate to be assessed against delinquent fee payments and to provide a method for computing interest on late payments.

DATES: Comments must be received by March 23, 1978.

ADDRESSES: Comments should be addressed to: Director, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. George Williams, 202-343-5034.

SUPPLEMENTARY INFORMATION: Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) provides that the reclamation fee shall be paid no later than thirty days after the end of each calendar quarter. Section 412(a) of the Act (30 U.S.C. 1242(a)) authorizes the Secretary of the Interior to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of the Act relating to Abandoned Mine Reclamation (Title IV). On December 13, 1977, the Department of the Interior promulgated final rules implementing section 402 of the Act.

Notice is hereby given that the Director, Office of Surface Mining Reclamation and Enforcement, under the authority delegated to him by the Secretary, proposes to amend 30 CFR Part 837 entitled "Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting" by establishing an interest rate of one percent per month, or any part thereof, on late reclamation fee payments. In addition, proposed § 837.15(d) prescribes the time when interest shall accrue and the method by which delinquent operators will be assessed for interest on late payments. An established interest rate for late payments will add a financial inducement for operators to comply with the statutory requirement to make timely payments.

The proposed amendment includes the deletion of references to "statutory interest" and "an interest charge at the statutory rate" contained in §§ 837.14(b) and 837.15(d), respectively. The deletion of these references is not intended to affect in any way the rate of interest which may be imposed on judgments in accordance with 28 U.S.C. 1961 in an action to compel payment of reclamation fees pursuant to § 402(e) of the Act (30 U.S.C. 1232(e)).

The proposed rate was determined by surveying current late payment charge policies within the Department of the Interior and by selecting a rate based upon commercial practice for the assessment of interest on late payments for short term debt. Although in some instances the commercial rate is higher, the Office of Surface Mining Reclamation and Enforcement is satisfied that this proposed rate would provide the Secretary with a method to adequately administer the provisions of the Act relating to the collection of reclamation fees.

It is proposed to make this rule effective beginning with reclamation fee payments due on coal produced from October 1, 1977 through March 31, 1978 (the first and second calendar quarters under the Act) for which payments have not been received by April 30, 1978. Interest shall then begin to accrue on May 1, 1978 on delinquent first and second calendar quarter payments, and thereafter on fees paid later than thirty days after the end of the calendar quarter in which they were due.

In consideration of the foregoing, it is proposed to amend 30 CFR Part 837, as follows:

PART 837—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

1. Paragraph (b) of § 837.14 is revised to read as follows:

§ 837.14 Determination of percentage based fees.

* * * * *

(b) If the Director determines that a higher fee shall be paid, the operator shall submit the additional fee together with interest computed under § 837.15(d).

2. In § 837.15 paragraph (d) is revised, paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added. Revised paragraph (d) and new paragraph (e) read as follows:

§ 837.15 Reclamation fee payment.

* * * * *

(d) The reclamation fee payment for each calendar quarter shall be paid no later than 30 calendar days after the end of the calendar quarter. Delinquent payments are subject to interest at the rate of one percent per month, or any part thereof, on any amounts due. Interest shall begin to accrue on the thirty-first day following the end of the calendar quarter and will run until the date of payment, or until judgment is rendered by a court of competent jurisdiction in an action to compel payment of debts. The Office of Surface Mining Reclamation and Enforcement will then compute the interest on late payments and bill the operator in accordance with procedures followed by the Department of the Interior for the collection of debts.

(e) Interest shall begin to accrue on May 1, 1978 on reclamation fee payments due on coal produced from October 1, 1977 through March 31, 1978 for which payments have not been received by April 30, 1978. For reclamation fee payments due on coal produced during succeeding calendar quarters beginning with the quarter commencing on April 1, 1978, interest, at the prescribed rate, shall accrue in accordance with paragraph (d) of this subsection.

(Secs. 201 and 412(a), Pub. L. 95-87, 91 Stat. 445 (30 U.S.C. 1201, 1242(a)).)

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 11821 and OMB Circular A-107.

Dated: February 15, 1978.

WALTER N. HEINE,
Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 78-4555 Filed 2-17-78; 8:45 am]