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federal register

WEDNESDAY, FEBRUARY 22, 1978

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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
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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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.

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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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[3195-01]

Title 3—The President

Memorandum of February 2, 1978

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended, (The "Act") Authorizing the Obligation of $750,000 of Funds Made Available Under the United States Emergency Refugee and Migration Assistance Fund

[Presidential Determination No. 78-04]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, February 2, 1978.

In order to meet unexpected and urgent refugee and relief needs arising in connection with events in Africa, and to respond to the appeals and special reports of the United Nations High Commissioner for Refugees for financial assistance in support of refugees under his mandate, from Angola (Cabinda), Uganda, and Ethiopia, located in neighboring countries, I hereby determine, pursuant to Section 2(c)(1) of the Act, that it is important to the national interest that $750,000 in funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be made available for this purpose as a contribution to the United Nations High Commissioner for Refugees or American voluntary agencies helping these refugees.

The Secretary of State is requested to inform the appropriate committees of Congress of this Determination and the obligation of funds made under this authority.

This determination shall be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc. 78-4816 Filed 2-17-78; 4:08 pm]

rules and regulations

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-170, Amdt. 35]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDNGS

Amendment To Allow Petitions for Reconsideration of Instituting Orders To Be Filed by Any Interested Person

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

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment of the Rules of Practice allows petitions for reconsideration of orders instituting a proceeding to be filed by any interested person rather than limiting them to parties to the proceeding. This change enables entities such as communities and civic groups that have an interest in a case to petition the Board more easily. The rulemaking is at the initiative of the Board.

DATES: Effective: February 15, 1978. Adopted: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: When the Board issues an order instituting a proceeding in response to an application by an air carrier, the order lists the applicant, and may list interested or affected persons, as formal parties to the proceeding. Under Rule 37 of the Board's Rules of Practice (14 CFR 302.37), only a party may seek reconsideration of the instituting order, which determines the general issues and the geographic scope of the proceeding.[1]

Prospective applicants (limited to air carriers) in a route case, for example, can circumvent the Rule 37 limitation by filing a motion to consolidate their own related proceedings or applications, and include matters that would be raised in a petition for reconsideration. Persons not listed as parties at this initial stage, however, such as communities, civic groups, and opposing carriers, who are not prospective applicants or do not wish to petition for intervention until the scope of the proceeding is set, must file a motion for leave to file an unauthorized document when asking the Board to modify its initial order defining the issues in the proceeding. There is no good reason to require such persons to use such roundabout methods when asking the Board to modify its instituting orders.

The Board has in the past freely accepted petitions for reconsideration of these instituting orders from various interested persons, and now amends Rule 37 to reflect this practice. Future instituting orders shall include an express statement that such petitions may be filed by any interested person.

The Board finds that because this amendment removes a procedual restriction, and imposes no additional burden on the public, notice and public procedure are unnecessary, and it may become effective immediately.

Accordingly, paragraphs (a) and (c) of § 302.37 of the Procedural Regulations (14 CFR 302.37) are amended to read as follows:

§ 302.37 Petitions for reconsideration.

(a) *Board orders subject to reconsideration; time for filing.* Unless an order or a rule of the Board specifically provides otherwise, any interested person may file a petition for reconsideration of any interlocutory order issued by the Board which institutes a proceeding. Any party to a proceeding, unless an order or a rule of the Board specifically provides otherwise, may file a petition for reconsideration, rehearing, or reargument of (1) final orders issued by the Board, or (2) an interlocutory order which defines the scope and issues of a proceeding or suspends a provision of a tariff on file with the Board. Unless the time is shortened or enlarged by the Board, petitions for reconsideration shall be filed, in the case of a final order, within twenty (20) days after service thereof, and in the case of an interlocutory order, within ten (10) days after service. However, neither the filing nor the granting of such a petition shall operate as a stay of such final or interlocutory order unless specifically so ordered by the Board. Within ten (10) days after a petition for reconsideration, rehearing, or reargument is filed, any party to the proceeding may file an answer in support of or in opposition. Motions for extension of time to file a petition or answer, and for leave to file a petition or answer after the time for the filing has expired, will not be granted by the Board except on a showing of unusual and exceptional circumstances, constituting good cause for movant's inability to meet the established procedural dates.

(b) * * *

(c) *Successive petitions.* A successive petition for rehearing, reargument, or reconsideration filed by the same party or person, and upon substantially the same ground as a former petition which has been considered or denied by the Board, will not be entertained.

(Secs. 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788; 49 U.S.C. 1324 and 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4748 Filed 2-21-78; 8:45 am]

[1] The Rule 37 limitation is overcome when the Board issues an instituting order on its own initiative in a route case, not in response to an application from an air carrier, since, under Rule 915, any person having a substantial interest may respond to the order by filing a motion or answer with respect to its scope, in lieu of a petition under Rule 37.

[7510-01]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1240—INVENTIONS AND CONTRIBUTIONS

Subpart 2—Awards for Reported Scientific and Technical Contributions—NASA and Contractor Employees

AGENCY: National Aeronautics and Space Administration.

ACTION: Final regulations.

SUMMARY: NASA revises its regulations for procedures for the granting of monetary awards to NASA and NASA contractor employees for reported scientific and technical contributions in order to effect agreement of the language of the regulations with current operating procedures and with the reorganization of NASA Headquarters.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Frederick J. Lees, Chairman, Inventions and Contributions Board. Telephone 202-755-8405, National Aeronautics and Space Administration, Washington, D.C. 20546.

SUPPLEMENTARY INFORMATION: The regulations for the granting of monetary awards to NASA and NASA contractor employees for reported scientific and technical contributions are revised as follows:

1. Authorization dates for the granting of initial awards for the filing of patent applications and for the publication of NASA tech briefs are advanced, and the amounts of these awards are increased to agree with the amounts being granted under current operating procedures, i.e., at least $100 and $50, respectively.

2. Designees of the Administrator authorized to grant monetary awards of $1,000 or less are the Associate Administrator for Management Operations and the Chairman, Inventions and Contributions Board.

The requirement for a proposed rule is waived because the revisions of the regulations listed above involve NASA internal procedures only.

14 CFR Part 1240 is amended by revising Subpart 2 as follows:

Subpart 2—Awards for Reported Scientific and Technical Contributions—NASA and Contractor Employees

Sec.

AUTHORITY: Section 306 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2458).

§ 1240.200 Scope.

This subpart 2 outlines the present policy and revises the procedures for granting monetary awards to NASA and NASA contractor employees for scientific and technical contributions which are reported to NASA and are determined to have significant value in the conduct of aeronautical and space activities.

§ 1240.201 Applicability.

This subpart 2 relates to any scientific or technical contribution which is a significant development that (a) advances the state of knowledge in space or aeronautical activities, or (b) is the subject of a United States patent application that has been authorized for filing, or (c) is the subject of a NASA tech brief that has been approved for publication; and to the actions to be taken to grant monetary awards for each of these contributions.

§ 1240.202 Policy.

Monetary awards are authorized and shall be made to employees of NASA and NASA contractors for a scientific or technical contribution, whether patentable of not, upon determination that the contribution is of significant value in the conduct of aeronautical and space activities.

§ 1240.203 General procedures.

(a) A NASA Headquarters office, a NASA field installation or a NASA contractor may submit to the Inventions and Contributions Board (hereafter referred to as "the Board") an application for an award to the originator or originators of any scientific or technical contribution conceived or developed during the performance of a NASA program or contract, and considered to be of value in advancing the state of knowledge in space or aeronautical activities, whether or not it is the subject of a NASA tech brief or of a U.S. patent application. The Board will recommend such a contribution for award when, upon evaluation of its scientific and technical merits, it is determined to warrant a minimum award of at least $100. Following determination of the specific amount of an award by the Board, its recommendation in that amount shall be submitted to the Administrator or his designee for approval. If two or more persons are responsible for the contribution, the Board will specify the amount to be awarded to each individual.

(b) When the Board receives written notice (NASA Form 1548) that the Assistant General Counsel for Patent Matters or the cognizant Patent Counsel at a NASA field installation has authorized the filing of a patent application for an invention made and reported by an employee of NASA or a NASA contractor, the Board shall recommend to the Administrator or his designee that an initial award of at least $100 be granted, and an award in at least that amount shall normally be granted to each inventor. If, upon subsequent evaluation, the significance of such an invention warrants an award greater than this established minimum, or later appreciates due to increased application or to the identification of new applications, the Board is authorized to recommend a supplemental award in an amount that shall be based on the evaluation or reevaluation of its technical and commercial merits.

(c) When the Board receives written notice (NASA Form 1546) that the Technology Utilization Officer at a NASA field installation has approved for publication a NASA tech brief based on an innovation made and reported by a NASA or NASA contractor employee, it shall recommend to the Administrator or his designee that an initial award of at least $50 be granted, and an award in at least that amount shall be granted to each originator of the innovation.

(d) When a tech brief has been approved for publication and the filing of a patent application has been authorized for the same contribution, the initial awards authorized in paragraphs (b) and (c) above shall be cumulative.

(e) Awards authorized in paragraphs (a), (b), and (c) of this section shall not be granted to a contributor who has previously received full compensation for, or on account of, the use of such a contribution by the United States.

(f) If a contribution, as first reported and evaluated, is judged not to merit either a minimum or a supplemental award, as provided for in paragraphs (a), (b), or (c) of this section, but is later proved to be of significant value, it may be submitted for reevaluation. Responsible NASA and NASA contractor officials are encouraged to review periodically such reported contributions, and to resubmit them for reconsideration through the same channels as originally reported.

§ 1240.204 Presentation of awards.

(a) All monetary awards and accompanying acknowledgements to employees of NASA will be presented in a formal ceremony by the appropriate Official-in-Charge at the Headquarters Office, or by the Director of the cognizant field installation or his designee.

(b) All monetary awards and accompanying written acknowledgements to employees of NASA contractors will be forwarded to contractor officials for suitable presentation.

§ 1240.205 Financial accounting.

(a) The Award Check Receipt (NHQ DIV Form 622), which accompanies the transmittal of each group of award checks from the Board, will be dated and signed by the responsible Award Liaison Officer/Technology Utilization Officer and returned to the Inventions and Contributions Board without delay.

(b) Not later than December 10 of each year, the responsible field installation official shall submit a report certifying that all award checks, which were issued and received by the field installation during the year, have been delivered to the proper NASA and NASA contractor employees. In the case of those checks that have not been delivered by December 10, the certification report will be accompanied by all undelivered checks and a brief explanation of the reasons for the failure to make delivery. This annual certification report is essential

in order to assure that income and withholding tax totals for all awardees are correct and complete at the close of each calendar year.

§ 1240.206 Delegation of authority.

(a) The Associate Administrator for Management Operations is delegated authority to execute grants of awards for significant scientific or technical contributions not exceeding $1000 per contribution, when in accordance with the recommendation of the Inventions and Contributions Board and in conformity with applicable law and regulations.

(b) The Chairman of the Inventions and Contributions Board is delegated authority to execute grants of initial awards upon the decision to file for a patent application, and upon the decision to publish a NASA tech brief.

(c) No redelegation is authorized except by virtue of succession.

(d) The Chairman of the Inventions and Contributions Board shall insure that feedback is provided to the Administrator through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated in this section.

Effective date. This revision takes effect on February 22, 1978.

ROBERT A. FROSCH,
Administrator.

[FR Doc. 78-4796 Filed 2-21-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, BUREAU OF TRADE REGULATION, DEPARTMENT OF COMMERCE

RESTRICTION ON EXPORTS TO THE REPUBLIC OF SOUTH AFRICA AND NAMIBIA

AGENCY: Department of Commerce, Bureau of Trade Regulation, Office of Export Administration.

ACTION: Final rule.

SUMMARY: This revision imposes an embargo on exports and reexports of U.S.-origin commodites and unpublished technical data for use by military or police entities of the Republic of South Africa and Namibia. These revisions are issued in order to further U.S. foreign policy regarding the preservation of human rights and to strengthen U.S. implementation of United Nations Security Council Resolutions.

EFFECTIVE DATE: February 16, 1978 (see Savings Clause relating to the servicing of equipment under "Supplementary Information").

FOR FURTHER INFORMATION CONTACT:

Charles C. Swanson, Director, Operations Division Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

SUPPLEMENTARY INFORMATION: These regulations are intended to further U.S. foreign policy regarding the preservation of human rights by denying access to U.S.-origin commodities and technical data by the military and police entities of the Republic of South Africa and Namibia. The regulations are also intended to strengthen United Nations Security Council Resolutions of 1963 and 1977 regarding exports of arms and munitions to the Republic of South Africa.

An embargo is established on the export and reexport of all U.S.-origin commodities and technical data (except data generally available to the public) to or for use by or for military or police entities in the Republic of South Africa and Namibia. This includes the export and reexport of commodities and technical data to service equipment owned, controlled or used by or for such entities. Also, recipients in these destinations of U.S.-origin technical data may not sell or otherwise make available, directly or indirectly, the direct product of the data to military or police entities.

To enforce the embargo, Parts 371 and 373 of the Export Administration Regulations are revised to prohibit the use of any general license authorization or special licensing procedure to export or reexport commodities where the exporter or reexporter knows or has reason to know that the commodities are intended for delivery, directly or indirectly, to or for use by or for military or police entities in the Republic of South Africa and Namibia. This includes commodities to service equipment owned, controlled or used by or for such entities.

Foreign consignees, warehouses, distributors, end-users, exporters and service facilities utilizing the special licensing procedures are required to certify that commodities received under a particular special licensing procedure will not be sold or used contrary to the embargo. This certification must be submitted to the Office of Export Administration with new applications for special licenses and in support of current special licenses before additional goods may be shipped under these licenses.

Section 379.4 is revised to prohibit the use of General License GTDR where the exporter or reexporter knows or has reason to know that the technical data or any products of the data are intended for delivery, directly or indirectly to or for use by or for military or police entities in the Republic of South Africa and Namibia or for use in servicing equipment owned, controlled or used by such entities. "Products of the data" include direct products of the data, as well as any subsequent products of the direct product. Recipients of technical data exported or reexported to South Africa and Namibia under General License GTDR may not provide, directly or indirectly, the direct product of the data to military or police entities in those countries. This Section is further revised to prohibit the use of General License GTDR to export or reexport technical data relating to arms, munitions, and military equipment or materials (including materials and equipment for their manufacture and maintenance) to any consignee in those countries.

Part 386.6 is revised to require exporters or their agents to enter a special destination control statement on all copies of bills of lading, air waybills and commercial invoices covering exports to the Republic of South Africa and Namibia. This statement is required for all validated license and applicable general license exports. The statement specifically prohibits resale to or delivery of the commodities or technical data involved to or for use by or for the police or military entities in these destinations.

The Special Country Policies and Provisions (Part 385) also have been revised to reflect the policy changes announced in this revision.

Finally, the Commodity Control List, incorporated by reference at 15 CFR § 399.1(a), is revised to indicate that commodities otherwise eligible for export to the Republic of South Africa and Namibia under General License G-DEST will require a validated export license if they are for delivery to or for use by or for military or police entities in the Republic of South Africa and Namibia or for use in servicing equipment owned, controlled or used by or for these entities. This revision affects the following Commodity Control List entries: 5091, 6099, 6199, 6299, 5391, 6399, 5406, 5431, 5485, 6499, 5568, 5585, 5595, 5596, 6599, 5635, 5673, 6699, 5715, 5780, 5799, 6799, 6899, 6999.

SAVINGS CLAUSE

Exports and reexports of commodities and technical data for the servicing of equipment owned, controlled or used by or for military or police entities may continue for a period of 2 months from the effective date of these regulations, provided such servicing is pursuant to a contract or other legal commitment in effect on the effective date of these regulations. Only commodities and technical data necessary for the repair of such equipment during such 2-month period may be exported or reexported during this period. Technical data and commodities including spare parts, for future use or for the upgrading of the capac-

ity or performance of such equipment may not be made availble during this period.

Persons affected by this provision should notify their customers to make alternate arrangements for servicing after the end of this 2-month period.

Accordingly, the Export Administration Regulations (15 CFR Parts 371, 373, 379, 385, 386 and 399.1) are revised as follows:

PART 371—GENERAL LICENSES

1. In § 371.2, paragraphs (c) (8) and (9) are revised and a new paragraph (c)(10) is added to read as follows:

§ 371.2 General provisions.

* * * * *

(c) * * *

(8) The commodity or technical data are controlled by another U.S. Government agency (see § 370.10):

(9) The commodity is listed in a Supplement to Part 377 as being under short supply control, unless the export is authorized under the provisions of General License G-NNR, GLV, SHIP STORES, PLANE STORES or RCS; or

(10) The exporter or reexporter knows or has reason to know that the commodity is for delivery, directly or indirectly, to or for use by or for military or police entities in the Republic of South Africa or Namibia. This includes commodities for purposes of servicing equipment owned, controlled or used by or for such entities.

PART 373—SPECIAL LICENSING PROCEDURES

2. In § 373.1, paragraphs (a) and (b) are relettered (b) and (c), and a new paragraph (a) is added to read as follows:

§ 373.1 Introduction.

(a) *Special Limitations.* (1) Limitations on exports and reexports to South Africa and Namibia. Consistent with U.S. policy toward the Republic of South Africa and Namibia, as set forth in § 385.4(a), the special licensing procedures in this Part 373 may not be used by any U.S. exporter or approved consignee to (i) export or reexport arms, munitions, or military equipment or materials (including materials, machinery or technical data for their manufacture and maintenance) to South Africa or Namibia (See Supplement No. 2 to Part 379); or (ii) export or reexport any commodity or technical data for delivery directly or indirectly to or use by or for military or police entities in these destinations. This includes commodities and technical data for purposes of servicing equipment owned, controlled or used by or for such entities.

(2) Certifications Required. To assure compliance with the limitations set forth in paragraph (1) above by foreign consignees approved under Project and Distribution licenses, distributors approved under the Foreign-Based Warehouse procedure and the Distribution License procedure, and U.S. exporters and service facilities approved under the Service License (SL) procedure, the appropriate certifications described in (i) and (ii) below shall be submitted to the Office of Export Administration. The appropriate certification must be submitted in support of special licenses valid as of February 16, 1978 before additional commodities may be shipped to the foreign parties concerned, and certifications must be submitted before new or pending applications for special licenses will be considered.

(i) Sale to and servicing in the Republic of South Africa and Namibia. The following certification is to be completed by customers that are approved under the Foreign-Based Warehouse procedure to sell in or reexport to the Republic of South Africa or Namibia, distributors and end-users approved under the Distribution License procedure and located in the Republic of South Africa or Namibia, and U.S. exporters and service facilities approved under the Service Supply (SL) procedure to service equipment in the Republic of South Africa or Namibia:

I (We) certify that commodities received under this (enter Distribution, Foreign-Based Warehouse, or Service Supply) License will not be sold or otherwise made available, directly or indirectly, to or for the use by or for police or military entities in the Republic of South Africa or Namibia or used to service equipment owned, controlled or used by or for these entities.

(ii) Production of Foreign-made end-products for sale to the Republic of South Africa and Namibia. The following certification is to be completed by all foreign consignees of Project and Distribution licenses who have been authorized to use U.S.-origin parts in the manufacture of foreign-origin end-products intended for export:

I (We) certify that the commodities received under this (enter Project or Distribution) license will not be used in the production abroad of commodities that will be sold or otherwise made available, directly or indirectly, to or for the use by or for police or military entities in the Republic of South Africa or Namibia.

3. In § 373.2, paragraph (b) is revised by rewording the introductory sentence and paragraph (c) is revised by adding a new paragraph (2)(vi) as follows:

§ 373.2 Project license.

* * * * *

(b) *Commodities, Technical Data, and Activities Not Eligible for Project License.* The Project License procedure is subject to the South African and Namibian limitations in § 373.1. In addition, the procedure does not apply if: * * *

(c) *Application Procedure.* * * *

(2) * * *

(vi) Special Certification. The certification required by § 373.1(a)(2)(ii) is required from each ultimate consignee that produces or intends to produce commodities for export.

4. In § 373.3, the introductory paragraph and (d)(2) are revised to read:

§ 373.3 Distribution License.

A Distribution License procedure is established that authorizes exports, during a period of one year, of certain commodities under an international marketing program to consignees that have been approved in advance as foreign distributors or users. The Distribution License procedure is subject to the South African and Namibian limitations in § 373.1. (An applicaton for a Distribution License to replace an expiring Distribution License may cover a validity period of up to two years.)

* * * * *

(d) *Application for Distribution License* * * *

(2) *Documents Required.* Each application for a Distribution License shall include the documents specified in (i) through (iii) below, and, if applicable, the certification specified in (iv) below:

(i) Application for Export License, Form DIB-622P;

(ii) Distribution License Consignee Statement, Form DIB-678, except that if the consignee is a foreign government agency, as defined in § 375.2(b)(iv), Form DIB-678 is not required;

(iii) Comprehensive narrative statement by the exporter, and

(iv) The certification required by § 373.1(a)(2)(i) or (ii) from (a) distributors and end-users in the Republic of South Africa and Namibia and (b) end-users in other countries that intend to produce commodities for export.

An application for a Distribution License need not be supported by the Import Certificate or consignee/purchaser statement otherwise required under §§ 375.2 or 375.3.

5. In § 373.4, the introductory paragraph and paragraph (c)(2), are revised to read as follows:

§ 373.4 Foreign-based warehouse procedure.

A Foreign-Based Warehouse Procedure is established that authorizes an exporter (i) to stock commodities abroad at a central location for distribution to customers in the country where the stock is located or in other countries; (ii) to ship commodities directly from the United States to these

customers to fill an urgent need or a specialized requirement that cannot be filled from the foreign-based stock; or (iii) to ship directly from the United States to these customers parts or components not stocked abroad to be used to repair equipment originally exported by the U.S. exporter. This Foreign-Based Warehouse Procedure is subject to the South African and Namibian limitations in § 373.1. The documentation usually required in support of an application for an export license (see Part 375) and prior specific reexport authorization (see Part 374) is waived under this procedure.

* * * * *

(c) *Application to Participate in the Foreign-Based Warehouse Procedure.*
* * *

(2) *Form DIB-625P.* Each customer to whom distribution is proposed, whether or not in the country where the foreign-based stock is located, must complete and submit to the distributor or to the U.S. exporter six copies of a Multiple Transactions Statement by Customer of Distributor of United States Commodites Stock Abroad, Form DIB-625P. The U.S. exporter shall submit these forms to the Office of Export Administration either with or subsequent to his filing the Form DIB-624P. Form DIB-625P may authorize the customer to resell or otherwise redistribute the commodities received. If, however, the distributor himself wishes to distribute the commodities similarly in the country where his warehouse is located while relying on his customers to redistribute elsewhere, such distributor is not precluded from submitting his own Form DIB-625P as well as those of his customers. In such a case, he assumes all of the responsibilities of a customer in the country where his warehouse is located in addition to the responsibilities of a distributor. In addition, each distributor or customer who intends to sell in the Republic of South Africa and Namibia shall also submit the certification required by § 373.1(a)(2)(i).

6. In § 373.7, paragraphs (b), (d)(1)(ii)(*e*), (d)(2)(ii), and (d)(3)(ii) are revised to read as follows:

§ 373.7 Service Supply (SL) Procedure.

* * * * *

(b) *Commodities subject to procedure.* Any commodity for which a validated export license is required may be exported or reexported under the provisions of this § 373.7 except:

(1) Parts to service commodities related to nuclear weapons, nuclear explosive devices or nuclear testing, as described in § 378.1;

(2) Parts to service arms, ammunition or implements of war referred to in Supplement No. 2 to Part 370;

(3) Parts to service commodities subject to Atomic Energy Act referred to in § 370.10(e);

(4) Parts to service commodities[1] listed in Supplement No. 1 to this Part 373;

(5) Commodities listed in Supplement No. 1 to this Part 373;

(6) Parts to service any equipment owned, controlled or used by or for a military or police entity in the Republic of South Africa and Namibia.

(d) *Types of service supply authorizations.*
(1) * * *
(ii) * * *
(*e*) The certification required by § 373.1(a)(2)(i), if applicable.
(2) * * *

(ii) *Application.* Each application for reexport authorization by a foreign-based service facility shall include the documents specified in (*a*) through (*c*) below, and, if applicable, the certification required by § 373.1(a)(2)(i):

(*a*) A letter requesting authorization to use and reexport spare and replacement parts under the *SL* Procedure;

(*b*) Form DIB-6027P, Service Supply (SL) Statement by Service facility or Manufacturer, in triplicate;

(*c*) A comprehensive narrative statement by the operator of the service facility identifying the U.S. manufacturer(s) or U.S. exporter(s) that has (have) designated the facility to be its service facility and shall indicate the period for which the designation shall remain in effect. If the service facility is under the effective control of the U.S. person or firm, the statement shall so indicate. The statement shall also decribe in detail the services performed by the service facility, as indicated on Form DIB-6027P.

(3) * * *
(i) * * *

(ii) *Application.* Each application for reexport by a foreign manufacturer shall include the documents specified in (*a*) and (*b*) below, and, if applicable, the certification required by § 373.1(a)(2)(i):

(*a*) A letter from the manufacturer requesting permission to reexport under the Service License Procedure parts imported from the United States to replace such parts incorporated into a product manufactured by the applicant:

(*b*) Form DIB-6027P, identifying the manufactured products containing parts exported from the United States and the countries to which these products are exported.

[1] Except that parts may be exported under the provisions of this § 373.7 to service vibration testing equipment identified in Supplement No. 1 to Part 373 under Export Control Commodity No. 1362 and all commodities identified in Supplement No. 1 to Part 373 under Export Control Commodity Nos. 1460 and 4460.

PART 379—TECHNICAL DATA

7. In § 379.4, paragraph (e) is relettered (f) and a new paragraph (e) is added to read as follows:

§ 379.4 General License GTDR: Technical data under restriction.

* * * * *

(e) *Restrictions Applicable to Republic of South Africa and Namibia.* No technical data may be exported or reexported to the Republic of South Africa and Namibia under this General License *GTDR* where the exporter or reexporter knows or has reason to know that the data or any products of the data are for delivery, directly or indirectly, to or use by or for military or police entities in these detinations or for use in servicing equipment owned, controlled or used by or for such entities. As used in this paragraph (e), the term "any products of the data" includes the direct product[2] of the data and any subsequent products of the direct product. Further, any technical data that do qualify for export or reexport to the Republic of South Africa and Namibia under this General License *GTDR* must be accompanied by a written notice to the consignee that the direct product[2] of the data may not be sold or otherwise made available directly or indirectly to the military or police entities in these destinations. In addition, no technical data relating to the commodities listed in Supplement 2 to this Part 379 may be exported under this General License *GTDR* to *any consignee* in the Republic of South Africa and Namibia.

* * * * *

8. In Part 379, a new Supplement No. 2 is added to read as follows:

Supplement No. 2—Technical Data

COMMODITIES SUBJECT TO REPUBLIC OF SOUTH AFRICA AND NAMIBIA EMBARGO POLICY

(See § 379.4(e) and § 385.4(a))

(1) Spindle assemblies, consisting of spindles and bearings as a minimal assembly, except those assemblies with axial and radial axis motion measured along the spindle axis in one revolution of the spindle equal to or greater (coarser) than the following: (a) 0.0008 mm TIR (peak-to-peak) for lathes and turning machines; or (b) $D \times 2 \times 10^{-4}$ mm TIR (peak-to-peak) where D is the spindle diameter in millimeters for milling machines, boring mills, jig grinders, and machining centers (ECCN No. 1093);

(2) Equipment for the production of military explosives and solid propellants, as follows:

(a) Complete installations; and

[2] The term "direct product," as used in this paragraph, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

(b) Specialized components (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and market propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers) 6 feet and over in diameter and having over 500 pounds product capacity; and continuous mixers for solid propellants) (ECCN No. 1118);

(3) Specialized machiner, equipment, gear, and specially designed parts and accessories therefore, specially designed for the examination, manufacture, testing, and checking of the arms, ammunition, appliances, machines, and implements of war (ECCN No. 2018);

(4) Construction equipment built to military specifications, specially designed for airborne transport (ECCN No. 2317);

(5) Vehicles specially designed for military purposes, as follows:

(a) Military mobile repair shops specifically designed to service military equipment;

(b) All other specially designed military vehicles, excluding vehicles listed in Supplement No. 2 to Part 370;

(c) Pneumatic type casings (excluding tractor and farm implement types), of a kind specially constructed to be bullet-proof or to run when deflated;

(d) engines for the propulsion of the vehicles enumerated above, specially designed or essentially modified for military use; and

(e) Specially designed components and parts to the foregoing (ECCN No. 2406);

(6) Pressure refuellers, pressure refuelling equipment, and equipment specially designed to facilitate operations in confined areas and ground equipment, not elsewhere specified, developed specially for aircraft and helicopters, and specially designed parts and components, n.e.s. (ECCN No. 2410);

(7) Specifically designed components and parts for ammunition, except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines (ECCN No. 2603);

(8) Nonmilitary shotguns, barrel length 18 inches or over; and nonmilitary arms, discharge type (for example, sten-guns, shock batons, etc.), except arms designed solely for signal, flare, or saluting use; and parts, n.e.s. (ECCN No. 5998); and

(9) shotgun shells, and parts (ECCN No. 6998).

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

In § 385.4, Paragraph (a) is revised to read as follows:

§ 385.4 Country Group V.

(a) *Republic of South Africa and Namibia.* In conformity with the U.N. Security Council Resolutions of 1963 and 1977, relating to exports of arms and munitions to the Republic of South Africa, and consistent with U.S. foreign policy towards the Republic of South Africa and Namibia, the Department of Commerce has established the following special policies for commodities and technical data under its licensing jurisdiction.

(1) An embargo is in effect on the export or reexport to the Republic of South Africa and Namibia of arms, munitions, military equipment and materials, and materials and machinery for use in the manufacture and maintenance of such equipment. Commodities to which this embargo applies are listed in Supplement No. 2 to Part 379.

(2) An embargo is in effect on the export or reexport to the Republic of South Africa or Namibia of *any* commodity, including commodities that may be exported to any destination in Country Group V under a general license, where the exporter or reexporter knows or has reason to know that the commodity will be sold to or used by or for military or police entities in these destinations or used to service equipment owned, controlled or used by or for such military or police entities.

(3) An embargo is in effect on the export or reexport to the Republic of South Africa or Namibia of technical data, except technical data generally available to the public that meets the conditions of General License GTDA, where (a) the technical data relate to the commodities listed in Supplement No. 2 to Part 379, or (b) the exporter or reexporter knows or has reason to know that the technical data or any product of the data as defined in 379.4(e) are for delivery to or use by or for the military or police entities of these destinations or for use in servicing equipment owned, controlled or used by or for these entities. In addition, users in the Republic of South Africa or Namibia of technical data that do qualify for export or reexport under the provisions of General License GTDR must be informed in writing at the time of the export or reexport of the data that the direct product of that data may not be sold or otherwise made available, directly or indirectly, to the military or police entities in these destinations. The term "direct product" is defined in footnotes in Section 379.4(e).

(4) Parts, components, materials and other commodities exported from the United States under either a general or validated export license may not be used abroad to manufacture or produce foreign-made end products where it is known or there is a reason to know the end products will be sold to or used by or for military or police entities in the Republic of South Africa or Namibia.

(5) A validated export license is required for the export to the Republic of South Africa and Namibia of any instrument and equipment particularly useful in crime control and detection, as defined in § 376.14.

General License *GIT* may not be used for any commodity destined for the Republic of South Africa or Namibia (See § 371.4(b)).

* * * * *

PART 386—EXPORT CLEARANCE

10. In § 386.6, paragraph (a) and the introductory text of (c) are revised to read:

§ 386.6 Destination control statements.

(a) *Requirement for Destination Control Statement.* When required by this paragraph, an appropriate destination control statement is required to be entered on all copies of the bill of lading, the air waybill and the commercial invoice covering an export from the United States. The same statement shall appear on all copies of all such shipping documents that apply to the same shipment. At the discretion of the exporter or his agent, a destination control statement may be entered on the shipping documents for exports for which no destination control statement is required.

(1) Exports to all destinations except South Africa and Namibia. One of the three destination control statements described in § 386.6(c) is required for any export under

(i) A validated license;

(ii) General License GLV, GMS, GTF-US, GTE, or GLR; or

(iii) General License G-DEST if:

(*a*) The value of the shipment exceeds $250,

(*b*) The commodity exported is identified by the symbol "Y" in the "Validated License Required" column of the Commodity Control List, and

(*c*) The country of destination is other than the Republic of South Africa or Namibia.

(2) Exports to the Republic of South Africa and Namibia. The following destination control statement is required for all shipments to the Republic of South Africa and Namibia made under a validated license or under General License G-DEST, GLV, GTF-US, G-NNR, GLR, GMS, and GTE:

These (commodities) (technical data) licensed by the United States for (Republic of South Africa) (Namibia). Diversion contrary to U.S. law prohibited. Resale to or delivery, directly or indirectly, to or for use by or for police or military entities prohibited.

* * * * *

(c) *Statement to be Used.* Except for exports to the Republic of South Africa or Namibia, one of the three destination control statements set forth in paragraph (d) below may be used, as follows:

* * * * *

PART 399—COMMODITY CONTROL LIST

11. The Commodity Control List, incorporated by reference at 15 CFR 399.1(a), is revised to indicate that commodities otherwise eligible for export to the Republic of South Africa and Namibia under General License

G-DEST will require a validated export license if intended for delivery to or use by or for military or police entities under jurisdiction of the Republic of South Africa or Namibia.

Dated: February 16, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 78-4697 Filed 2-17-78; 1:08 pm]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING-FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-78-508]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Financing of Used Mobile Homes

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: This amendment provides that loan proceeds used for the purchase of used mobile homes previously financed with a loan under this part shall not exceed 90 percent of the appraised value of the mobile home. The present regulation provides that loan proceeds may not exceed 113 percent of the wholesale price applicable to the used mobile home as shown in a value-rating publication. By providing a more realistic loan-to-value ratio for loans made to finance used mobile homes, it is expected that this amendment will make such financing more widely available to low and moderate income families.

DATES: Effective date: February 22, 1978. Comments due: April 3, 1978.

ADDRESS: Interested persons may participate in this rulemaking by submitting written data, views or arguments to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Comments received by April 3, 1978, will be considered before action is taken on the final rule. A copy of each comment will be available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Department Housing & Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTAL INFORMATION: By providing a more realistic loan-to-value ratio for loans made to finance used mobile homes, it is expected that this amendment will make such financing more widely available to low and moderate income families. Experience in using value-rating publications has not been satisfactory because, in some cases, the prices shown in such publications do not sufficiently reflect local market conditions or fully take into consideration the physical condition of mobile homes. The Department has determined that this amendment should be available to the public as soon as possible and that it is therefore impracticable and contrary to the public interest to provide for comment and public participation prior to making this amendment effective, and that good cause exists for this amendment to be effective upon publication.

Accordingly, § 201.530 is amended to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The proceeds of a mobile home shall not exceed the lesser of:

(1) $16,000 ($24,000 where the mobile home is composed of two or more modules);

(2) 113 percent of the total price of a new mobile home as stated in the manufacturer's invoice, or;

(3) 90 percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part. The appraised value of a used mobile home shall be determined by a HUD-approved mobile home appraiser.

* * * * *

(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $16,000 ($24,000 where the mobile home is composed of two or more modules).

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., February 7, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 78-4571 Filed 2-21-78; 8:45 am]

[4210-01]

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-387]

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Special Procedures for Neighborhood Strategy Areas; Correction

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of correction.

SUMMARY; On January 31, 1978, 43 FR 4236, the Secretary adopted special procedures for neighborhood strategy areas under 24 CFR Part 881 with respect to section 8, Housing Assistance Payment Program—Special Rehabilitation. On Page 4240 in 24 CFR 881.304(e)(2) there was erroneously included the phrase "* * * local agreements for special wage rates for rehabilitation * * *". Accordingly, this notice deletes that wording effective as of January 31, 1978, the date the Special Procedures were published.

DATE: This correction is effective on January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmitz, 202-755-5380

Issued at Washington, D.C., February 15, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing Federal Housing Commissioner.

[FR Doc. 78-4672 Filed 2-21-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE, DEPARTMENT OF DEFENSE

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 842—ADMINISTRATIVE CLAIMS

Miscellaneous Amendments

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The following amendments reflect a reorganization of administration of claims within the Air Force. These amendments announce new delegations of authority, and new regulations made necessary by the reorganization, plus other recent administrative changes to Air Force claims regulations.

EFFECTIVE DATE: October 14, 1977

FOR FURTHER INFORMATION CONTACT:

Mr. Francis B. Van Nuys, Deputy Chief, Claims and Tort Litigation Staff, Office of the Judge Advocate General, Washington, D.C. 20324, 202-693-5710.

SUPPLEMENTARY INFORMATION: The provisions of Part 842 are issued under authority of Section 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

The Department of the Air Force is amending Part 842 of Subchapter D, Chapter VII, Title 32 CFR. Extensive amendments were made previously to this part and published in the FEDERAL REGISTER on November 16, 1976 (41 FR 50420). Since that time a reorganization has necessitated further administrative changes to this part.

The amendments will read as follows:

1. In § 842.49, paragraphs (a)(1), (b)(1), (b)(2), (b)(3) (iii) and (iv), (c), (e)(4), (g), (h) introductory text, (h)(1), (h)(1)(i) (*d*) and (*e*), (h)(1)(ii), and (h)(2) are revised to read as follows:

§ 842.49 Settlement authority.

* * * * *

(a) * * *

(1) The SJA of each Air Force base, station, and fixed installation, or his designee.

* * * * *

(b) * * *

(1) Staff judge advocates of PACAF and USAFE, or his designee.

(2) Staff judge advocates of single base GCMs, or of GCMs in PACAF and USAFE and their designees.

(3) * * *

(iii) Chief, Claims and Tort Litigation Staff.

(iv) Branch Chiefs, Claims and Tort Litigation Staff.

(c) *Claims recommended for payment in an amount in excess of settlement authority.* All claims in excess of a staff judge advocate's settlement authority will be forwarded through claims channels to the office having sufficient settlement authority to act on the claim.

* * * * *

(e) * * *

(4) The Judge Advocate General will prepare a brief letter report for submission to Congress through the Office of Management and Budget, including the amount claimed, the amount allowed and any amount paid, when the Secretary approves a claim in excess of $25,000. Headquarters USAF/JACC will also furnish any additional information requested by Congress and forward the necessary payment documents to the Claims Division, General Accounting Office, Washington, D.C. 20548 to effectuate payment by the Department of the Treasury as soon as possible after enactment of a supplemental appropriation act authorizing payment.

* * * * *

(g) *Control of settlement authority.* The settlement authority granted in this section can be withdrawn, reduced, or restored by a superior in the claims channels. However, all organizations subordinate to Headquarters USAF/JACC will notify that office in writing of any such withdrawal, reduction, or restoration.

(h) *Appeals.* Appeals from claims approved or disapproved by the Judge Advocate General for $25,000 or less will be referred to the Secretary of the Air Force for his action. The Secretary has delegated authority to take final action on other appeals of claims approved or disapproved by designees. However, no designee is authorized to take appellate action on his own settlement. Appealed claims will be forwarded through claims channels to the designee of the Secretary who has appellate claims jurisdiction or to Headquarters USAF/JACC. Appellate authority is designated as follows:

(1) *Appeals from claims approved or disapproved for $5,000 or less.* (i) * * *

(*d*) Chief, Claims and Tort Litigation Staff.

(*e*) Branch Chiefs, Claims and Tort Litigation Staff.

(ii) Staff Judge Advocates of PACAF and USAFE and their designees.

(2) *Appeals from claims approved or disapproved for $2,500 or less.* Staff Judge Advocates of single base GCMs, of GCMs in PACAF and USAFE, and their designees.

2. In § 842.83, paragraphs (b)(1)(i) (*c*) and (*d*) are revised, and (*e*) and (*f*) are added; paragraphs (b)(1) (ii), (iii), (iv), and (v) are revised; and paragraph (c) is revised as follows:

§ 842.83 Settlement authority.

* * * * *

(b) The Secretary of the Air Force delegates authority to settle and pay any claims under this subpart to the following persons:

(1) * * *

(i) * * *

(c) Director of Civil Law.

(*d*) Chief, Claims and Tort Litigation Staff.

(*e*) Deputy Chief, Claims and Tort Litigation Staff.

(*f*) Branch Chiefs, Claims and Tort Litigation Staff.

(ii) Staff Judge Advocates of PACAF and USAFE.

(iii) Staff Judge Advocates of single base GCMs, of GCMs in PACAF and USAFE, and their designees.

(iv) The Staff Judge Advocate of each Air Force base, station, and fixed installation, and their designees.

(v) Any judge advocate officer when designated by The Judge Advocate General.

* * * * *

(c) The authority to settle claims granted in this section may be reduced, withdrawn, or restored by a superior in claims channels. However, Headquarters USAF/JACC will be notified in writing of any such reduction, withdrawal or restoration of authority by a command subordinate to Headquarters USAF/JACC.

3. In § 842.110, paragraph (a)(1)(iii) is added; paragraphs (a)(2) (iv) and (v) are revised; paragraph (a)(2)(vi) is added; paragraphs (a) (3) and (4) and (a)(5)(i) are revised; paragraph (f) is revised as follows:

§ 842.110 Settlement authority.

* * * * *

(a) * * *

(1) * * *

(iii) The Director of Civil Law.

(2) * * *

(iv) Chief, Claims and Tort Litigation Staff.

(v) Deputy Chief, Claims and Tort Litigation Staff.

(vi) Branch Chiefs, Claims and Tort Litigation Staff.

(3) *Payable for $15,000 or less.* Staff Judge Advocates of PACAF and USAFE, and their designees.

(4) *Payable for $7,500 or less.* Staff Judge Advocates of single base GCMs, of GCMs in PACAF and USAFE, and their designees.

(5) * * *

(i) The Staff Judge Advocate of each Air Force base, station, and fixed installation and their designees.

* * * * *

(f) *Authority to reduce, withdraw, and restore settlement authority.* The settlement authority granted in this section may be reduced, withdrawn, or restored by a superior in claims channels. However, any command subordinate to Headquarters USAF/JACC shall report such reduction, withdrawal, or restoration to Headquarters USAF/JACC in writing.

4. In § 842.125, paragraphs (a)(1) (iii) and (iv) are revised; paragraphs (a)(1) (v) and (vi) are added; paragraphs (a) (2) and (3) are revised; paragraph (c) is added as follows:

§ 842.125 Supervisory claims authority responsibilities.

(a) * * *

(1) * * *

(iii) Director of Civil Law.

(iv) Chief, Claims and Tort Litigation Staff.

(v) Deputy Chief, Claims and Tort Litigation Staff.

(vi) Branch Chiefs, Claims and Tort Litigation Staff.

(2) *$15,000 or less.* Staff Judge Advocates of PACAF and USAFE, and their designees.

(3) *$7,500 or less.* Staff Judge Advocates of single base, GCM, of GCMs within PACAF and USAFE, and their designees.

* * * * *

(c) *Authority to reduce, withdraw, or restore administrative collection authority.* The administrative collection authority granted in § 842.124 and this section may be reduced, withdrawn, or restored by a superior in claims channels. However, any command subordinate to Headquarters USAF/JACC shall report any such reduction, withdrawal, and restoration to Headquarters USAF/JACC in writing.

5. Section 842.148 is revised to read as follows:

§ 842.148 Settlement authorities for hospital recovery claims.

RULE	A	B	C
	If a claim is for	then payment may be accepted in full and a release signed by	it may be compromised, settled, or waived by
1	any amount	The Judge Advocate General. The Asst Judge Advocate General. Director of Civil Law, Chief, Deputy Chiefs, and Branch Chiefs, Claims and Tort Litigation Staff. SJAs and their designees of PACAF, and USAFE, and GCMs within PACAF and USAFE. SJAs and their designees of bases, stations, and fixed installations.	
2	$20,000 or less		The Judge Advocate General. The Asst Judge Advocate General. Director of Civil Law, OTJAG. Chief, Deputy Chief, and Branch Chiefs, Claims and Tort Litigation Staff. See note
3	$15,000 or less		SJAs and their designees of PACAF and USAFE
4	$7,500 or less		SJAs and their designees of one-base GCMs and GCMs of PACAF and USAFE
5	$5,000 or less		SJAs and their designees of each base, station, or fixed installation.

NOTE.—Claims over $20,000 that cannot be collected in full may be acted on only with the approval of the Department of Justice.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-4554 Filed 2-21-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Address Cards Arranged in Sequence of Carrier Delivery—Extension of Time

AGENCY: Postal Service.

ACTION: Extension of grace period.

SUMMARY: This document extends through June 30, 1978 the grace period granted by the Postal Service to owners of well-maintained mailing lists that did not, at the time the Postal Service adopted a new rule on correcting mailing lists (42 FR 38904), contain 90% of the addresses in a five digit ZIP Code area as follows:

(1) 90% of all residential addresses within the five-digit ZIP Code area if the list is a residence only list, or

(2) 90% of all business addresses within the five-digit ZIP Code area if the list is a business only list, or

(3) 90% of all addresses within the five-digit ZIP Code area if the list is a combination list.

The 90% criterion in the rule was reduced to 80% during the original grace period, which expired on January 31, 1978. However, various customers have been unable to meet the January 31 deadline and requested a temporary extension. The Postal Service believes that a one time extension of the grace period would be reasonable and has therefore extended the period through June 30, 1978.

EFFECTIVE DATE: Grace period extended through June 30, 1978.

FOR FURTHER INFORMATION CONTACT: Gregory Whiteman 202-245-5630.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-4591 Filed 2-21-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 189]

GSA SOURCES OF SUPPLY

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) eliminates the requirement that GSA receive copies of authorizations permitting contractors performing substantially under cost-reimbursement-type contracts to use GSA

supply sources. The change is necessary because of a revision of the procedures employed to administer the use of GSA supply sources. The effect of the revision is that an automated requisition system can now be used and the manual handling of requisitions by these contractors can be eliminated.

EFFECTIVE DATE: April 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.4—Types of Contracts

Section 1-3.410-2 is amended to change the address of the FPR Staff in paragraph (d) of the section, which now reads as follows:

§ 1-3.410-2 Basic agreements with educational institutions and nonprofit organizations.

* * * * *

(d) The responsibility for negotiating basic agreements for the civilian agencies rests with each individual agency. Each agency shall report its agreements to the FPR Staff, General Services Administration, FV, Washington, D.C. 20406, 15 days after September 30, each year.

Section 1-3.410-3 is amended to correct a citation in paragraph (c)(5) of the section, which now reads as follows:

§ 1-3.410-3 Basic ordering agreement.

* * * * * *

(c) * * *

(5) The contracting officer issuing an order under a basic agreement shall be responsible for ensuring compliance with the provisions of (1), (2), and (3) of this § 1-3.410-3(c).

* * * * *

PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

The table of contents for Part 1-5 is amended by changing two entries and adding two entries, as follows:

Sec.
1-5.903-2 Orders to GSA.
1-5.905 Payment for GSA shipments.
1-5.906 Title.
1-5.907 Contract clause.

Subpart 1-5.9—Use of GSA Supply Sources by Contractors Performing Cost-Reimbursement-Type Contracts

. Section 1-5.902 is amended to revise paragraphs (c)(4), and (e)(2), delete paragraph (f), revise and redesignate paragraph (g) as paragraph (f), and to redesignate paragraph (h) as paragraph (g).

§ 1-5.902 Authorization to contractors.

* * * * *

(c) * * *

(3) Restrict the authorization to certain plants or facilities or to specific contracts.

(4) Provide that title vest in the contractor when determined to be in the best interest of the Government. The terms and conditions which the agency may impose are not limited to the foregoing examples.

* * * * *

(e) * * *

(2) Specify that the Federal Standard Requisitioning and Issue Procedures (FEDSTRIP) shall be used when requisitioning items, as required by 41 CFR 101-26.2, and include the FEDSTRIP activity address code assigned to the contractor by GSA. These codes shall be obtained from GSA as prescribed in paragraph (f) of this section.

* * * * *

(f) The authorizing agency shall request a FEDSTRIP activity address code from the General Services Administration, FFC, Washington, D.C. 20406. The request shall be in writing and shall contain the detailed address(es) to which the contractor's mail, freight, and billing documents are to be directed by GSA. The request shall also include a copy of the agency's letter of authorization to the contractor. Address changes shall also be submitted in writing to GSA by the authorizing agency as well as deletions when contracts are completed or terminated.

(g) The authorizing agency shall be responsible for ensuring that prime contractors and subcontractors comply with the terms of their authorizations and for ensuring that supplies and services obtained from GSA supply sources are properly accounted for and properly used.

2. Section 1-5.903-2 is revised as follows:

§ 1-5.903-2 Orders to GSA.

Orders placed with GSA by agency contractors shall be placed in accordance with the agency authorization, using the FEDSTRIP format in accordance with the provisions of 41 CFR 101-26.2

3. Section 1-5.904 is revised as follows:

§ 1-5.904 Furnishing information to contractors.

When a Regional Office of the Federal Supply Service, FSS, GSA, is notified by the FSS Central Office that it has assigned a FEDSTRIP activity address code to a cost-reimbursement contractor of an agency, the FSS Regional Office will contact the contractor. The Regional Office will provide initial copies of the GSA Supply Catalog and FEDSTRIP Operating Guide and other necessary information. The Regional Office also will assist the contractor to prepare initial FEDSTRIP requisitions and complete GSA Form 457, FSS Publications Mailing List Application, so that current copies of required publications are received automatically from GSA.

4. Section 1-5.905 is revised as follows:

§ 1-5.905 Payment for GSA shipments.

GSA will not forward bills to contractors for supplies until after the supplies have been shipped by GSA. Receipt of billing is considered to be sufficient evidence of delivery to establish contractor liability and to provide a basis for payment. Accordingly, agencies should direct their contractors to make payments promptly upon receipt of billings (see 41 CFR 101-2.103(a).)

5. Section 1-5.906 is added as follows:

§ 1-5.906 Title.

Title to all property acquired by the contractor under an agency's authorization shall vest in the Government, (1) unless otherwise specifically provided in the contract, (2) unless otherwise provided in the Government Property clause (see §§ 1-7.203-21(a), 1-7.303-7(a), 1-7.303-7(c), and 1-7.402-25(a)), or (3) in the absence of both the conditions in (1) and (2) by operation of the clause in § 1-5.907. In those instances where contracts are with educational institutions and one of the clauses prescribed by §§ 1-7.303-7(d) or 1-7.402-25(b) is used, title to property having an acquisition cost of less than $1,000 vests in the contractor as provided in the clauses.

6. Section 1-5.907 is added as follows:

§ 1-5.907 Contract Clause.

Insert the clause set forth in § 1-7.203-13 in all contracts under which the contractor may acquire supplies from GSA supply sources.

PART 1-7—CONTRACT CLAUSES

Subpart 1-7.2—Cost-Reimbursement-Type Supply Contracts

Section 1-7.203-13 is amended to revise the GSA Supply Sources clause as follows:

§ 1-7.203-13 General Services Administration supply sources.

* * * * *

GENERAL SERVICES ADMINISTRATION
SUPPLY SOURCES

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired by the contractor under such an authorization shall vest in the Government, (1) unless otherwise specifically provided in the contract, (2) unless otherwise provided in the Government Property clause of this contract, or (3) in the absence of both the conditions in (1) and (2) of the clause. However, such property shall not be considered to be "Government-furnished property."

(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: February 8, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-4592 Filed 2-21-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 7, Amdt. 3]

PART 528—SELF-POLICING SYSTEMS

Approval of Reporting Requirements

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules for self-policing reports filed under conference agreements and other rate-fixing agreements by conferences and common carriers by water in the foreign and domestic offshore commerce of the United States are amended to reflect an extension of existing General Accounting Office clearance for the reporting requirement. The amendment is necessary to comply with GAO regulations.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3512 requires the General Accounting Office to review certain collections of information from 10 or more persons undertaken by independent Federal regulatory agencies. This Commission has received an extension of the existing clearance from the U.S. General Accounting Office, for the reporting requirement contained in Part 528—Self-Policing Systems (General Order 7).

Section 10.12, Notification of General Accounting Office Action, of Title 4 CFR requires that notice of such clearance appear in the agency's regulations. The clearance expiration date, however, does not have to appear in regulations or orders that do not involve a separate form. Accordingly, the clearance information sentence presently appearing at the end of 46 CFR 528.1, *Scope and Purpose,* is amended to delete reference to the expiration date as follows:

The reporting requirement contained in this Order has been approved by the U.S. General Accounting Office under B-180233(R0145).

Effective Date: Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective February 22, 1978.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-4710 Filed 2-21-78; 8:45 am]

[6712-01]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 97—AMATEUR RADIO SERVICE

Sections 97.40, 97.43, 97.88, and 97.126 of the Commission's Rules Waived

AGENCY: Federal Communications Commission.

ACTION: Temporary rule waiver.

SUMMARY: This Order temporarily waives those FCC regulations which require that an Amateur operator receive FCC approval prior to beginning operation of a repeater, auxiliary link, control or remotely controlled station. The FCC is taking this action to grant relief to those persons who wish to place a new repeater station in operation. At the present time, the FCC is not processing applications for new repeater stations, pending completion of a review of its earlier decision (Docket 21033) to discontinue the licensing requirements for these stations.

DATES: This waiver is effective immediately and terminates as soon as the Commission releases a Memorandum Opinion and Order in Docket 21033.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Johnson, Personal Radio Division, Federal Communications Commission, Washington, D.C. 20554, 202-632-7250.

In the matter of waiver of §§ 97.40, 97.43, 97.88, and 97.126 of the Commission's Rules. Order re waiver.

Adopted: February 9, 1978.

Released: February 14, 1978.

1. The chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a waiver of §§ 97.40, 97.43, 97.88, and 97.126 of the Amateur Radio Service Rules. This waiver would suspend the present requirement that licensed amateur radio operators wishing to operate repeater, auxiliary link, control or remotely controlled stations must obtain Commission permission before commencing such operations.

2. In a combined Notice of Inquiry and Notice of Proposed Rule Making in Docket 21033 released on January 6, 1977, the commission proposed, among other things, to amend Rule §§ 97.40, 97.43, 97.88, and 97.126 to delete the present licensing requirement for repeater, auxiliary link, control, and remotely controlled stations. A Report and Order in docket 21033 released on September 27, 1977 amended these rule sections essentially as proposed. The amended rules were to take effect November 4, 1977; however, in response to petitions for Reconsideration and Stay from the American Radio Relay League, the Commission stayed the effective date of the Report and Order. In its stay, the Commission also ordered the continuation of its freeze on the acceptance of new repeater station applications filed after September 21, 1977.

3. As a result of the actions described above, no applications are now being granted for new repeater stations. We have been receiving many requests urging us to take some action to permit the operation of new repeater stations, and it is clear that some sort of administrative relief is warranted in this situation. We do not believe that a waiver of the Commission's Rules will, in this instance, prejudice consideration of the League's Petition for Reconsideration. If the Commission's review of its action results in approval of the league's request for continuation of separate licenses for repeater stations, then new repeaters will again be licensed. If the Commission affirms its Report and Order, then new repeater stations may be activated under the authority of an amateur's primary station license. In either event, amateurs could continue to build and put into operation new repeater stations. For this reason, a waiver of the pertinent rule sections

on a temporary basis until such time as the Commission formally acts on the League Petition for Reconsideration appears warranted. when utilizing a primary station as a repeater or auxiliary link station, the station must be identified by the transmission of its call sign, followed, on telegraphy, by the letters RPT or AUX, as appropriate; and on telephony by the words repeater or auxiliary, as appropriate. All other rules applying to repeater, auxiliary link, control, and remotely controlled stations, other than those waived by this Order, are to be strictly observed by primary station licensees operating under the terms of this waiver.

4. Accordingly, the Commission, by the Chief, Safety and Special Radio Services Bureau, under authority delegated pursuant to Section 0.331 of the Commission's Rules, *orders*, That Sections 97.40, 97.43, 97.88, and 97.126 are waived to permit licensed amateur radio operators to operate their primary stations as repeater, auxiliary link, control, and remotely controlled stations without prior Commission approval. This waiver is effective immediately and terminates upon the release by the Commission of a Memorandum Opinion and Order in Docket 21033.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 78-4570 Filed 2-21-78; 8:45 am]

[6712-01]

[Docket No. 21135; FCC 78-76]

PART 97—AMATEUR RADIO SERVICE

Simplification of Licensing and Call Sign Assignment Systems in Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The FCC is adopting new rules in the Amateur Radio Service eliminating secondary stations and special event stations. We are also amending the rules to assign all amateur station call signs on a systematic basis. We are taking this action to bring our amateur regulatory programs into closer alignment with the resources we have available. We expect our action will enable us to provide amateur radio licensees with better, more efficient service in other areas.

EFFECTIVE DATE: March 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Gregory M. Jones, Personal Radio Division, 202-634-6619.

SUPPLEMENTARY INFORMATION: In the matter of the simplification of the licensing and call sign assignment systems for stations in the Amateur Radio Service (See 42 FR 15438); First report and order.

Adopted: February 8, 1978.

Released: February 23, 1978.

WHAT IS THE BACKGROUND OF THIS PROCEEDING?

1. In a Notice of Proposed Rulemaking in Docket 21135, released March 11, 1977, FCC 77-156, 42 FR 15438 (1977), the Commission acted on its own initiative and proposed several major revisions of its Amateur Radio Service regulations, 47 C.F.R. §§ 97.1, et seq. Comments on our proposals were due no later than June 2, 1977. Reply comments were due no later than June 30, 1977. The American Radio Relay League, Inc. (ARRL) petitioned for an additional thirty days in which to submit comments and reply comments. On May 19, 1977 the Chief, Safety and Special Radio Services Bureau, acting under delegated authority, denied the ARRL's petition, stating that the 83 day comment period the Commission provided was adequate, and that rapid resolution of the issues raised in the Notice of Proposed Rulemaking in Docket 21135 was essential. We have carefully considered our proposals and the comments submitted in response to our proposals. We are now prepared to take action in this proceeding.

WHAT WERE OUR SPECIFIC PROPOSALS?

2. In our Notice of Proposed Rulemaking in Docket 21135 we made several proposals which, if adopted as proposed, would have a significant impact on both the licensing of amateur stations and the assignment or call signs to amateur stations. Briefly summarized, our proposals in Docket 21135 were to simplify the licensing structure in the Amateur Service by discontinuing the issuance of all types of amateur station licenses, except space stations and so-called "primary" station licenses. Specifically, we proposed to eliminate—

Repeater stations, auxiliary link stations, and control stations.[1]

Military recreation stations.
Club stations.
Secondary stations.
Special event stations.
Radio Amateur Civil Emergency Service (RACES) stations.

We imposed an immediate "closed season" on the filing of applications for special event stations and new secondary stations. We also proposed to simplify greatly the regulations concerning the assignment of station call signs in the Amateur Service by replacing the current complex provisions with a concise rule stating that call signs will, in almost all instances, be assigned by the Commission on a systematic basis.[2]

WHY DID WE MAKE THESE PROPOSALS?

3. In adopting our proposals in Docket 21135 we acted in response to the greatly increased interest in personal radio communications in the United States. We stated that the number of Citizens Band Radio Service and Amateur Radio Serv- ice applications we were receiving were both at all time highs.[3] We also stated the record number of applications we were receiving had caused an extraordinary and sustained increase in the workload of the Commission's Personal Radio Division, and that, assuming no additional resources were to be forthcoming, we believed it necessary to take immediate steps to improve the efficiency of our license processing system, in order to prevent an unacceptable backlog of pending applications. We concluded that the increased demand for personal radio communications, taken with our limited resources, required that we assign priorities to our current licensing activities. Those activities found to be high priority—the issuance of operator and primary station licenses—were proposed to be continued. Lower priority activities—the issuance of special call signs and all non-primary station licenses—were proposed to be eliminated. In proposing the discontinuance of special call signs and non-primary stations, we noted that we were forced to allocate a large percentage of our resources to the maintenance of these programs, despite the fact that only a very small segment of the Amateur Service benefits from or takes advantage of them. We found the overall public interest would be best served by discontinuance of special call signs and non-primary stations, an action which would permit us to allocate our resources in a more effective manner

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[1] Repeater stations, auxiliary link stations, control stations and "WR" call signs are also under consideration in Docket 21033. We will deal with these matters in a Memorandum Opinion and Order in Docket 21033 and a Second Report and Order in this proceeding, to be considered simultaneously, in the near future.

[2] Since release of our Notice of Proposed Rulemaking in this proceeding, the population of the Amateur Service has increased from 293,000 to 326,000 licensed operators.

[3] Amateur Extra Class licensees would be permitted to obtain certain non-specific call signs with desirable formats.

than they are now allocated. Finally, we stated that although our proposals appeared radical, we believed actual operations in the Amateur Service would be affected little, if at all, by their adoption.

WHO COMMENTED ON OUR PROPOSALS?

4. We received approximately 400 comments and reply comments in response to our Notice of Proposed Rulemaking in this proceeding. Many of the comments received were submitted by amateur radio organizations, so the number of individual opinions reflected by the comments is considerably greater than the number of comments might by itself indicate. The remaining comments were submitted by individual amateur licensees and various governmental civil defense agencies.

WHAT DID THOSE COMMENTING ON OUR PROPOSALS SAY?

5. The large number of comments we received in response to our Notice of Proposed Rulemaking in Docket 21135 makes it impossible to discuss each comment individually. Each comment has been read and carefully evaluated by members of the Commission's staff, however. On the whole, the comments we received were highly critical of almost all of our proposals in this proceeding. Although there was limited support for a few of our proposals, the overwhelming majority of our respondents urged us to take no action whatsoever. In capsule form, the comments we received were along these lines—

a. We were urged not to eliminate the availability of club station licenses. Elimination of club station licenses would allegedly destroy a long-standing amateur radio tradition. See, Comments, JPL Amateur Radio Club. Many respondents, such as the Mobile Amateur Radio Club, stated that club stations are important contributors to the recent growth in interest in amateur radio, that club stations require a separate, distinct identity, and that club stations often play significant parts in emergency communications. The ARRL[4] and the M.I.T.-UHF Repeater Association claimed that at many schools and universities equipment and space for amateur stations are made available only to qualified student groups, not individuals, and that if club station licenses are eliminated, financial support of club stations at educational institutions is likely to be withdrawn. In sum, the comments attempted to argue that separate club station licenses are an indispensable part of today's Amateur Radio Service.

[4]The ARRL filed its comments in this proceeding late but accompanied its comments with a Motion to Accept Late Filed Comments. We are granting the ARRL's Motion.

b. Most respondents commenting on the matter argued that separate licenses for repeater stations should be retained. To eliminate separate repeater station licenses would, it was alleged, encourage the construction and operation of "frivolous" repeater stations. Others stated that operation of a repeater station is a serious, and often expensive matter, and that effective spectrum management planning and coordination require that an amateur be placed on notice, by means of a separate repeater station license application, that "something more than the grant of a simple application is required." Comments, ARRL at 19. On the other hand, our proposed deletion of separate licenses for auxiliary link and control stations and creation of another form of amateur operation known as "auxiliary operation" met with general approval.[5]

c. The majority of those submitting comments opposed our proposal to eliminate secondary station licenses. Respondents such as the ARRL stated that "secondary station licenses are almost as old as amateur radio itself." Comments, ARRL at 23. Respondents such as the Pentagon Amateur Radio Club and Mr. Thomas J. Kirby cited the attachment of amateur licensees to long-held secondary station licenses as justification for the continued licensing of such stations. Others submitting comments argued that secondary stations are necessary to permit the maintenance of separate amateur stations by those with two or more homes in different parts of the country to enable the accurate pinpointing of interference sources, and to permit the prompt receipt of correspondence from the FCC. The ARRL also argued that the number of secondary station license applications received by the FCC is so small that drastic action of the sort proposed by the FCC cannot be justified.

A few of those submitting comments agreed with us that separate licensing of secondary stations is unnecessary in today's Amateur Radio Service. See, e.g., Comments, Mr. James K. Maynard and Comments, Mr. Herman R. Schmitt. Others, such as the Intercity Amateur Radio Club of Richland, Ohio, noted that much of the previous need for separate secondary stations was eliminated by the FCC's Report and Order in Docket 20686, 61 FCC 2d 337 (1976), which greatly liberalized our rules governing the operation of amateur stations at portable and mobile locations. Finally, a number of respondents concurred with us in our belief that maintenance of separate systems for the issuance of secondary and primary station licenses cannot be justified in view of the relatively small numbers involved. See, Comments, Egyptian Radio Club.

[5]Relatively few of those commenting in this proceeding addressed the licensing of repeater, auxiliary link and control stations, inasmuch as that was a primary subject of our proposals in Docket 21033. See n. 1, supra at 2.

d. Most comments did not address the question of whether military recreation stations should continue to be licensed, but of those that did, most opposed the proposal. The Secretary of Defense stated that the 425 licensed military recreation stations "make a significant contribution to the overall welfare, morale, and esprit of military personnel * * *." Comments, Secretary of Defense at 2. Such stations handle a substantial amount of third party traffic for military personnel and their families, and the continued success of the third party traffic program depends, in large measure, on a separately licensed, readily identifiable military recreation station. Id. The ARRL asked that the FCC recognize the unique problems of operating amateur equipment on a military base, as well as the contributions to the nation of those serving in the armed forces of the United States, and not eliminate military recreation stations. Comments, ARRL at 31-32.

e. Comments on our proposed elimination of special event stations were mixed, but for the most part urged the FCC to continue to license such stations. Although a few respondents, such as Mr. Carl J. Kennedy, agreed that processing of special event station license applications is probably an unjustifiable waste of the FCC's resources, most submitting comments said special event stations serve a valuable purpose and should be retained. Mr. William E. Moyes, for example, said special event stations provide significant exposure of the Amateur Service to the public, while the Mid-Continent Chapter of the Quarter Century Wireless Association noted that special event stations often generate much favorable publicity for amateur radio. Other respondents stated that a special event station call sign (e.g., NN3SI) is helpful in demonstrating amateur radio to the public, and that special event stations have contributed to the growth of amateur radio in recent years.[6]

f. Our proposal to discontinue the licensing of stations in the Radio Amateur Civil Emergency Service (RACES) was the subject of highly critical comment by many state and local civil defense agencies. The Sheriff of the County of Los Angeles stated that, if adopted, our proposal to eliminate RACES stations would erode RACES operations. It was alleged that requiring each amateur operator par-

[6]NN3SI is operated at the Nation of Nations exhibit at the Smithsonian Institution.

ticipating in RACES to use his own station call sign would cause a great deal of confusion, which could conceivably result in dangerous delays in the transmission of emergency communications. The Emergency Services and Disaster Agency of the State of Illinois also stated the existing practice of licensing RACES stations and assigning them distinctive call signs is satisfactory and should be continued. The city of Carson, Calif. claimed that our proposal, if adopted, would render $1.5 million worth of radio equipment in Los Angeles county unusable, while the ARRL said discontinuance of the licensing of RACES stations would be a "disaster". Comments, ARRL at 40.

g. Our proposed simplification of the amateur radio call sign assignment system met a mixed reaction. Many respondents, such as Mr. R. P. Whitton, supported the proposal only with great reluctance, while others, such as the Dayton Amateur Radio Association, supported the proposal only as long as the rules were amended to insure that holders of "preferred" call signs be permitted to retain those call signs when moving from one call sign area to another call sign area. Other comments opposed our proposal categorically. The ARRL was particularly concerned with elimination of our "1×2" specific call sign program for Amateur Extra Class licensees. (A "1×2" call sign is a call sign consisting of one letter, one number, and two letters.) Permitting Amateur Extra Class licensees to choose their own call signs has, it was argued, been a powerful incentive for amateur operators to "upgrade" their operator licenses. Still other comments observed that station call signs are of extreme importance to amateur operators, and that the FCC should hesitate to take any action that would seriously affect the existing call sign assignment system.

What Rules Are We Adopting and Why?

6. With this Report and Order we are discontinuing the issuance of secondary and special event station licenses, and deleting from the rules all but one of those provisions which presently allow licensees to select specific call signs and/or call sign formats. In a separate Further Notice of Proposed Rule Making in this proceeding we are proposing to continue issuance of club, military recreation, and RACES station licenses, but with certain rule changes which should ease our workload.

7. The ARRL, among others, alleged in its comments that adoption of all our proposals would have only a very small effect on our operation. Comments, ARRL at 47. This argument is based on the erroneous assumption that elimination of all nonprimary station licenses and special call sign programs would result in a reduction in our workload in direct proportion to the number of non-primary station license applications we receive. Thus, the ARRL estimates that, assuming all our proposals are adopted, the processing workload would be reduced by only 5.43 percent.

8. Although it is true that the number of non-primary station and special call sign applications we receive each month is relatively few, their impact on the overall processing system is far out of proportion to their volume. Such applications take much longer to process than simple operator/primary station license applications. Their elimination will have a much greater effect on the efficiency of our processing system than the ARRL alleges. To resume processing secondary and special event station license applications, as well as special call sign requests, would require several additional positions.

9. We believe our action in adopting three of the proposals in this proceeding, however unpleasant it may be to some, is manifestly in the public interest. We recognize our responsibility to encourage the growth of the Amateur Service and believe our action in Docket 21135 will not significantly affect the development of a strong Amateur Service. We also believe, however, that we have an overriding obligation not only to amateur licensees, but also to the public-at-large, to use the public's tax dollars in the most efficient manner. Our action in this proceeding is intended to further that end. We emphasize that the amendments we are adopting will not adversely affect anyone. Operations in the Amateur Service will be conducted as they have in the past. No amateur equipment will become obsolete. In short, the administrative burden of these programs far outweighs whatever benefit they may have for the Amateur Service, and we are compelled to discontinue them.

10. In eliminating most non-primary stations and most special call sign programs, we make the following specific observations:

a. *Secondary stations.* It is true that secondary stations have been in existence for a long time. It is also true that some amateur radio licensees have held secondary station licenses for many years and have grown "attached" to their secondary station call signs. We continue to believe, however, that there is no need to continue to issue separate authorizations for secondary stations. Maintenance of a system to issue secondary station licenses is an unnecessary drain on our limited resources, particularly in view of the fact that a licensee can do no more nor less with a secondary station license than he can with his primary station license. Amateur operation will not be affected by the elimination of secondary station licenses. A licensee wishing to install a station at a location other than his primary station location may do so by simply operating his primary station portable or mobile. Interference from stations in portable operation may be detected the way it usually is today, through radio frequency direction-finding techniques. An amateur operating his station portable or mobile for an extended period should take steps to ensure that any FCC correspondence mailed to him arrives safely. There is, in sum, no compelling need to continue to license secondary stations in the Amateur Service. Existing secondary stations may continue to be operated until their license expiration dates. We will not renew or modify secondary station licenses, but we will permit holders of existing secondary station licenses to modify their primary station licenses to obtain the call signs of their secondary stations. In so doing, we are making a very limited exception to Section 97.51 of the Rules, which, after the effective date of the rules adopted in the Report and Order, prohibits the Commission from granting any request for a specific call sign.

b. *Special event stations.* In eliminating the future availability of special event stations, we agree with those submitting comments that amateur stations operated at certain public events, such as county fairs, have provided the Amateur Service with a great deal of favorable publicity over the years. We hope that amateur organizations will continue to engage in such activities in order to expose a larger segment of the public to amaeur radio and amateur radio operation. It is clear to us, however, that the operation of amateur stations at public events will not be affected in the least by the absence of a separate license authorizing such operation. Operation at a special event may be conducted just as easily under the authority of an ordinary amateur station license. The argument that distinctive special event station call signs contribute to the success of special event stations is invalid, because the average member of the public observing the operation of an amateur station could not possibly distinguish a special event station call sign from a typical amateur station call sign or understand the significance of a special event station call sign.

c. *Call sign simplification.* At its base, much of this proceeding is about call signs. As far as many of those submitting comments were concerned, the thrust of many of our proposals in this proceeding was directed not so much at the simplification of the station licensing system but at the simplification of the call sign assignment system. We believe, however, that the

public interest is best served by elimination of most special call signs for amateur stations. We are therefore adopting as proposed our proposal to amend Section 97.51 of the Rules simply to state that all amateur call signs will be assigned by the Commission on a systematic basis. We believe the system by which we will be assigning call signs to be the fairest system possible. In virtually all instances, our system will involve the sequential alphabetical issuance of available call signs, beginning with the suffix AAA and proceeding letter by letter through AAB, AAC to ZZZ. For 1×2 and 2×2 call signs, of course, we will proceed from AA through ZZ. For 2×1 call signs we will assign the suffixes from A through Z. Section 97.51, as amended, does not specify the call sign assignment system we will be using. However, we will publicly announce the details of our system and any changes to that system, as they occur. We will require that an application for modification of station license be filed whenever the station location of a licensee is changed. However, under the new call sign rules we are adopting, a licensee moving from one call sign region to another will not necessarily receive a call sign of the same format when he modifies his license to reflect the move. In order to minimize the hardship on those licensees wishing to retain a call sign of a particular format (e.g., a "1×2" call sign) when moving to new call sign areas, we are changing our policy to permit a licensee to retain his original call sign, if he chooses, when the station location changes, even if the change of location is from one call sign region to another call sign region.

Further, to provide a licensee with additional incentive to "upgrade" the class of his operator license, we hope in the near future to be announcing a program to enable Advanced Class licensees, and perhaps General Class and Technician Class licensees, as well, to obtain upon request non-specific "1×3" station call signs. (A "1×3" call sign is a call sign consisting of one letter, one number and three letters.) As a service to amateurs, we will assign all new licenses outside the continental United States in the Pacific area call signs with the distinctive prefix "KH", followed by a digit denoting the island or group of islands where the station is located. All new stations outside the continental United States in the Atlantic area will be assigned call signs with the distinctive prefix "KP", followed by a digit denoting the island or group of islands where the station is located.

11. Accordingly, we order amendment of Parts 1 and 97 of our rules as set forth below effective March 24, 1978. Authority for this action is contained in Sections 4(i), 5(e), and 303 of the Communications Act of 1934, as amended. We also order acceptance of the ARRL's Petition for Acceptance of Late Filed Comments. We do not believe any useful purpose would be served by oral argument in this proceeding, and we are denying the ARRL's Request for Oral Argument. We order dismissal of any pending applications for secondary stations. We also order a continuation of this proceeding.

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

FEDERAL COMMUNICATIONS COMMISSION
WILLIAM J. TRICARICO,
Secretary.

The Federal Communications Commission amends Parts 1 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, as follows:

1. Section 1.952(b) is amended to read, as follows:

§ 1.952 How file numbers are assigned.

* * * * *

(b) File number symbols and service or class of station designators:

AMATEUR AND DISASTER SERVICES

Y—Amateur
D—Disaster
R—RACES

* * * * *

2. Section 97.3(c) is amended and in § 97.3(i) the definitions of secondary station and special event station are deleted, as follows:

§ 97.3 Definitions.

* * * * *

(c) *Amateur radio operator* means a person holding a valid license to operate an amateur radio station issued by the Federal Communications Commission.

* * * * *

(i) *Additional station.* Any amateur radio station licensed to an amateur radio operator normally for a specific land location other than the primary station, which may be one of the following:

Control station. Station licensed to conduct remote control of another amateur radio station.

Auxiliary link station. Station, other than a repeater station, at a specific land location licensed only for the purpose of automatically relaying radio signals from that location to another specific land location.

Repeater station. Station licensed to retransmit automatically the radio signals of other amateur radio stations.

* * * * *

3. Section 97.40 (b), (c), and (d) are amended to read, as follows:

§ 97.40 Station license required.

* * * * *

(b) Every amateur radio operator shall have one, but only one, primary amateur radio station license.

(c) An amateur radio operator may be issued one repeater station license, one control station license, and one auxiliary link station license for a land location where another station license has been issued to the applicant.

(d) Any transmitter to be operated as part of a control link shall be licensed as a control station or as an auxiliary link station and may be combined with a primary or club station license at the same location.

* * * * *

4. In § 97.41, paragraphs (d) and (f) are deleted, paragraph (g) is redesignated paragraph (e), paragraph (e) is redesignated paragraph (d), and paragraphs (a), (b) and (d) are amended, as follows:

§ 97.41 Application for station license.

(a) Each application for a club or military recreation station license in the Amateur Radio Service shall be made on FCC Form 610-B. Each application for any other amateur radio station license shall be made on FCC Form 6100.

(b) Each application shall state whether the proposed station is a primary or additional station. If the latter, the application shall also state whether the proposed station is a control, auxiliary link or repeater station.

* * * * *

(d) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is only for a station license, it shall be filed directly with the Commission's Gettysburg, Pa. office. If the application also contains an application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 97.11.

* * * * *

5. Section 97.51 is amended to read, as follows:

§ 97.51 Assignment of call signs.

(a) The Commission shall assign the call sign of an amateur radio station on a systematic basis.

(b) The Commission shall not grant any request for a specific call sign.

(c) From time to time the Commission will issue public announcements detailing the policies and procedures governing the systematic assignment

of call signs and any changes in those policies and procedures.

§ 97.53 [Deleted]

6. Section 97.53 is deleted.

7. In § 97.95, the headnote and paragraphs (a)(1) and (a)(2) are amended, as follows:

§ 97.95 Operation away from the authorized fixed station location.

(a) • • •

(1) When there is no change in the authorized fixed station location, an amateur radio station, other than a military recreation station or auxiliary link station, may be operated under its station license anywhere in the United States, its territories or possessions, as a portable or mobile operation, subject to § 97.61.

(2) When the authorized fixed station location is changed, the licensee shall submit an application for modification of the station license in accordance with § 97.47.

• • • • •

[FR Doc. 78-4680 Filed 2-21-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1267, Amdt. 2]

PART 1033—CAR SERVICE

Louisiana & Arkansas Railway Co. Authorized To Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Co. and Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 2 to Service Order No. 1267).

SUMMARY: The Louisiana and Arkansas Railway has been required to discontinue use of certain yard facilities in Dallas, Tex., because of congestion in those facilities. Service Order No. 1267 authorizes the Louisiana and Arkansas to use similar yard tracks at Dallas owned by the Chicago, Rock Island and Pacific Railway and to operate over a short segment of line of the Atchison, Topeka and Santa Fe Railway in order to gain access to those yard tracks. Amendment No. 2 to Service Order No. 1267 extends for an additional six months the emergency authority given to the Louisiana and Arkansas Railway to operate over the tracks of these two railroads.

DATES: Effective 11:59 p.m., February 15, 1978. Expires 11:59 p.m., August 15, 1978.

FOR FURTHER INFORMATION CONTACT:

C.C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The amendment is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1267 (42 FR 26256 and 41425), and good cause appearing therefor:

It is ordered, That: § 1033.1267 Service Order No. 1267 (Louisiana & Arkansas Railway Co. authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co. and over tracks of Chicago, Rock Island and Pacific Railroad Co.) is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 15, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., February 15, 1978.

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

It is further ordered, That a copy of this amendment shall be served upon the Associaton of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-4579 Filed 2-21-78; 8:45 am]

[7035-01]

[S.O. No. 1272, Amdt. 1]

PART 1033—CAR SERVICE

Goodwin Railroad, Inc., Authorized To Operate Over Certain Tracks Owned by State of New Hampshire

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1272).

SUMMARY: Service Order No. 1272 authorizes the Goodwin Railroad to operate a line of railroad formerly operated by the Boston and Maine Railroad and now owned by the State of New Hampshire extending between Concord and Lincoln, N.H. An application for permanent authority is pending. Amendment No. 1 to Service Order No. 1272 extends the order for an additional six months.

DATES: Effective 11:59 p.m., February 15, 1978. Expires 11:59 p.m., August 15, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1272 (42 FR 44815), and good cause appearing therefor:

It is ordered, That: *§ 1033.1272 Service Order No. 1272* (Goodwin Railroad, Inc., authorized to operate over certain tracks owned by the State of New Hampshire) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 15, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., February 15, 1978.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-4577 Filed 2-21-78; 8:45 am]

[7035-01]

[S. O. No. 1282, Amdt. 1]

PART 1033—CAR SERVICE

American Rail Heritage, Ltd. d.b.a. Crab Orchard and Egyptian Railroad Authorized To Operate Over Tracks Embargoed by Illinois Central Gulf Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 1 to Service Order No. 1282).

SUMMARY: Service Order No. 1282 authorizes American Rail Heritage, Ltd., d.b.a. Crab Orchard and Egyptian Railroad (CO&E) to operate over Illinois Central Gulf Railroad Co. (ICG) tracks between Ordill and Mande, Ill. The ICG Railroad has filed for abandonment of this portion of their lines and has placed an embargo against all traffic to and from all stations on the Mande District. Operation by the CO&E over these ICG tracks is necessary to provide rail service to shippers located adjacent to this line. Amendment No. 1 extends the expiration date of the order for 6 months.

DATES: Effective: 11:59 p.m., February 15, 1978. Expires: 11:59 p.m., August 15, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1282 (42 FR 56127), and good cause appearing therefore:

It is ordered, That: § 1033.1282 Service Order No. 1282 (American Rail Heritage, Ltd., d.b.a. Crab Orchard and Egyptian Railroad authorized to operate over tracks embargoed by Illinois Central Gulf Railroad Co.) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 15, 1978, unless otherwise modified, changed or suspended by order of this Commission.

This order shall become effective at 11:59 p.m., February 15, 1978.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-4576 Filed 2-21-78; 8:45 am]

[7035-01]

[S.O. No. 1300-A]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Oshkosh, Wis., and Fond du Lac, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1300-A).

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (MILW) serving Oshkosh and Fond du Lac, Wis., were inoperable because of heavy snow at these two points. MILW service to industries located adjacent to their tracks was impossible and the CNW agreed to provide service. The MILW is now serving its patrons at these points and Service Order No. 1300 is no longer needed.

DATE: Effective: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1978.

Upon further consideration of Service Order No. 1300 (43 FR 5834), and good cause appearing therefor:

It is ordered, That: § *1033.1300 Service Order No. 1300-A* (Chicago and North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Oshkosh, Wis., and Fond du Lac, Wis.) is vacated effective February 14, 1978.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-4578 Filed 2-21-78; 8:45 am]

[7035-01]

[Service Order No. 1301]

PART 1033—CAR SERVICE

Distribution of Grain Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1301).

SUMMARY: The Burlington Northern Inc. is encountering severe shortages of boxcars and covered hopper cars suitable for grain loading. Service Order No. 1301 requires other railroads to return to the Burlington Northern its 40-ft., narrow-door plain boxcars and its covered hopper cars having a capacity of 4,000 cu. ft. or more. Shippers located in the States from New York, Pennsylvania, Maryland and Delaware, north and east to and including New England, may load 40-ft. narrow-door plain boxcars to any stations on the lines of the BN.

DATES: Effective 11:59 p.m., February 15, 1978. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 15th day of February 1978.

There is an acute shortage of plain, 40-ft., narrow-door boxcars and of large capacity covered hopper cars on the Burlington Northern Inc. (BN). These shortages are preventing the orderly flow of grain to markets, both domestic and export, and are causing severe economic loss to producers and shippers of grains dependent upon the BN for transporting these products to market. A portion of the BN's fleets of these cars are loaded to points on the lines of other railroads. Such cars must be returned promptly to the BN for subsequent loading by shippers dependent upon the BN for transporting their shipments. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1301 Distribution of grains cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return of owner empty except as otherwise provided in paragraphs (4, 5, and 6) of this section, all 40-ft., narrow-door plain boxcars and all jumbo covered hopper cars described in paragraphs (2) and (3) of this section owned by the following railroad:

Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP-SPS.

(2) The term "40-ft., narrow-door plain boxcars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-RER No. 406, issued by W. J. Trezise or successive issues thereof, as having mechanical designation "XM" with inside length 40-ft., 6-in. or less and equipped with doors less than 9-ft. wide.

(3) The term "Jumbo covered hoppers cars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-RER No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO" and having capacity of 4,000 or more cubic feet.

(4) *Exception.* Empty 40-ft., narrow-door plain boxcars located in the States of New York, Pennsylvania, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire or Maine may be loaded to any station on the lines of the Burlington Northern Inc.

(5) *Exception.* Jumbo covered hoppers assigned by the owner for loading at stations on other railroads are exempt from the order.

(6) *Exception.* For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(7) Carrier named in paragraph (1) above is prohibited from loading all 40-ft., narrow-door, plain boxcars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded car, described in this order, contrary to the provisions of the order.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 15, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-4711 Filed 2-21-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1071, 1073, 1097, 1102, 1104, 1106, 1108, 1120, 1126, 1132, 1138]

[Docket Nos. AO-231-A45, etc.]

MILK IN THE TEXAS AND CERTAIN OTHER MARKETING AREAS

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Parts	Marketing area	Docket Nos.
1071	Neosho Valley	AO-227-A34
1073	Wichita, Kans	AO-173-A35
1097	Memphis, Tenn	AO-219-A34-RO1
1102	Fort Smith, Ark	AO-237-A28-RO1
1104	Red River Valley	AO-298-A28
1106	Oklahoma Metropolitan	AO-210-A41
1108	Central Arkansas	AO-243-A32-RO1
1120	Lubbock-Plainview, Tex.	AO-328-A21
1126	Texas	AO-231-A45
1132	Texas Panhandle	AO-262-A30
1138	Rio Grande Valley	AO-335-A26

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This notice extends the time for filing exceptions to the December 20, 1977, decision recommending a base-excess plan in 11 Southwest markets. Interested parties requested the additional time to complete their analysis of the decision.

DATE: Exceptions now are due on or before March 15, 1978.

ADDRESS: Exceptions (six copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding:

Notices of Hearing: Issued February 11, 1977, published February 14, 1977 (42 FR 9674); issued March 3, 1977, published March 8, 1977 (42 FR 13024); and issued March 25, 1977, published March 31, 1977 (42 FR 17130).

Extension of time for filing briefs: Issued May 18, 1977, published May 23, 1977 (42 FR 26217).

Recommended Decision: Issued December 20, 1977, published December 29, 1977 (42 FR 65088).

Extension of time for filing exceptions: January 20, 1978, published January 26, 1978 (43 FR 3568).

Notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Texas and certain other marketing areas which was issued December 20, 1977 (42 FR 65088) is hereby extended to March 15, 1978.

This notice is issued 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).

Signed at Washington, D.C., on February 15, 1978.

IRVING W. THOMAS,
Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 78-4656 Filed 2-21-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[No. 78-98]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Regarding Electronic Fund Transfers Through Remote Service Units

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to replace its temporary remote service unit (RSU) regulation with a permanent one which would: (1) Mark the end of the Board's pilot electronic fund transfer (EFT) project; (2) include major consumer protection provisions; (3) remove deadlines for RSU application and operating periods; and (4) revise, shorten, and simplify existing requirements. The Board's decision to propose a new regulation is based upon the experience of its project, the development and acceptance of EFT technology, and the study of the National Commission on Electronic Fund Transfers.

DATE: Comments must be received on or before March 27, 1978.

ADDRESSES: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 17th & G Streets NW., Washington, D.C. 20552. Comments available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202-377-6440), at the above address.

SUPPLEMENTARY INFORMATION: The Board began its experimental RSU project when it adopted Resolution No. 74-8 on January 9, 1974. Its purpose was to permit Federal associations to engage in EFT activities on a limited basis so that the Board could determine whether traditional financial services could be provided to the public in more efficient, convenient, and economical ways. On October 28, 1974, Congress passed Pub. L. 93-495, which created the National Commission on Electronic Fund Transfers (Commission) to "Conduct a thorough study and investigation and recommend appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems". During the following years, the Board continued learning from its EFT project and participation in the Commission's study and investigation. As a result of this experience, the Board concluded that the public interest would be served by allowing Federal Associations to continue offering financial services through RSUs. Therefore, the Board proposes a permanent new regulation which would encourage development of these modern services within a regulatory framework providing safeguards for depositors and accountholders.

Forming the core of the proposal is the Board's temporary RSU regulation, which has been revised, shortened, and simplified. Subparagraphs (b), (c), and (m) through (r) of the proposal contain most of the old provisions, unchanged in substance. Proposed subparagraph (p), however,

would alter the application procedure by requiring supervisory clearance prior to application filing, and a start-up date within 6 months after Board approval, unless an extension is granted.

Proposed subparagraph (a) is a definitions section, which defines shortened terms used throughout the regulation. Included are definitions of RSUs, RSU accounts, cards, and users. The definition of RSU has been changed so that on-premise sharing of terminals or teller machines would be allowed under this section. A new generic term, "personal security identifier" (PSI), has been coined to replace PIN or personal identification number since PIN would not cover codes, fingerprints, or other identifying marks which may be used to access RSU accounts in the future.

New subparagraphs (d) through (l), which are based upon the Commission's findings, would propose consumer protections covering, among other areas, disclosure of contract terms, account statements, liability for losses, privacy of account data, and error resolution procedures. The Board recognizes that consumer issues will play a major role in the development of EFT services, and thus especially invites comment on these portions of the proposal.

It should be noted that the Board intends to allow existing operational projects a period of six months following the effective date of this proposed regulation to conform to subparagraphs (d), (f), (g), (h), (i), (k), and (l).

Accordingly, the Board proposes to revise 12 CFR 545.4-2 to read as follows:

§ 545.4-2 Remote service units (RSUs).

(a) *Definitions.* As used in this section—

(1) "Remote service unit" (RSU) means an information processing device, including associated equipment, structures, and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution, and which, for activation and account or deposit access, requires use of an activator in the possession and control of the user. The term includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines. It excludes terminals or teller machines which are on the premises of a Federal association, unless such terminals or teller machines are shared with other financial institutions. An RSU is not a branch, satellite, or other type of office, facility, or agency of a Federal association under §§ 545.14, 545.14-1, 545.14-2, 545.14-3, 545.14-4, 545.14-5, or 545.15.

(2) "User" means a Federal association depositor or accountholder.

(3) "RSU account" means a savings account or deposit at a Federal association which may be accessed through an RSU.

(4) "Activator" means a machine-readable instrument other than any type of passbook used to access an RSU account.

(5) "Personal security identifier" (PSI) means any word, number, or other security identifier essential for user access of an account through an RSU.

(6) "Supervisory Agent" means the President of the Federal Home Loan Bank of the district where a Federal association's home office is located, or any other officer or employee of such Bank designated by the Board as agent under §§ 501.10 and 501.11 of this chapter.

(b) *General.* A Federal association may establish or use remote service units (RSUs) in the State of its home office or in the primary service area, as determined by the Board, of any of its out-of-State branches, and may participate in RSU operations with other financial institutions as the Board may approve.

(c) *RSU financial services.* By resolution of its Board of directors, a Federal association may be authorized to offer any of these financial services to the public through RSUs:

(1) Crediting existing savings or deposit accounts;

(2) Debiting such accounts up to the available balance therein, provided that no negotiable or transferable order or authorization is used unless permitted by Federal law;

(3) Crediting payments to loans in which the association has an investment or which it is servicing; and

(4) Related financial services as the Board may approve upon application.

(d) *Account agreements.* A Federal association shall disclose to each prospective RSU user, in clear and easily understood language, all terms and conditions of the RSU agreement.

(e) *Service charges.* A Federal association may impose charges for RSU financial services. A schedule of charges shall be disclosed to a prospective user before an RSU account is opened. RSU users shall be notified 60 days before service charges are changed by the association.

(f) *RSU activator.* A Federal association shall have each RSU activator imprinted with the words "Not Transferable" and inform each user that:

(1) Loss or theft of the activator should be reported to the association promptly; and

(2) The PSI issued to the user is for security purposes and should not be disclosed to third parties.

(g) *Account statements.* A Federal association shall issue each RSU user a statement of RSU account transactions every 30 days if the account has been used in that time, 90 days if not.

(h) Error resolution. A Federal association shall establish error resolution procedures for RSU accounts, and inform users that:

(1) Notification of error should be made within 60 days of recipt of the statement; and

(2) Resolution of error shall be made by the asociation within 10 days of such notification.

(i) *Liability for loss.* A Federal association shall be liable to a user for RSU account losses resulting from the association's:

(1) Failure to correctly carry out a user's transaction order;

(2) Failure to correct an account error within 10 days of notification by the user; or

(3) Processing a transaction order from an unauthorized user, unless the association proves that such use resulted from the user's negligence.

(j) *Privacy of account data.* A Federal association shall allow users to obtain information on their RSU accounts. Except for generic data necessary to identify a transaction or prepare reports required by the Board, no Federal association may disclose account data to third parties unless express written consent of the user is given, or applicable law requires.

(k) *RSU access techniques.* A Federal association shall provide a PSI to each authorized user, and may not use RSU access techniques which require the user to disclose a PSI to another person.

(l) *RSU receipts.* Each RSU approved by the Board after (date regulation is effective) must dispense machine-printed receipts to users at the time of an RSU transaction.

(m) *Bonding.* A Federal association shall take all steps necessary to protect its interest in financial services processed at each RSU, including obtaining available fidelity, forgery, and other appropriate insurance.

(n) *Security.* All RSUs shall meet the minimum security devices requirements of Part 563a of the Insurance Regulations as though such units were offices, as defined in § 563a.1 of said Part, except to the extent that an applicant satisfies the Board that those requirements are inappropriate and that alternate measures satisfactory to the Board will be taken for installation, maintenance, and operaion of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in identification and apprehension of persons who commit such acts.

(o) *Competitive implications.* The Board will consider competitive implications of applications made under this section and may, in an appropriate case, (1) request the views of the Antitrust Division of the Department of Justice, (2) request an applicant to obtain a business review letter from

such Division under 28 CFR §50.6, and/or (3) require a Federal association to share RSU activities with an applicant FSLIC-insured institution under reasonable terms and conditions. A Federal association may not enter into any agreement for exclusive right to engage in RSU activities at any location(s).

(p) *Applications.* (1) *General.* A Federal association shall obtain the Board's written approval before entering into any RSU activity or materially altering a previously approved one. Before applying for such approval, a Federal association shall obtain from the Supervisory Agent written advice that there is no present supervisory objection to such application.

(2) *Start-up date.* A Federal association shall have an RSU activity operational no later than six months after Board approval, unless the Board grants an extension.

(3) *Filing.* Two copies of any RSU activity application shall be filed with the Supervisory Agent. The original and two copies shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. Additional material may be requested by the Director or the Supervisory Agent. Applicants may file information to supplement or amend applications.

(q) *Board supervision.* Each Federal association which engages in any RSU activity shall be subject to rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt, including requirements to terminate or modify such activity, whether engaged in separately or with others.

(r) *Reporting.* A Federal association which engages in RSU activities shall submit to the Board, at such association's expense, such reports as the Board may require regarding such activities.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93-100, 87 Stat. 342; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-4670 Filed 2-21-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-54; RM-2981]

FM BROADCAST STATION IN REXBURG, IDAHO

Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Rexburg, Idaho, as that community's second FM assignment. Petitioner Don Ellis states that the proposed channel could bring a third full-time commercial local aural broadcast service to Rexburg.

DATES: Comments must be received on or before April 11, 1978, and reply comments on or before May 1, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1978.

Released: February 17, 1978.

In the matter of amendment of §73.202(b), Table of Assignments, FM Broadcast Stations. (Rexburg, Idaho). BC Docket No. 78-54, RM-2981.

1. *Petitioner, Proposal, Comments:*

(a) Notice of Proposed Rulemaking is given concerning amendment of the FM Table of Assignments (sec. 73.202(b) of the Commission's Rules) as it relates to Rexburg, Idaho.

(b) Petition for rulemaking[1] was filed by Don Ellis ("petitioner"), licensee of full-time AM Station KRXK, Rexburg, Idaho, seeking the assignment of Channel 252A to Rexburg, Idaho, as its second FM assignment. No responses to the proposal have been received.

(c) Channel 252A could be assigned to Rexburg in conformity with the minimum distance separation requirements. Petitioner states that if the proposed assignment is made, he will promptly apply for a permit to build a station.

2. Community Data:

(a) Location: Rexburg, seat of Madison County, is located approximately 116 kilometers (72 miles) northeast of Pocatello, Idaho.

(b) Population: Rexburg—8,272; Madison County—13,452.[2]

(c) Local Broadcast Service: Rexburg is served by full-time AM Station KRXK, licensed to petitioner, and Station KADQ(FM), Channel 232A. Rexburg also has assigned to it a noncommercial educational FM station (KRIC, Channel 211) which is licensed to Ricks College.

3. *Economic Data:* Petitioner asserts that although the 1970 Census lists the Rexburg population at 8,272, it is presently estimated at 9,200. He states that Ricks College, which is located in the community, has approximately 6,000 students in residence for more than eight months of the year. He notes that during the summer, retired couples occupy the student apartments with nearly 1,000 couples anticipated in 1978.

4. *Preclusion Studies:* Preclusion would occur on Channels 249A, 252A, 253 and 254. Five communities[3] with populations greater than 2,000 would be precluded as a result of the proposed assignment. Two of these communities (Idaho Falls and Jackson) have an AM and an FM station. One (St. Anthony) has an AM station and the remaining two communities (Shelby and Rigby) have no local aural broadcast service. However, petitioner's engineering study indicates that other channels are available for assignment to the latter two communities in the precluded areas.

5. Petitioner contends that taking into account Rexburg's non-permanent population provides ample justification for the proposed assignment. In fact, however, the Census figures include the students in residence at Ricks College. Nonetheless, since under our population criteria one or two channels could be assigned to Rexburg, we believe consideration of the above proposal in a rulemaking proceeding is warranted.

6. In view of the foregoing, the Commission proposes the following revision in the FM Table of Assignments (sec. 73.202(b) of the Rules) with respect to the community listed below:

City: Rexburg, Idaho, Channel No., Present 232A, Proposed 232A, 252A.

7. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 11, 1978, and reply comments on or before May 1, 1978.

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

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, section 73.202(b) of the Commission's Rules and Regulations, as

[1] Public Notice of the petition was given on October 25, 1977 (Rept. No. 1084).

[2] Population figures are taken from the 1970 U.S. Census unless otherwise indicated.

[3] Idaho: St. Anthony (pop. 2,877; Shelby (2,614); Rigby (2,293); Idaho Falls (35,776) and Jackson (2,101).

set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-4678 Filed 2-21-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-52; FCC 78-92]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Assignment of TV Channels to Waldorf, Fairfax, Fredericksburg and Front Royal, Virginia

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and order to show cause.

SUMMARY: This action proposes three alternative plans to improve educational TV service in Northern Virginia. Two of the plans involve assigning TV Channel 56 to either Fairfax or Goldvein, Va., to allow for better transmitter site selection than is now offered from station WNVT (now operating on TV channel *53 at Goldvein). Another plan would reserve and reassign Channel 14 from Washington, D.C. to Fairfax, Va.

DATES: Comments must be received on or before March 24, 1978, and reply comments on or before April 17, 1978.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 8, 1978.

Released: February 21, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Washington, D.C., Waldorf, Maryland, Fairfax and Front Royal, Virginia), BC Docket No. 78-52, RM-2808. Notice of proposed rulemaking and order to show cause.

1. The Commission has before it for consideration a petition for rulemaking filed by the Central Virginia Educational Television Corporation ("CVETC"), licensee of noncommercial educational TV Station WNVT (Channel *53), Goldvein, Virginia,[1] and operator of a translator station on UHF Channel 14 (assigned to Washington, D.C. but used in Arlington, Virginia).[2] CVETC's petition requests the deletion of Channel 14 from Washington, D.C., and its reassignment to Fairfax, Virginia, reserved for noncommercial educational use. Comments were filed in response to the petition by Washington Christian Television Outreach ("Outreach"), Formula Telecommunications Association ("Formula"), Spanish International Communications Corporation ("SICC"), and Greater Washington Educational Telecommunications Association ("GWETA"). In additional, letters from residents, educators, civic groups and government representatives of the Northern Virginia area were filed in support of this petition.[3] A letter in opposition to the proposal was filed by Mayor Walter E. Washington of Washington, D.C. and a reply to the comments in opposition to the petition was filed by the petitioner.

2. The letters in support of the petition and the filings by CVETC argue that Station WNVT is unable to provide an adequate signal level to the Northern Virginia area it wishes to serve. None of the oppositions filed contest this assertion. CVETC states that the problems in reception include such factors as transmitter remoteness, topography, power/height limitations, building formations and receiving antenna orientation away from WNVT and toward Washington, D.C. It also states that although its operation of a translator in Channel 14 in Arlington is beneficial, it does not completely eliminate problems with reception, and is, at best, only a temporary solution.[4] Thus, the purpose of the petition is to provide the residents of Northern Virginia with an improved signal, according to CVETC. The area in which CVETC desires to improve its Service includes the heavily populated Northern Virginia suburbs of Alexandria city, population 110,927;[5] Fall Church city, population 10,772; Fairfax city, population 21,970; Arlington County, population 174,284; and Fairfax County, population 455,032. All of the preceding are located in the Washington, D.C. Urbanized Area. CVETC noted that if Channel 14 were assigned to Fairfax, located approximately 29 kilometers (18 miles) west of Washington, Channel *53 could be used (virtually perfect the Virginia statewide educational television plan) at Fredericksburg, Virginia, the city to which it is assigned in the Table.

3. In arguing that there is a greater need for the proposed assignment in Northern Virginia than there is for the channel at Washington, CVETC urges that the Commission is obligated to reexamine its television allocations to determine if more equitable allocations can be made, citing TV Channel Assignments at New Jersey, 58 FCC 2d 790 (1976). GWETA in its comments suggest however, that instead of reassigning and reserving Channel 14 at Fairfax, any one of three other alternatives could accomplish petitioner's objective of provid-

[1] Channel *53 is assigned to Fredericksburg, Virginia, and is used at Goldvein under the Commission's "15 mile" rule, Section 73.607(b).

[2] CVETC is also licensed to operate educational Stations WCVE-TV (Channel *23), and WCVW (Channel *57) in Richmond, Va.

[3] One such letter from the Clerk of the Virginia House of Delegates includes an attached joint resolution (No. 255) from the Virginia General Assembly in support of the petition.

[4] Channel 14, formerly used by Station WOOK-TV, is assigned to Washington, D.C. (pop. 756,510; Urbanized Area population 2,481,489) (1970 U.S. Census). All of the VHF and UHF channels assigned to washington are occupied with the exception of Channel 14 for which an application has been tendered. Stations are operating on Channels 4, 5, 7, 9, 20, and *26. Permits are outstanding for Channels *32 and 50.

[5] All population data are taken from the 1970 U.S. Census.

ing an improved signal to Northern Virginia. The first proposal would reassign Channel *53 from Fredericksburg to a Northern Virginia suburb so as to permit a transmitter site location a few miles closer to Fairfax and the rest of Northern Virginia. The second option, to reassign Channel *42 (at Fort Royal) to some Fairfax County location, would also allow a preferred transmitter site. The third plan, to reassign Channel *56 from Waldorf, Md., to Fairfax and substitute Channel *58 at Waldorf would provide a desirable (but very small) area in which to select a transmitter site location in Arlington. Each of these suggestions would permit the retention of Channel 14 at Washington, which, according to GWETA, is needed to provide for a minority oriented program source for the Nation's Capital.

4. SICC, GWETA and Mayor Washington urge retention of Channel 14 in Washington, D.C., so that an opportunity for minority interests to apply for the last available commercial TV channel in Washington would not be foreclosed. Mayor Washington argues that there is an urgent need for minority service since more than 70% of the District of Columbia residents are Black and a substantial number are of Spanish-Speaking origin. He further notes that several judicial decisions support the notion that the Commission should encourage minority ownership of television. Both Outreach and Formula indicated in comments that they were preparing to file applications for the use of Channel 14 in Washington, D.C., and an application by Outreach has since been tendered for filing. SICC has also stated that an application for a Spanish language TV station may be filed for that channel.

5. CVETC asserts in reply comments that we should not be persuaded by the arguments regarding Black ownership because minority needs will be addressed by the proposed educational station on Channel *32 which is to be operated by Howard University, a predominantly Black institution. Further, it argues that it would be speculative at this point to assume that a minority group will even apply for Channel 14. As for the allocation issue, it notes that Washington is presently well served by its complement of channels and asserts that the alternative plans set forth by GWETA are unsatisfactory due to the limitations in site selection which are involved.[6] With respect to the first two plans, it argues that the benefits in coverage would not outweigh the cost of the move and that obtaining any site at all would be difficult under the third plan. CVETC also argues that no channel is available to replace Channel *42 at the present reference point if it were deleted from Front Royal, and that a one kilowatt translator rebroadcasting the signal of a noncommercial education station there would be forced off the air.

6. CVETC has argued persuasively that some step should be taken to improve the coverage of the present educational service afforded by Station WNVT on Channel *53 as now supplemented by the translator on Channel 14. This improvement apparently can take place in several ways and we wish to explore each of the methods by describing them as alternative plans and eliciting comments on the desirability of each. Under the first of the proposed plans (a modification of the third plan set forth by GWETA), Channel *56 would be reassigned from Waldorf, Maryland, to Fairfax, and *58 would be substituted at Waldorf. Then, so as to avoid difficulties in transmitter site selection, Channel *61 would be substituted for Channel *42 at Front Royal. In this latter connection, Fairfax is approxmately 77 kilometers (48 miles) from Front Royal, and the separation requirement between Channel *42 and Channel *56 is 60 miles, while the required separation between Channel *61 and Channel *56 is only 20 miles. Thus, Channel *61 at Front Royal would have virtually no effect on site selection for a Channel *56 Fairfax station. However, from the Front Royal reference point Channel *61 would be short-spaced by 3.4 kilometers (2.1 miles) to unoccupied Channel 61 in Wilmington, Delaware, and by 1.1 kilometers (0.7 mile) to unoccupied Channel 62 in Frederick, Maryland. Accordingly, a transmitter site restriction would need to be imposed. The present translator station (W42AC) on Channel *42 at Front Royal, licensed to Shenandoah Valley Educational TV Corporation, would not have to move from its present operating location. However, it would be required to apply for a permit to change its operation to Channel *61 if that channel were assigned—see Section 74.702(d) and (c)(3) of the Commission's Rules.

7. Secondly, we are proposing as an alternative, that Channel 14 be reassigned from Washington to Fairfax and reserved for non-commercial educational use. However, we are concerned about the effect that this action would have in precluding the opportunity for minority applicants to attempt to obtain a local commercial TV station on this channel. Nevertheless, we believe that CVETC should be given an opportunity to establish that significant public interest benefits could result from the proposed use which are unavailable through the other options that do not require removal of the channel from Washington, D.C. Therefore, if it wishes to have us proceed in this fashion, its comments should address this issue. It should be noted that under both of the proposals Station WNVT would have to file an application to change its station location on the newly assigned channel, either Channel *56 or Channel *14. This procedure would be necessary in light of the fact that a new community would be receiving a TV channel. In short, since there has not been an opportunity for interested persons to apply for a Fairfax TV station up to now, we believe an application would be both necessary and appropriate.[7] Thus, other applications proposing educational use of the channel would also be acceptable for filing. Since there is a possibility that another applicant could be granted a permit for the channel, it should also be noted that if Station WNVT were not the winning applicant it could continue its operation on Channel *53 at its present site. In such case, under the first plan the Channel *56 Fairfax assignment would have to be used at a site at least 5.5 kilometers (3.4 miles) north of Fairfax. On the other hand, we would expect CVETC, in its comments, to clearly state its intention of relinquishing its rights to Channel *53 upon obtaining a permit for Channel *56 or Channel *14 at Fairfax.

8. A third method of providing improved coverage to Northern Virginia could be achieved through a modification of Station WNVT's operation from Channel *53 to Channel *56 (reassigned from Waldorf, Maryland) at Goldvein.[8] Channel *58 would be substituted at Waldorf and Channel *61 substituted for Channel *42 at Front Royal, as in the first plan. Since no new community would be receiving a TV channel, no application to change the station would be involved, only one to change transmitter site to move it closer to the area petitioner wishes to serve. A move of about 18 kilometers (11 miles) in this direction would be possible, or more if the station increased its facilities. An Order to Show cause alternative proposal.

9. In view of the foregoing the Commission is persuaded that a rule making proceeding should be instituted to obtain comments on the following alternative proposals in the Television Table of Assignments §73.606(b) of the rules) with respect to the cities listed below:

[6] The first plan, reassignment of Channel *53 from Fredericksburg, would allow moving the transmitter 5 miles north of its present location. The second plan, reassignment of Channel *42 from Front Royal, would allow moving the transmitter 10 miles in the same direction.

[7] See Cheyenne, Wyoming, 62 F.C.C. 2d 63 (1976), and Santa Ana, California, 65 F.C.C. 2d 920 (1976).

[8] Under this plan, the new city grade contour for a station on Channel *56 could extend almost to Laurel, Maryland, and northern Montgomery County (Maryland). In addition, the new Grade B contour could be expected to almost reach annapolis.

City	Channel No. Present	Proposed
1st alternative plan		
Waldorf, Md.	*56–	*58+
Fairfax, Va.		*56–
Fredericksburg, Va.	*53, 69+	*53,69+
Front Royal, Va.	*42	*61+
2d alternative plan		
Washington, D.C.	4–, 5–, 7+, 9, 14–, 20+, *26–, *32+, 50	4–, 5–, 7+, 9, 20+, *26–, *32, 50
Fairfax, Va.		*14–
Fredericksburg, Va.	*53, 69+	*53, 69+
3d alternative plan		
Waldorf, Md.	*56–	*58+
Fredericksburg, Va.	*53, 69+	69+
Front Royal, Va.	*42	*61+
Goldvein, Va.		*56–

10. In the event that the 3rd. Alternative Plan is adopted, *it is ordered*, That pursuant to section 316 of the Communications Act of 1934, as amended, That Central Virginia Educational Television Corporation, shall show cause why its license for TV Channel *53 at Goldvein, Virginia, should not be modified to specify operation on Channel *56 at Goldvein. Pursuant to §1.87 of the Commission's rules and regulations, the licensee, Central Virginia Educational Television Corporation, may not later than March 24, 1978, request that a hearing be held on the proposed modification. Pursuant to §1.87(f), if the right to request a hearing is waived, Central Virginia Educational Television Corporation may not later than March 24, 1978, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the notice of Proposed Rule Making and Order to Show Cause. In this case, the Commission may call on Central Virginia Educational Television Corporation to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided. If the right to request a hearing is waived and no written statement is filed by the date referred to above. Central Virginia Educational Television Corporation is deemed to consent to the modification as proposed in the Order to Show Cause, and a final Order will be issued by the Commission.

11. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

12. Interested parties may file comments on or before March 24, 1978, and reply comments on or before April 17, 1978.

13. *It is further ordered*, That the Secretary shall send a copy of this *Notice* by certified mail, return receipt requested to Shenandoah Valley Educational Television Corp., c/o Richard L. Parker, Port Republic Road, Harrisonburg, Va. 22801.

14. *It is further ordered*, That the Secretary shall send a copy of the Order to Show Cause by certified Mail, return receipt requested to Central Virginia Educational Television Corporation, 23 Sesame Street, Richmond, Virginia 23235, the party to whom this Order to Show Cause is directed.

15. *It is further ordered*, That the Secretary shall send a copy of this notice by Certified Mail, return receipt requested to Washington Christian Television Outreach, P.O. Box 34914, Washington, D.C. 20034.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

1. Pursuant to authority found 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(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, §73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than than, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 78-4682 Filed 2-21-78; 8:45 am]

[6712-01]

[47 CFR Part 97]

[Docket No. 21135; FCC 78-77]

AMATEUR RADIO SERVICE

Simplification of Licensing and Call Sign Assignment Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FCC is proposing to adopt new rules concerning club stations, military recreations stations and Radio Amateur Civil Emergency Service stations. If adopted, the new rules will tighten the eligibility criteria for such stations. We are taking this action to reduce the number of applications we receive for military recreation, club and Radio Amateur Civil Emergency Service stations and bring our workload into closer alignment with the resources we have available. We expect our action will enable us to provide amateur licensees with better, more efficient service in other areas.

DATES: Comments must be received no later than June 2, 1978. Reply comments must be received no later than June 30, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Joseph M. Johnson, Personal Radio Division, 202-632-7250.

SUPPLEMENTARY INFORMATION:

Adopted: February 8, 1978.

Released: February 23, 1978.

By the Commission.

In the matter of the simplification of the licensing and call sign assignment systems for stations in the Amateur Radio Service. Docket No. 21135 See 42 FR 15438.

1. In accordance with the Administrative Procedure Act, 5 U.S.C. 553, and §1.412 of the Commission's Rules, 47 CFR §1.412, the Commission hereby gives Notice of Proposed Rule Making in the above-captioned matter.

2. In the Notice of Proposed Rule Making in this proceeding, the Commission proposed to simplify the amateur licensing structure by discontinuing the issuance of all station licenses other than primary and space station; i.e. we would no longer issue Secondary, Special Event, Military Recreation, Club, RACES, Repeater, Auxiliary, and Control. We also proposed to drop virtually all of the rule provisions which presently allow licensees to choose specific call signs and/or call sign formats for their stations. We made these proposals in an effort to streamline and simplify our application processing system in order to provide the best possible service to our applicants, within our manpower and resource allocations.

3. In an accompanying First Report and Order, in this proceeding, we have adopted our proposals with respect to Secondary stations, Special Event stations, and call signs. We did not act on our other proposals. From our analysis of the comments received in response to our Notice, it is clear that amateurs are deeply concerned about Club, Military recreation, and RACES stations, and for that reason, we are proposing to continue them on a scaled-down basis. We hope we are able to accomplish this within our limited resources. We have concluded we may be able to continue to issue such licenses if the number of applications we receive is few. We are therefore proposing to adopt more restrictive eligibility criteria for club stations and RACES stations and to change the way in which applications for club, military recreation, and RACES stations are submitted and processed.

4. Specifically, we are proposing the following rule amendments:

(a) *Military recreation stations.* According to many of those submitting comments in response to our Notice of Proposed Rulemaking in this proceeding, such as the Secretary of Defense, military recreation stations make an important contribution to the morale of our armed forces. For this reason, we wish to continue to license such stations. We are proposing that all new military recreation stations be issued 2X3 call signs, (i.e., call signs with two letters, followed by a digit, followed by three letters) with the prefix "WM". Existing stations will be assigned new call signs upon renewal. All military recreation station licenses, new stations and existing stations when renewed, will be set to expire on May 31st of the license term's fifth year, so that our workload cycle can better accommodate the processing of these applications. We are also renewing our proposal of the earlier Notice to allow any primary station license to be used at a military recreation station. However, such usage would be optional, rather than mandatory as earlier proposed; i.e., a licensee wishing to operate a military recreation station could, if he wished, forgo obtaining a Military Recreation station license and simply use his own station license instead. In such instances, a licensee could use the distinctive identifier "MRS" on telegraphy, and "military recreation station" on telephony, after the station's call sign.

(b) *RACES stations.* Several comments in this proceeding, such as that submitted by the County of Los Angeles, argued that the continued separate licensing of RACES stations is important. We are proposing to revise the eligibility criteria for such licenses to provide for the issuance of a maximum of one RACES license per civil defense organization. We would continue our present procedure of assigning all such stations 2X3 call signs prefixed with the letters "WC". Existing RACES stations would be allowed to retain their present call signs. All RACES station licenses, new stations and existing stations when renewed, will be set to expire on June 30th of the license term's fifth year, so that our workload cycle can better accomodate the processing of these applications. We would also allow any primary station license to be used at a RACES station, in lieu of a RACES station license, as was proposed in our earlier Notice.

(c) *Club stations.* At least one comment received in this proceeding, submitted by the Amateur Radio Club of the Massachusetts Institute of Technology, stated that many club stations are financially supported by educational institutions and the elimination of separate club station licenses would result in a loss of support for those stations. We do not wish to take action which might have such disastrous consequences for club stations supported by educational institutions. We propose to continue to license club stations, but we are proposing to revise the eligibility criteria for club station licenses to require all new and existing licensees to demonstrate a compelling need for such licenses. Further, we license clubs directly. No trustee would be required. All club licenses would be in the 2X3 format, with the prefix "WK". Existing stations meeting our new eligibility criteria will be assigned new call signs upon renewal. All club station licenses, new stations and existing stations when renewed, will be set to expire on July 31st of the license term's fifth year, so that our workload cycle can better accommodate the processing of these applications. We would also allow any primary station license to be used at a club station, in lieu of a club license, as was proposed in our earlier Notice. In such instances, a licensee could use the distinctive identifier "CLB" on telegraphy and "CLUB" on telephony.

5. We believe our proposals may help bring our workload into closer alignment with available manpower and resources. The tighter eligibility criteria for RACES and club station licenses will, we believe, eliminate those applicants who have no real need for such licenses. We are hopeful that many amateurs will simply use their own primary station licenses when operating in these activities, and forgo applying for a license they have no real need for. Our proposal to assign distinctive prefixes to military recreation and club stations is in keeping with the sentiments found in many comments relating of the importance of identifying stations which are engaged in these activities. Many respondents to the first NPRM stressed the importance of a separate identity for these stations. Distinctive call signs would enhance such a separate identity. Our proposal to stagger renewal applications for these stations during the summer months will allow us to plan ahead for handling this segment of our workload. In order to continue the efficient processing of applications, we are, effective with the adoption of this document, imposing a freeze on the processing and filing of applications for new RACES, military recreation and club station licenses.

6. The specific rule amendments we are proposing are set forth below. Authority for these proposals is contained in sections 4(i), 5(e), and 303 of the Communications Act of 1934, as amended. We invite interested parties to submit comments concerning our porposals on or before June 2, 1977 and reply comments on or before June 30, 1977. An original and five copies of all comments and reply comments shall be furnished the Commission, pursuant to §1.419 of the rules. Respondents wishing each Commissioner to have a personal copy of the comments may submit an additional six

copies. Members of the public wishing to express interest in our proposals but unable to provide the required copies may participate informally by submiting one copy of their comments, without regard to form, provided the correct Docket number is specified in the heading of the comments. All comments and reply comments filed in this proceeding should be sent to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

7. Individuals wishing to inspect the comments and reply comments filed in this proceeding may do so during regular business hours, 8:00 A.M. to 5:30 P.M., Monday through Friday, in the Commission's Public Reference Room, 1919 "M" Street, N.W., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

The Federal Communications Commission proposes to amend Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, as follows:

1. In §97.3, paragraphs (g) and (h) are amended, as follows:

§97.3 Definitions.

* * * * *

(g) *Military recreation station* means an amateur radio station which is:

(1) Licensed to the person in charge of the station;

(2) Located at a land location in approved public quarters under the auspices of the Armed Forces of the United States;

(3) provided for the recreational use of amateur radio operators; and

(4) operated by other than the U.S. Government.

(h) *Club station* means an amateur radio station licensed to a bona fide amateur radio organization or society. A bona fide amateur radio organization or society is composed of at least two persons, one of whom must be a licensed amateur operator, and has: (1) A name;

(2) An instrument of organization (e.g., a constitution);

(3) Management; and

(4) A primary purpose which is devoted to amateur radio activities consistent with §97.1 and constituting the major portion of the club's activities.

* * * * *

2. In §97.37, the headnote and text are amended to read as follows:

§97.37 Eligibility for station license.

(a) Except as provided in paragraphs (b) and (c) of this section, an amateur radio station license shall be issued only to a licensed amateur radio operator.

(b) A military recreation station license may be issued to: (1) A licensed amateur radio operator; or

(2) An individual who is in charge of a proposed military recreation station and who is not a representative of a foreign government.

(c) A club station license may be issued to an amateur radio club if: (1) The club meets the definition of *club station* in §97.3;

(2) The club demonstrates to the FCC a compelling need for a club station license; and

(3) At least one officer of the club holds an amateur operator license of the Technician Class or above.

(d) An amateur radio station license shall not be issued to a school, company, corporation, association or other organization, except to an amateur radio club meeting the requirements in paragraph (c) of this section and in §97.3.

§97.39 [Deleted]

3. §97.39 is deleted.

§97.40 [Redesignated]

4. §97.40 is redesignated §97.39.

5. In §97.41, paragraph (a) is amended to read as follows:

§97.41 Application for station license.

(a) An application for a new station license in the Amateur Radio Service shall be made as follows:

(1) An application for a station license, other than a club station license or a military recreation station license, shall be made on FCC Form 610.

(2) An application for a club station license shall be made on FCC Form 610-B, and shall be accompanied by a statement showing a compelling reason why a station license should be issued to the applicant club.

(3) An application for a military recreation station license shall be made on FCC Form 610-B.

* * * * *

6. In §97.47, paragraph (a) is revised to read, as follows:

§97.47 Renewal and/or modification of amateur station license.

(a) An application to renew and/or modify an amateur station license shall be made as follows: (1) An application to renew and/or modify an amateur station license, other than a club station license or a military recreation station license, shall be made on FCC Form 610, and shall be accompanied by the applicant's station license or a photocopy of the applicant's station license.

(2) An application to renew and/or modify a club station license shall be made on FCC Form 610-B, shall be accompanied by a statement showing a compelling reason why an amateur station license should be renewed and/or modified for the licensee club, and shall be accompanied by the applicant's station license or a photocopy of the applicant's station license.

(3) An application to renew and/or modify a military recreation station license shall be made on FCC Form 610-B, and shall be accompanied by the applicant's station license or a photocopy of the applicant's station license.

* * * * *

7. §97.171 is revised to read, as follows:

§97.171 Eligibility for RACES station license.

(a) A RACES station will be licensed only to a local, regional or state civil defense organization.

(b) A civil defense organization is eligible to hold only one RACES station license.

[FR Doc. 78-4681 Filed 2-21-78; 8:45 am]

[6712-01]

[47 CFR Part 78]

[CT Docket No. 78-51; FCC 78-86]

CABLE TELEVISION RELAY SERVICE

Regulations To Permit Continuous Operation

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: Presently Cable Television Relay Service (CARS) stations are not allowed to transmit 24 hours a day unless the signal which they relay is available 24 hours a day. It is proposed to now allow continuous operation.

DATES: Comments must be received on or before March 24, 1978, and reply comments must be received on or before April 10, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Stephen Y. Yelverton, Chief, Microwave Branch, Cable Television Bureau, 202-254-3420.

SUPPLEMENTARY INFORMATION:

Adopted: February 8, 1978.

Released: February 15, 1978.

In the matter of amendment of Part 78 of the Commission's Rules and Regulations to permit continuous operation in the Cable Television Relay Service. CT Docket No. 78-51.

1. Notice is hereby given of the proposed rulemaking in the above entitled matter.

2. On December 8, 1977, the Commission adopted the Report and Order in Docket 20539, FCC 77-836, —— FCC

2d —— (1977).[1] As part of this proceeding, Subpart F of Part 74 of the Rules was amended to allow continuous operation of stations in the Television Auxiliary Broadcast Service. Continuous operation of a station occurs when a station transmits 24 hours per day, even if there is not always information to be relayed. Since the Cable Television Relay Service (CARS) shares the 12.70-12.95 GHz portion of the spectrum with the Television Auxiliary Broadcast Service, we believe that it is appropriate to consider amending Part 78 of the Rules to also allow continuous operation by CARS stations. Continuous operation is presently allowed for microwave stations in the Common Carrier and in the Safety and Special Radio Services. Also, licensees and manufacturers report that better reliability and stability is achieved if the equipment operates continuously.[2]

3. In the Second Report and Order in Docket 15586, FCC 68-126, 11 FCC 2d 709, 725 (1968), we expressly rejected continuous operation for CARS stations.[3] Also, in the Memorandum Opinion and Order in Docket 15586, FCC 70-112, 21 FCC 2d 284, 286 (1970), we denied a petition for reconsideration on this matter.[4] In these decisions we believed that continuous operation would not be good spectrum policy in a band where both fixed and mobile stations are authorized. However, in the past several years, it has appeared that continuous operation does not substantially affect spectrum management. Since this matter has been subject to rulemaking before, we believe it appropriate to issue a Notice of Proposed Rulemaking rather than editorially change the Rules.

4. Authority for the proposed rulemaking instituted herein is contained in Sections 4(i), and (303) of the Communications Act of 1934, as amended.

5. All interested persons are invited to file written comments on the rulemaking proposal on or before March 24, 1978, and reply comments on or before April 10, 1978. In reaching a decision on this matter, the Commission may take into account any other relevant information before it in addition to the comments requested by this Notice.

6. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-4683 Filed 2-21-78; 8:45 am]

[1] See 43 FR 1943, Jan. 13, 1978.

[2] With respect to the potential interference to other stations that could result from continuous operation, we would anticipate adopting a rule similar to that adopted by the Television Auxiliary Broadcast Service, which provides that continuous radiation of the carrier without modulation may not cause harmful interference to other authorized stations.

[3] See 33 FR 3176, Feb. 20, 1968.

[4] Not published in FEDERAL REGISTER.

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.

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32115]

BOISE-DENVER NONSTOP PROCEEDING

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., February 16, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-4715 Filed 2-21-78; 8:45 am]

[6320-01]

[Docket 32115]

BOISE-DENVER NONSTOP PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding will be held on March 9, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before February 22, 1978, and the other parties on or before March 1, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 16, 1978.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc. 78-4716 Filed 2-21-78; 8:45 am]

[6320-01]

[Dockets 32115, 30915, 30955; Order 78-2-68]

FRONTIER AIRLINES, INC. AND HUGHES AIRWEST

Applications in Boise-Denver Nonstop Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of February 1978.

On May 23, 1977, Frontier Airlines filed an application for authority to operate nonstop, subsidy ineligible service between Denver, Colo., and Boise, Idaho. The application was accompanied by a motion for hearing.

The Denver-Boise market is a United Air Lines monopoly typically receiving two or three daily nonstop round trips, depending upon the season. Frontier, therefore, proposes first competitive nonstop service in the primary market with two daily round trips extending beyond Denver to Dallas/Fort Worth, Kansas City, and St. Louis. Frontier argues, among other things, that the market is large enough to support competition (69,370 O&D plus interline connecting passengers in fiscal year 1976), that its growth has far exceeded the national average, that United's load factors are indicative of deficient service, and that Frontier will earn sufficient profits to reduce its subsidy need for its eligible service.

Answers to the motion were filed by United, Hughes Airwest, Boise City and the Greater Boise Chamber of Commerce, and the St. Louis Airport Authority-City of St. Louis. In addition, Airwest filed its own application for Boise-Denver authority in Docket 30955. United opposes the motion for hearing on the grounds that the local market is too small to support competitive service, that United's service is not deficient, and that Frontier would offer only very modest improvements. Airwest agrees that the market needs competition but does not support the motion for hearing without reservation because Airwest already has several other pending applications which, in its view, are more worthy of prompt hearing. All the civic respondents support Frontier's motion.

Frontier submitted a reply to United's answer, together with a motion for leave to file an otherwise unauthorized document. We will grant the motion because the reply is directed, in part, to alleged factual errors in United's answer. However, a considerable portion of the reply is simply an argumentative rebuttal to the answer. We again caution persons practicing before the Board that unauthorized documents designed to give the filing party the last word on the matter will not be received.

The City of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City, and the City and County of Denver, the Public Utilities Commission of the State of Colorado and the Denver Chamber of Commerce petitioned for leave to intervene in any proceeding that may be instituted to consider Frontier's application.

We have decided to institute the Boise-Denver Nonstop Proceeding for the purpose of considering whether the public convenience and necessity require competitive nonstop service between Boise and Denver. According, we are consolidating for hearing the applications of Frontier and Airwest in Dockets 30915 and 30955, respectively.

In accordance with the policy announced in our order instituting the Chicago-Albany/Syracuse-Boston Competitive Service Investigation, Order 77-12-50, the offer or failure to offer low prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, constitute an important consideration, which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Finally, while Frontier has submitted an environmental evaluation along with its motion for hearing, Airwest has not submitted sufficient information for us to determine the environmental consequences of its certificate amendment application at this time. Therefore, we will require Airwest to

file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow Airwest, and all other carriers filing applications in this proceeding, 30 days from the date of service of this order to file their environmental evaluations.

Accordingly, *it is ordered*, That:

1. The motion of Frontier Airlines for hearing in Docket 30915 be granted;

2. The motion of Frontier Airlines for leave to file an otherwise unauthorized document be granted;

3. A proceeding to be known as the Boise-Denver Nonstop Proceeding, Docket 32115, be instituted pursuant to Section 204 of the Act and set for hearing before an Administrative Law Judge of the Board at a time and place to be designated later;

4. The proceeding instituted by paragraph 3, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in competitive nonstop air transportation between Boise, Idaho, and Denver, Colo.?

(b) if the answer to (a) is affirmative, which applicant(s) should be authorized to engage in such service? and

(c) What terms, conditions and/or limitations, if any, should be placed on the operations of such carrier(s)?

5. Any authority awarded in this proceeding shall be granted without eligibility for subsidy;

6. The applications of Frontier Airlines in Docket 30915, and Hughes Airwest in Docket 30955, be consolidated with the proceeding instituted by paragraph 3, above;

7. United Air Lines, Boise City and the Greater Boise Chamber of Commerce, the City of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City, the St. Louis Airport Authority-City of St. Louis, and the City and County of Denver, the Public Utilities Commission of the State of Colorado and the Denver Chamber of Commerce be made parties to the proceeding instituted by paragraph 3, above;

8. Hughes Airwest and all other carriers filing applications in this proceeding shall file environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of the date of service of this order; and

9. Applications, motion to consolidate, and petitions for reconsideration of this order shall be filed within 20 days of the date of service of this order and responsive answers shall be filed within 10 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4720 Filed 2-21-78; 8:45 am]

[6320-01]

[Docket 32061]

ST. LOUIS/KANSAS CITY—SAN DIEGO ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 14, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before February 28, 1978, and the other parties on or before March 9, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Pricing and Domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 16, 1978.

HENRY M. SWITKAY,
Administrative Law Judge.

[FR Doc. 78-4717 Filed 2-21-78; 8:45 am]

[6320-01]

[Docket 31044]

HAZARDOUS ARTICLES RULES AND PRACTICES INVESTIGATION

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., February 15, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-4713 Filed 2-21-78; 8:45 am]

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[1] All Members concurred.

[6320-01]

[Docket 28981]

HUGHES AIRWEST, INC.

Rescheduled Hearing

Notice is hereby given that the hearing in the above matter, now assigned to be held on February 22, 1978 (43 FR 3734, Jan. 27, 1978), is rescheduled for February 23, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., February 15, 1978.

JANE D. SAXON,
Administrative Law Judge.

[FR Doc. 78-4718 Filed 2-21-78; 8:45 am]

[6320-01]

[Docket 32064]

OZARK AIR LINES, INC., RESPONDENT, ENFORCEMENT PROCEEDING

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Henry M. Switkay. Future communications should be addressed to Judge Switkay.

Dated at Washington, D.C., February 15, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-4714 Filed 2-21-78; 8:45 am]

[6320-01]

[Docket 31413]

PITTSBURGH-LOS ANGELES/SAN FRANCISCO/DENVER SERVICE INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 7, 1978 at 10 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served December 7, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 15, 1978.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc. 78-4719 Filed 2-21-78; 8:45 am]

[6320-01]

[Docket 31946]

SINGAPORE AIRLINES LTD.

Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled matter now assigned to be held on February 28, 1978 (43 FR 4272, February 1, 1978) is hereby postponed until further notice. The postponement is at the request of the applicant which has represented by letter that it cannot have its evidence prepared in time to comply with the present procedural dates.

Dated at Washington, D.C., February 15, 1978.

WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc. 78-4712 Filed 2-21-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

LOREE FOOTWEAR CORP. AND B. BENNETT CO.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 10, 1978, from the following firms: (1) Loree Footwear Corp., Big Run, Pa. 15715, and its affiliate, Dori Shoe Co., 2 Cedar Street, Lewiston, Maine 04240; both producers of footwear for women; and (2) B. Bennett Co., 123 Magazine Street, New Orleans, La. 70130; a producer of jeans and work pants. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 6, 1978.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-4603 Filed 2-21-78; 8:45 am]

[3510-24]

SHOES BY RAPHAEL, INC., AND NU-CRAFT MANUFACTURING CORP.

Petition for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 8, 1978, from two firms: (1) Shoes By Raphael, Inc., 118 West 22nd Street, New York, N.Y. 10001, a producer of footwear for women; and (2) Nu-Craft Manufacturing Corp., 33 Spring Street, Paterson, N.J. 07501, a producer of handbag frames and ornaments. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 6, 1978.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-4601 Filed 2-21-78; 8:45 am]

[3510-24]

F. M. WEAVER, INC. ET AL.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 6, 1978, from four firms: (1) F. M. Weaver, Inc., Fifth and Iron Streets, P.O. Box 231, Lansdale, Pa. 19446, a fabricator of structural steel; (2) LTM, Incorporated, 140 Federal Street, Boston, Mass. 02110, a producer of footwear for men and women (amended petition); (3) Julius Altschul, Inc., 117 Grattan Street, Brooklyn, N.Y. 11237, a producer of footwear for children; and (4) E. H. Edwards Co., 498 Industrial Way, South San Francisco, Calif. 94080, a producer of wire, wire rope and other wire products. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 Cfr Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 6, 1978.

CHARLES L. SMITH,
Acting Chief Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-4602 Filed 2-21-78; 8:45 am]

[3510-24]

ROUND TWO OF THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Financial Management Activities: Eligibility for Reimbursement When Performed Directly by Grantees

Notice is hereby given, pursuant to authority contained in the Local Public Works Capital Development and Investment Act (Act), as amended (42 U.S.C. 6701), that expenses incurred for certain financial management activities may be reimbursed from grant funds even when performed directly by the recipient of a local public works grant. The Economic Development Administration (EDA) is publishing this notice because it has received questions concerning its policy with respect to the reimbursement of certain activities performed directly by recipients of grants under the Local Public Works Program.

The prohibition of section 106(e)(1) of the Act which prohibits the use of grant funds for construction activities performed directly by grant recipients does not apply to the following activities:

1. Accounting;
2. Legal services;
3. Procurement and contracting;
4. Auditing; and
5. Other financing management activities.

This notice is intended to inform the public of EDA's policy regarding the use of grant funds for activities performed directly by grantees. This notice supplements an earlier notice regarding the same provision which appeared on October 13, 1977 (FEDERAL REGISTER, Vol. 42, No. 198, pages 55118 and 55119), and which was used by EDA subsequently to amend 13 CFR 317.18(e) in order to clarify the definition of "construction activities" (FEDERAL REGISTER, Vol. 42, No. 206—Wednesday, October 26, 1977, pages 56488 and 56489; printer's error corrected in the FEDERAL REGISTER, Vol. 42, No. 213—Friday, November 4, 1977, page 57685). The prohibition of the use of grant funds for activities performed in-house extends to all activities except for the five activities noted above and except for certain preliminary architectural and engineering work as set forth in the notice of October 13, 1977.

Dated: February 15, 1978.

ROBERT HALL,
Assistant Secretary for Economic Development.

[FR Doc. 78-4630 Filed 2-21-78; 8:45 am]

[3510-08]

National Oceanic and Atmospheric Administration

CALIFORNIA COASTAL MANAGEMENT PROGRAM

Notice of Refinement

Notice is hereby given that on January 31, 1978, the Acting Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, approved a refinement to the California Coastal Management Program originally approved on November 7, 1977.

This refinement incorporates the California Liquified Natural Gas (LNG) Terminal Act of 1977 (SB 1081) into the California Management Program.

Analysis of this change and copies of the Act may be obtained from the State Programs Office, Pacific Region, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202-254-7100.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc. 78-4593 Filed 2-21-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Two Public Meetings

Notice is hereby given of two meetings of the New England Fishery Management Council established by section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The first of the two Council meetings will be held on March 1 and 2, 1978, from 10 a.m. to 5 p.m., and 9 a.m. to 5 p.m., respectively, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Mass. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda: (1) Herring Management Plan; (2) Groundfish Management Plan; and (3) Other Business.

The second Council meeting will be held on March 22 and 23, 1978, from 10 a.m. to 5 p.m., and 9 a.m. to 5 p.m., respectively, at the Holiday Inn, Junctions of Routes 1 and 128, Peabody, Mass. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda: (1) Herring Management Plan; (2) Scallop management Plan; and (3) Other Business.

These meetings are open to the public. For more information on seating, changes to the agenda, or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: February 15, 1978.

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

[FR Doc. 78-4648 Filed 2-21-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 830,227: Channel Sealant Compositions. Filed September 2, 1977.

Patent application 833,788: Boundary Layer Scoop for the Enhancement of coanda Effect Flow Deflection over a Wing/Flap Surface. Filed September 16, 1977.

Patent application 837,329: Fluorine-Containing Benzoxazoles. Filed September 27, 1977.

Patent application 837,330: Hydraulic Drill Unit. Filed September 27, 1977.

Patent application 840,332: Rotating Detent Latch Mechanism. Filed October 7, 1977.

Patent application 840,354: Engine Chip Detector. Filed October 7, 1977.

Patent application 840,355: RF Loop Intruder Detection System. Filed October 7, 1977.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20546.

Patent 3,994,279: Solar Collector with Improved Thermal Concentration. Filed July 24, 1975, patented November 30, 1976; not available NTIS.

Patent 4,001,079: Thermal Baffle for Fast-Breeder Reactor. Filed August 15, 1975, patented January 4, 1977; not available NTIS.

Patent 4,004,973: Neutronic Reactor. Filed August 28, 1952, patented January 25, 1977; not available NTIS.

Patent 4,005,521: Locked-Wrap Fuel Rod. Filed June 17, 1975, patented February 1, 1977; not available NTIS.

Patent 4,006,930: Manipulator for Hollow Objects. Filed March 15, 1961, patented February 8, 1977; not available NTIS.

Patent 4,010,287: Process for Preparing Metal-Carbide-Containing Microspheres from Metal-Loaded Resin Beads. Filed June 18, 1974, patented March 1, 1977; not available NTIS.

Patent 4,024,916: Borehole Sealing Method and Apparatus. Filed August 5, 1976, patented May 24, 1977; not available NTIS.

[FR Doc. 78-4528 Filed 2-21-78; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of the Judge Advocate General, Patent Division, RM 2C-455/Pentagon, Washington, D.C. 20314.

Patent 4,019,381: Transparent Optical Power Meter. Filed Jan. 12, 1976, patented Apr. 26, 1977; not available NTIS.

Patent 4,020,395: Transient Voltage Protection Circuit for a DC Power Supply. Filed Sept. 17, 1975, patented Apr. 26, 1977; not available NTIS.

Patent 4,021,759: EMP Line Filter Using MOV Devices. Filed Jan. 19, 1976, patented May 3, 1977; not available NTIS.

Patent 4,021,834: Radiation-Resistant Integrated Optical Signal Communicating Device. Filed Dec. 31, 1975, patented May 3, 1977; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 833,788: Boundary Layer Scoop for the Enhancement of Coanda Effect Flow Deflection over a Wing/Flap Surface. Filed Sept. 16, 1977.

Patent application 840,331: Laser Interferometer Probe. Filed Oct. 7, 1977.

Patent application 4,049,969: Passive Optical Transponder. Filed Mar. 19, 1970, patented Sept. 20, 1977; not available NTIS.

Patent 4,049,982: Elliptical interdigital Transducer. Filed Aug. 18, 1976, patented Sept. 20, 1977; not available NTIS.

Patent 4,050,062: System for Digitizing and Interfacing Analog Data for a Digital Computer. Filed Aug. 14, 1975, patented Sept. 20, 1977; not available NTIS.

Patent 4,050,068: Augmented Tracking System. Filed Mar. 15, 1976, patented Sept. 20, 1977; not available NTIS.

Patent 4,050,965 Simultaneous Fabrication of CMDS Transistors and Bipolar Devices. Filed Oct. 21, 1975, patented Sept. 27, 1977, Not available NTIS.

Patent 4,051,474: Interference rejection Antenna System. Filed Feb. 18, 1975, patented Sept. 27, 1977; not available NTIS.

Patent 4,052,894: Velocity Vector Sensor for Low Speed Airflows. Filed Nov. 2, 1976, patented Oct. 11, 1977; not available NTIS.

Patent 4,053,754: Recursive Processing of Multiple intensity-Modulated Scans. Filed June 23, 1976, patented Oct. 11, 1977; not available NTIS.

Patent 4,053,895: Electronically Scanned Microstrip Antenna Array. Filed Nov. 24, 1976, patented Oct. 11, 1977; not available NTIS.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents Washington, D.C. 20545.

Patent 3,994,279: Solar Collector with Improved Thermal Concentration. Filed July 24, 1975, patented Nov. 30, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,311,872: Transducer Face-Velocity Control System. Filed Aug. 29, 1963, patented Mar. 28, 1967; not available NTIS.

Patent 3,906,409: Variable impedance Delay Line Correlator. Filed May 23, 1974, patented Sept. 16, 1975; not available NTIS.

Patent 4,032,859: 1 to 18 GH, Microwave Signal Generator, Filed Sept. 2, 1976, patented June 28, 1977; not available NTIS.

Patent 4,038,529: Self Learning Monitor for VLF Wave Propagation, Filed June 14, 1976, patented July 26, 1977; not available NTIS.

Patent 4,038,608: Redundant Oscillator for Clocking Signal Source. Filed May 7, 1976, patented July 26, 1977; not available NTIS.

Patent 4,039,242: Coaxial Wet Connector. Filed Aug. 23, 1976, patented Aug. 2, 1977; not available NTIS.

Patent 4,041,284: Signal Processing Devices Using Residue Class Arithmetic, Filed Sept. 7, 1976, patented Aug. 9, 1977; not available NTIS.

Patent 4,041,397: Satellite Up Link Diversity Switch. Filed Apr. 28, 1976, patented Aug. 9, 1977; not available NTIS.

Patent 4,041,441: Diver's Pulse Stretch Sonar, Filed Aug. 13, 1976, patented Aug. 9, 1977; not available NTIS.

Patent 4,047,126: Solid State Klystron, Filed July 19, 1976, patented Sept. 6, 1977; not available NTIS.

Patent 4,050,775: Catoptric Lens Arrangement. Filed July 26, 1976, patented Sept. 27, 1977; not available NTIS.

NATIONAL AERONAUTICS & SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 710,036: Independent Power Generator. Filed July 30, 1976.

Patent application 807,703: Magnetic Suspension and Pointing System. Filed June 17, 1977.

Patent application 835,544: Lightning Current Detector. Filed Sept. 22, 1977.

Patent application 837,260: Variable Contour Securing System. Filed Sept. 27, 1977.

Patent application 837,795: A laser Apparatus, Filed Sept. 29, 1977.

Patent application 838,337: Thermal Compensator for Closed-Cycle Helium Refrigerator, Filed Sept. 30, 1977.

Patent application 843,090: Preparation of Heterocyclic Block Copolymer from Perfluoroalkylene Oxide alpha, omega Diamidoximes Diamidoximes. Filed Oct. 17, 1977.

Patent 4,030,348: Machine for Use in Monitoring Fatigue Life for a Plurality of Elastomeric Specimens. Filed Jan. 29, 1976, patented June 21, 1977; not available NTIS.

Patent 4,041,697: Oil Cooling System for a Gas Turbine Engine. Filed July 17, 1975, patented Aug. 16, 1977: not available NTIS.

Patent 4,047,840: Impact Absorbing Blade Mounts for Variable Pitch Blades. Filed May 29, 1975, patented Sept. 13, 1977; not available NTIS.

Patent 4,049,930: Hearing Aid Malfunction Detection System. Filed Nov. 8, 1976, patented Sept. 20, 1977; not available NTIS.

Patent 4,051,558: Mechanical Energy Storage Device for Hip Disarticulation. Filed June 30, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,051,834: Portable Linear-Focused Solar Thermal Energy Collecting System, Filed Apr. 28, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,051,877: Gas Compression Apparatus. Filed Oct. 24, 1975, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,144: Fuel Combustor. Filed Mar. 31, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,181: Acoustic Energy Shaping. Filed Feb. 13, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,302: Process of Forming Catalytic Surfaces for wet Oxidation Reactions. Filed May 10, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,523: Composite Sandwich Lattice Structure. Filed Sept. 14, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,614: Photoelectron Spectrometer with Means for stabilizing Sample Surface Potential. Filed Apr. 9, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,648: Power Factor Control System for AC Induction Motors. Filed July 19, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,659: Overload Protection System for Power Inverter. Filed Nov. 15, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,666: Remote Sensing of Vegetation and Soil Using Microwave Ellipsometry. Filed Apr. 15, 1976, patented Oct. 4, 1977; not available NTIS.

Patent 4,052,705: Memory Device for Two-Dimensional Radiant Energy Array Computers. Filed Feb. 13, 1976, patented Oct. 4, 1977; not available NTIS.

FR Doc. 78-4529 Filed 2-21-78; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the patent applica-

tion number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of the Judge Advocate General, Patent Division, Rm. 2C-455, Pentagon, Washington, D.C. 20314,

Patent 4,017,780: Dynamic Temperature Compensating Circuit for Power Transistor Converters; filed Dec. 16, 1975; patented Apr. 12. 1977; not available NTIS.

Patent 4,023,352: High Nitrogen Content Gas Generant and Method of Producing Near-Neutral Combustion Products; filed Mar. 26, 1974; patented May 17, 1977; not available NTIS.

Patent 4,026,144: Apparatus for the Generation of Polychromatic Ultrasonographs; filed Dec. 10, 1975; patented May 31, 1977; not available NTIS.

Patent 4,026,666: Method of Determining Soy Material in Foods; filed May 10, 1976; Patented May 31, 1977; not available NTIS.

Patent 4,026.912: Carboranyldiferrocenylmethyl Perchlorate; filed Mar. 3, 1971; patented May 31, 1977; not available NTIS.

Patent 4,028,080: Method of Treating Optical Waveguide Fibers; filed June 23, 1976; patented June 7, 1977; not available NTIS.

Patent 4,031,393: Thermal Image Camera; filed Mar. 18, 1976; patented June 21, 1977; not available NTIS.

Patent 4,032,884: Adaptive Trunk Data Transmission System; filed Feb. 24, 1976; patented June 28, 1977; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 4,044,116: Method for the Complete Dissolution of Mineral Samples; filed June 4, 1976; patented Aug. 23, 1977; not available NTIS.

Patent 4,049,198: Duct Pressure Actuated Nozzle; filed June 17, 1976; patented Sept. 20, 1977; not available NTIS.

Patent 4,049,222: Ejector Rack for Nuclear Stores; filed July 20, 1976; patented Sept. 20, 1977; not available NTIS.

Patent 4,050;034: In Cavity Pumping for Infrared Laser; filed Apr. 30, 1975; patented Sept. 20, 1977; not available NTIS.

Patent 4,050,656: Ejector Rack; filed May 17, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,050,818: Method for Determining Changes in Spacing between Two Positions of Interest; filed May 21, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,050,969: Catalytic System and Polyurethane Propellants; filed Sept. 29, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,051,108: Preparation of Films and Coatings of Para Ordered Aromatic Heterocyclic Polymers; filed Dec. 5, 1975; patented Sept. 27, 1977; not available NTIS.

Patent 4,053,291: Cylindrical Deaerator; filed Aug. 18, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,498: Perfluoroalkylene Ether-Imidate and Thioimidate Esters; filed July 30, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,764: Higher-Order Mode Fiber Optics T-Coupler; filed Oct. 2, 1975; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,773: Mosaic Infrared Sensor; filed Mar. 23, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,882: Polarization Radar Method and System; filed Feb. 23, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,917: Drain Source Protected MNOS Transistor and Method of Manufacture; filed Aug. 16, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,919: High Speed Infrared Detector; filed June 18, 1976; patented Oct. 11, 1977; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,174,851: Nickel-Base Alloys; filed Dec. 1, 1961; patented Mar. 23, 1965; not available NTIS.

Patent 4,005,606: Submersible Load Cell for Measuring Gas Buoyancy; filed Sept. 29, 1975; patented Feb. 1, 1977; not available NTIS.

Patent 4,041,313: Emittance Calorimetric Method; filed Nov. 3, 1975; patented Aug. 9, 1977; not available NTIS.

Patent 4,045,408: Fluoro-Anhydride Curing Agents and Precursors Thereof for Fluorinated Epoxy Resins; filed Mar. 19, 1976; patented Aug. 30, 1977; not available NTIS.

Patent 4,049,223: Constant Altitude Auto Pilot Circuit; filed June 21, 1976; patented Sept. 20, 1977; not available NTIS.

Patent 4,050,265: Force-Displacement Controller Knob; filed Aug. 3, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,050,675: Battery Wedge for Submarines of Other Installation; filed Oct. 6, 1976; patented Sept. 27, 1977; not available NTIS.

Patent 4,052,943: Coating Composition and Method for Improving Propellant Tear Strength; filed Sept. 16, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,081: Reinforced Filament-Wound Cut-Port Pressure Vessel and Method of Making Same; filed Aug. 20, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,884: High PRF Unambiguous Range Radar; filed Mar. 26, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,053,890: Internal Calibration System; filed May 25, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,054,852: Solid State Blue-Green Laser with High Efficiency Laser Pump; filed July 28, 1976; patented Oct. 18, 1977; not available NTIS.

Patent 4,056,079: Apparatus and Process for Preheating Main Boiler Superheater Headers; filed June 30, 1976; patented Nov. 1, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 835,628: An Electrically Scanned Pressure Sensor Module with in situ Calibration Capability; filed Sept. 22, 1977.

Patent application 838,336: Improved Solar Photolysis of water; filed Sept. 30, 1977.

Patent application 843,308: Azimuth Correlator for Real-Time Synthetic Aperture Radar Image Processing; filed Oct. 18, 1977.

Patent application 844,344: Electrically Conductive Thermal Control Coatings; filed Oct. 21, 1977.

Patent application 844,347: Liquid Hydrogen Flash Vaporizer; filed Oct. 21, 1977.

Patent application 847,276: Reciprocating Engines; filed Oct. 31, 1977.

Patent application 847,278: Method and Turbine for Extracting Kinetic Energy from a Stream of Two-Phase Fluid; filed Oct. 31, 1977.

Patent application 850,504: Indomethacin-Antihistamine Combination for Gastric Ulceration Control; filed Nov. 10, 1977.

Patent application 850,507: Improvements in Microelectrophoretic Apparatus and Process; filed Nov. 10, 1977.

Patent application 4,052,666: Remote Sensing of Vegetation and Soil Using Microwave Ellipsometry; filed Apr. 15, 1976; patented Oct. 4, 1977; not available NTIS.

[FR Doc. 78-4530 Filed 2-21-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

PROCEDURES FOR PUBLIC ATTENDANCE AT MEETINGS

AGENCY: Endangered Species Scientific Authority.

ACTION: Notice.

TEXT: The Endangered Species Scientific Authority (ESSA) gives notice of procedures it has established for public attendance at ESSA meetings. These meetings will be held the first Tuesday of each month unless otherwise agreed by the ESSA Members (c.f. Interim Charter, 42 FR 35800-36802). Meetings may be canceled without public notice at the discretion of the Chairman or the Executive Secretary.

A public comment period will begin each regularly scheduled ESSA meeting and generally will be limited to one-half hour or less. Any person may make a public statement or comment on ESSA matters during a comment period, provided a prior appointment is made with the Executive Secretary of the ESSA. Appointments will be made on a first-come, first-serve basis, but the Chairman or Executive Secretary may limit the number and length and arrange the order of statements at their discretion.

Following the public comment period at regular ESSA meetings, members of the public may remain as observers except when the ESSA is in executive session. No prior appointment is necessary to attend a regular

ESSA meeting as an observer. However, persons without appointments will not be guaranteed seating.

Periods of public observation will end and executive sessions of ESSA Members, staff, and invited Federal officials, will begin at the discretion of the Chairman or upon the motion of any Members, unless a majority of Members object. Each regular meeting will end with an executive session.

To obtain information on the date, time and place of ESSA meetings, or to make appointments for public statements or comment, contact:

Office of the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW., Washington, D.C. 20240, 202-343-5687.

Dated: February 13, 1978.

WILLIAM Y. BROWN,
Executive Secretary.

[FR Doc. 78-4677 Filed 2-21-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for December 1977

In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for December 1977 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4); January 1978 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for November 1977 is calculated to be .232823.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of December 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .253358 of a barrel of deemed old oil.

The issuance of entitlements for the month of December 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of December 1977 is hereby fixed at $8.65, which is the exact differential as reported for the month of December between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of December 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of December 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of December 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through November 1977 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by ERA's Office of Administrative Review (prior to October 1, 1977, the Office of Exceptions and Appeals of the Federal Energy Administration). Also set forth in this column are adjustments for relief granted by the Office of Administrative Review for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the December 1977 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its December 1977 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977.* (42 FR 64401, December 23, 1977.)

For purposes of § 211.67(d)(6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the U.S. Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 3,618,938 barrels.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 13,849,385 barrels for December 1977. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 32,112,328 barrels.

The total number of entitlements required to be purchased and sold under this notice is 22,452,773.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for December 1977, the pricing composition and weighted average costs thereof are as follows:

Category	Volumes	Weighted average cost	Percent of total volumes*
Lower tier	103,469,856	$5.72	21.3
Upper tier	92,411,486	12.18	19.0
Exempt domestic:			
Stripper	34,099,416	14.56	7.0
Naval petroleum reserve	2,965,554	12.95	.6
Total domestic	232,952,848	9.67	48.0
Total imported**	252,758,171	14.61	52.0
Total reported crude oil receipts	485,704,483	12.24	100.0

*Numbers may not add due to rounding.
**Under current reporting procedures, includes Alaska North Slope crude oil.

Payments for entitlements required to be purchased under 10 CFR § 211.67(b) for December 1977 must be made by February 28, 1978.

On or prior to March 10, 1978, each firm which is required to purchase or sell entitlements for the month of December 1977, shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of December. The monthly transaction report forms for the month of December have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by February 28, 1978, are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to February 28, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with ERA's Office of Administrative Review in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed by March 24, 1978.

Issued in Washington, D.C., on February 6, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

APPENDIX

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

December 1977

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
-CONSOL'D-SALES	-265,000	0	0	0	0	0	265,000*
A-JOHNSON	0	212,524	0	8,907	0	0	212,524
ALLIED	62,222	74,984	0	0	0	0	12,762
AMER-PETROFINA	1,373,986	894,386	0	0	0	479,600	0
AMERADA-HESS	1,542,102	3,907,857	0	104,766	0	0	2,365,755
AMOCO	10,288,706	7,318,297	0	0	0	2,971,409	0
APCO	498,726	425,093	0	0	0	73,633	0
ARCO	4,913,059	4,948,266	0	0	0	0	35,207
ARIZONA	392,723	127,723	9,046	0	0	265,000	0
ASAMERA	157,079	203,919	0	0	0	0	46,840
ASHLAND	1,401,900	2,560,023	0	0	0	0	1,158,123
ASIATIC	0	262,425	1,643	260,782	0	0	262,425
AUGSBURY	0	2,800	80	2,720	0	0	2,800
BASIN	18,014	117,522	0	0	0	0	99,508
BAYOU	43,236	60,971	0	0	0	0	17,735
BEACON	244,968	238,998	42,201	0	0	5,970	0
BELCHER	0	102,878	0	102,878	0	0	102,878
BI-PETRO	8,757	143,570	0	0	0	0	134,813
BP-TRADING	0	376,016**	0	0	0	0	376,016
BRUIN	58,519	140,084	0	0	0	0	81,565
C&H	0	493	0	0	0	0	493
CALCASIEU	39,347	78,555	0	0	0	0	39,208
CALUMET	22,743	34,607	0	0	0	0	11,864
CANAL	73,886	72,457	0	0	0	1,429	0
CARIBOU	89,681	93,559	0	0	0	0	3,878
CENTRAL	0	7,833	0	7,833	0	0	7,833
CHAMPLIN	1,550,138	1,422,170	0	0	0	127,968	0
CHARTER	856,398	856,398	359,875	0	0	0	0
CHEVRON	6,825,902	7,875,493	0	8,011	0	0	1,049,591
CIRILLO	0	57,826	0	57,826	0	0	57,826
CITGO	2,376,753	1,908,303	0	0	0	468,450	0
CLAIBORNE	39,462	32,854	0	0	0	6,608	0
CLARK	320,992	898,825	0	0	0	0	577,833
COASTAL	198,546	1,735,038**	0	20,809	0	0	1,536,492
COLONIAL	0	65,615	0	65,615	0	0	65,615
CONOCO	3,502,586	2,607,776	0	21,137	0	894,810	0
CORCO	0	1,520,409	354,187	268,165	0	0	1,520,409
CRA-FARMLAND	389,707	556,337	0	0	0	0	166,630
CROSS	49,202	100,635	0	0	0	0	51,433
CROWN	331,613	698,930	0	0	0	0	367,317
CRYSTAL-OIL	181,482	183,850	0	0	0	0	2,368
CRYSTAL-REF	1,925	41,437	0	0	0	0	39,512
DELTA	277,263	321,771	0	0	0	0	44,508
DEMENNO	21,246	54,406	0	0	0	0	33,160
DERBY	0	266,410**	0	0	0	0	266,410
DIAMOND	602,986	437,703	0	0	0	165,283	0
DORCHESTER	288,781	191,310	0	0	0	97,471	0
DOW	48,413	155,729	0	0	0	0	107,316
E-SEABOARD	0	42,062	0	42,062	0	0	42,062
ECO	21,926	72,961	0	0	0	0	51,035
EDDY	40,216	41,077	0	0	0	0	861
ENERGY-COOP	0	551,269	0	0	0	0	551,269
ERICKSON	19,112	139,422	0	0	0	0	120,310
EVANGELINE	44,550	36,651	0	0	0	7,899	0
EXXON	12,750,426	10,598,215	0	591,936	0	2,152,211	0
EZ-SERVE	-1,208	36,050	0	0	0	0	37,258
FARMERS-UN	130,823	330,186	0	0	0	0	199,363
FLETCHER	51,777	211,905	0	0	0	0	160,128
FLINT	8,203	8,328	0	0	0	0	125
GARY	134,633	109,004	0	0	0	25,629	0
GETTY	1,313,513	1,356,035	0	0	0	0	42,522
GIANT	39,943	64,992	0	0	0	0	25,049
GLACIER-PARK	111,778	55,613	0	0	0	56,165	0
GLADIEUX	185,345	153,357	0	0	0	31,988	0
GLENROCK	1,162	3,743	0	0	0	0	2,581
GOLDEN-EAGLE	0	184,337	0	0	0	0	184,337
GOLDKING	65,870	68,510	0	0	0	0	2,640
GOOD-HOPE	70,330	308,369	0	0	0	0	238,03-

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
GUAM	0	345,214	0	0	0	0	345,214
GULF	8,694,954	6,321,580	0	34,669	0	2,373,374	0
GULF-STS	40,976	143,089	0	0	0	0	102,113
HIRI	0	487,547	0	0	0	0	487,547
HOWARD	0	38,304	0	38,304	0	0	38,304
HOWELL	527,268	310,763	0	0	0	216,505	0
HUDSON-OIL	23,764	206,356	0	0	0	0	182,592
HUNT	247,214	315,003	0	0	0	184,015	0
HUSKY	518,410	304,395	0	0	0	0	82,434
INDEPENDENT-REF	20,576	103,010	0	0	0	0	176,455
INDIANA-FARM	52,932	229,387	0	0	0	0	1,796
INGER-OIL	1,549	3,345	0	0	0	0	23,072
IRVING	0	23,072	221	22,851	0	0	0
J&W	70,172	38,379	0	0	0	31,793	12,682
KENCO	17,354	30,036	0	0	0	0	1,566
KENTUCKY	18,513	20,079	0	0	0	0	0
KERN	436,308	360,972	157,911	0	0	69,336	5,859
KERR-MCGEE	1,239,916	1,245,775	0	0	0	0	667,548
KOCH	237,885	905,431	0	0	0	0	0
LAGLORIA	505,607	405,221	0	0	0	100,386	0
LAKESIDE	29,445	55,681	0	0	0	0	26,236
LAKETON	119,354	129,525	17,045	0	0	0	10,171
LITTLE-AMER	1,323,228	1,395,933	848,912	0	0	0	72,705
LOUISIANA-LAND	275,440	343,317	0	0	0	0	67,877
MACMILLAN	43,674	165,587	0	0	0	0	121,913
MARATHON	3,675,789	3,468,382	0	0	0	207,407	0
MARION	83,521	225,759	0	0	0	0	142,238
METROPOLITAN	0	91,411	0	91,411	0	0	91,411
MID-AMER	6,850	71,234	0	0	0	0	64,384
MID-TEX	10,332	9,238	0	0	0	1,094	0
MOBIL	6,554,612	5,598,230	0	24,690	0	956,382	0
MOBILE-BAY	0	121,163	0	0	0	0	121,163
MOHAWK	438,210	364,681	93,588	0	0	74,129	0
MONOCO	0	23,341	0	23,341	0	0	23,341
MONSANTO	423,472	327,154	0	0	0	96,318	0
MORRISON	20,331	12,961	0	0	0	7,370	0
MOUNTAINEER	9,909	9,595	0	0	0	314	0
MT-AIRY	51,514	142,626	0	0	0	0	91,112
MURPHY	840,786	732,062	0	0	0	108,724	0
N-AMER-PETRO	18,247	264,380	0	0	0	0	246,133
NATL-COOP	318,487	447,285	0	0	0	0	128,798
NAVAJO	381,101	368,809	70,985	0	0	12,301	0
NEVADA	18,518	26,604	0	0	0	0	8,086
NEW-EDGINGTON	492,163	469,376	221,646	0	0	22,787	0
NEW-ENGL-PETRO	0	310,210	0	310,210	0	0	310,210
NEWHALL	134,024	197,250	46,333	0	0	0	63,226
NORTHEAST-PETRO	0	3,515	0	3,515	0	0	3,515
NORTHLAND	57,553	80,699	0	0	0	0	23,146
NORTHVILLE	0	9,063	0	9,063	0	0	9,063
OKC	167,393	254,053	0	0	0	0	86,660
OXNARD	2,494	10,967	0	0	0	0	8,473
PENNZOIL	628,996	408,158	0	0	0	220,838	0
PESTER	93,268	241,812	0	0	0	0	148,544
PHILLIPS	3,002,461	2,044,190	0	0	0	958,271	0
PHILLIPS-PR	0	356,123	0	356,123	0	0	356,123
PIONEER	39,531	67,615	0	0	0	0	28,084
PLACID	258,470	321,184	0	0	0	0	62,714
PLATEAU	141,087	165,191	0	0	0	0	24,104
POWERINE	24,056	348,826	0	0	0	0	324,770
PRIDE	130,158	220,149	0	0	0	0	89,991
PRINCETON	17,161	73,987	0	0	0	0	56,826
QUAKER-ST	49,079	258,245	0	0	0	0	209,166
RANCHO-REF	4,730	50,583	0	0	0	0	45,853
RICHARDS	-3,820	54,252	0	0	0	0	58,072
ROAD-OIL	0	1,865	0	0	0	0	1,865
ROCK-ISLAND	303,829	340,667	-16,728	0	0	0	36,838
SABER-TEX	24,637	47,343	0	0	0	0	22,706
SABRE-CAL	64,745	63,776	0	0	0	969	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT PRODUCT ENTITLEMENTS	POSITION 10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
SAGE-CREEK	2,959	4,556	0	0	0	0	1,597
SAN-JOAQUIN	227,753	230,712	80,563	0	0	0	2,959
SEMINOLE	9,094	62,357	0	0	0	0	53,263
SENTRY	0	12,038	0	0	0	0	12,038
SHELL	10,704,811	7,502,486	0	0	0	3,202,325	0
SHEPHERD	8,770	24,660	0	0	0	0	15,890
SIGMOR	12,886	141,908	0	0	0	0	129,022
SO-HAMPTON	48,018	160,641	0	0	0	0	112,623
SUNIU	1,405,407	3,066,317	0	0	0	0	1,660,910
SOMERSET	22,472	53,855	0	0	0	0	31,383
SOUND	25,076	105,944	0	0	0	0	80,868
SOUTHERN-UNION	214,846	297,771	0	0	0	0	82,925
SOUTHLAND	471,670	328,235	97,995	0	0	143,435	0
SOUTHWESTERN	6,521	5,435	0	0	0	1,086	0
SPRAGUE	0	43,160	0	43,160	0	0	43,160
STEUART	0	51,724	0	51,724	0	0	51,724
SUNLAND	18,532	141,771	0	0	0	0	123,239
SUNOCO	4,890,218	3,864,911	0	0	0	1,025,307	0
TENNECO	743,755	767,061	0	0	0	0	23,306
TESORO	803,892	556,039	0	0	0	247,853	0
TEXACO	10,290,519	8,039,899	0	256,579	0	2,250,620	0
TEXAS-AMERICAN	51,178	184,296	41,161	0	0	0	133,118
TEXAS-ASPH	762	39,950	0	0	0	0	39,188***
TEXAS-CITY	533,644	617,245	0	0	0	0	83,601
THAGARD	522,394	522,394	393,076	0	0	0	0
THRIFTWAY	28,687	42,913	0	0	0	0	14,226
THUNDERBIRD	90,051	99,141	0	0	0	0	9,090
TIPPERARY	63,571	64,350	0	0	0	0	779
TONKAWA	45,976	70,882	0	0	0	0	24,906
TOSCO	1,760,652	1,608,635	323,434	0	0	152,017	0
TOTAL-PETROLEUM	193,371	313,736	0	0	0	0	120,365
UCC-CARIBE	0	172,590	0	172,590	0	0	172,590
UNION-OIL	4,771,068	2,890,199	0	0	0	1,880,869	0
UNION-PETRO	0	8,507	0	8,507	0	0	8,507
UNTD-IND	8,065	3,807	0	0	0	4,258	0
UNTD-REF	124,464	377,497	0	0	0	0	253,033
US-OIL	79,755	169,217	0	0	0	0	89,462
USA-PETROCHEM	30,576	219,853	0	0	0	0	189,277
VICKERS	248,891	491,489	0	0	0	0	242,598
VULCAN	55,369	208,490	0	0	0	0	153,121
WALLACE	0	11,660	0	11,660	0	0	11,660
WALLER	0	6,075	0	6,075	0	0	6,075
WARRIOR	48,060	35,893	10,156	0	0	12,167	0
WEST-COAST	80,881	125,198	0	0	0	0	44,317
WESTERN	69,867	114,035	0	0	0	0	44,168
WINSTON	108,990	184,696	0	0	0	0	75,706
WIREBACK	0	663	0	0	0	0	663
WITCO	61,746	95,744	0	0	0	0	33,998
WYATT	0	11,910	0	11,910	0	0	11,910
WYOMING	35,795	130,010	0	0	0	0	94,215
YETTER	0	754	0	0	0	0	754
YOUNG	53,951	62,778	26,258	0	0	0	8,827
TOTAL	125,803,644	125,803,644	3,219,588	3,039,769	0	22,452,773	22,452,773

* Equals December 1977 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 78-4750 Filed 2-17-78; 8:45 am]

[6740-02]

PATTY RICHNER

[Docket No. CI77-106, et al.]

Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates[1]

FEBRUARY 8, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 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 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 heaing 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 all applications in which no petition to intevene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[2]	Pressure base
CI77-106 (B) Nov. 10, 1976	Patty Richner (succeeded to Marshal G. West, et al., d.b.a. Guyan Gas Co.), P.O. Drawer 310, Pineville, W. Va. 24874.	Consolidated Gas Supply Corp., Oceana Field, Wyoming County, W. Va.	Depleted.	
CI77-107 (B) Nov. 10, 1976	Patty Richner (succeeded to Guyan Gas Co.).	Consolidated Gas Supply Corp., Clear Fork Field, Wyoming County, W. Va.	Depleted	

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4498 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket Nos. CI64-352, et al.]

SUN OIL CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

FEBRUARY 8, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 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 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft.[1]	Pressure base
CI64-352 (D) Feb. 10, 1977	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., certain acreage in the Shepherd Field, Hidalgo County, Tex.		Nonproductive, plugged, and abandoned.
CI69-91 (D) Jan. 26, 1978	Belco Petroleum Corp., One Dag Hammarskjold Plaza, New York, N.Y. 10017.	Texas Gas Transmission Corp., Certain acreage in the North Maurice Field, Lafayette Parish, La.		Ceased production.

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4499 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket Nos. CI77-329; CP77-304; CP64-97]

TEXACO, INC.; SABINE PIPE LINE CO.

Order Granting in Part and Denying in Part Application for Rehearing and Further Conditioning Acceptance of Joint Motion To Resolve All Issues

FEBRUARY 10, 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 proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

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

Presently before the Commission is an application for rehearing filed by Congressman Andrew Maguire. As will be explained in detail in the body of this order, infra, the Commission grants in part and denies in part this application for rehearing.

PROCEDURAL HISTORY

Before we turn to the specific arguments of the petititioner, we should comment on both the context of our regulatory responsibility and the history of this case. It is the obligation of producers and pipeline companies to seek proper certificates and to make proper deliveries, under those certificates, for the interstate market that serves the whole country. It is the particular obligation of the Federal Energy Regulatory Commission, as it was that of the former Federal Power Commission, under the Natural Gas Act, to assure that certificates are properly sought and deliveries properly made.

This proceeding has arisen from an extraordinary set of events in which certificates were not properly sought and deliveries were not properly made. Federal domain gas was produced by Texaco, and delivered to Texaco's Port Arthur refinery for ten years, without certificate authority and apparently without the FPC's knowledge of such deliveries. The Sabine Pipe Line Co. (Sabine), a subsidiary of Texaco, owns the facilities used to deliver this gas to the Port Arthur refinery. These facilities were completed in 1966 under a certificate granted in 1964 and amended in 1965. However, this certificate covered only gas which was to be delivered to Texaco's Port Arthur refinery from onshore Louisiana fields. The certificate provided no authority for transporting offshore Federal domain gas to this plant. Once the former Commission examined the issue, it was their conclusion—which we herein reaffirm—that indeed, violations of the Natural Gas Act had occurred.

By order of March, 17, 1977, the FPC directed Sabine to show cause by April 7, 1977, why it should not cease and desist from transporting uncommitted gas from offshore Federal domain leases (Lighthouse Point and Tiger Shoal fields) of Texaco, Inc., To Texaco's Port Arthur petroleum refinery in Texas until Sabine filed for and received certificate authorization. The FPC therein also directed Texaco to show cause why it too should not cease and desist from transporting this same gas from the offshore Federal domain fields to its onshore gas conditioning plant (Henry plant) in Louisiana until it files for and receives certificate authorization. In this same order both Sabine and Texaco were also directed to answer whether, by transporting this uncommitted offshore Federal domain gas, they had violated the Natural Gas Act.[2]

[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.

[2] The FPC appended to this order an extensive list of questions which Sabine and Texaco had to answer as a part of their response to the show cause order.

Following the April 7, 1977, responses of Sabine and Texaco, the FPC by order of July 7, 1977, first[3] held that under its existing certificate Sabine's interstate transportation of Texaco's gas from its offshore Federal domain reserves was unauthorized and would therefore require Sabine to file for the proper certificate authorization. The FPC likewise held that Texaco knew that it needed, but failed to obtain, certificate authorization to transport gas from its own uncommitted offshore Federal domain reserves through its own facilities to its Henry plant, and in so doing violated the Naturall Gas Act. The FPC added that Texaco would accordingly have to apply for a certificate to transport such gas. Finally, the FPC denied requests by Sabine and Texaco for temporary authorization to continue this unauthorized transportation of uncommitted Federal domain gas pending this attempt to obtain permanent certification, and it noted that payback of these unauthorized volumes would be required if permanent certificates were subsequently granted.

In response to the July 7, 1977, order, Sabine and Texaco on July 12, 1977, filed a joint motion for emergency stay of that order and for a negotiated resolution of the entire controversy. The FPC by order issued on July 14, 1977, accepted and approved this negotiated resolution,[4] except that it did attach the two conditions that Texaco's proposed payback of this unauthorized offshore Federal domains gas be made solely from sources other than offshore Federal domain, and that this order not become effective until after further information gathering, public conference and written comments.[5] In the interim the FPC stayed the July 7, 1977, order. In taking these actions, the FPC explained that on the one hand it intended to secure both compliance with the Natural Gas Act "at the earliest practicable time" and payback of this previously transported offshore Federal domain gas to the interstate resale market. And on the other hand, it recognized the importance of the Port Arthur refinery capacity and the gravity of its possible disruption due to cessation of gas deliveries.[6]

Following the submittal of additional information by Sabine and Texaco, a public conference on July 20, 1977, and comments filed by the Associated Gas Distributors (AGD), the Public Service Commission of the State of New York (PSCNY), and staff, the FPC by order of July 26, 1977, modified its July 14, 1977, order by further conditioning the settlement offer by Sabine and Texaco. The FPC adopted the following conditions:

1. Payback volumes must be sold at the applicable national rate.

2. They must also be sold to the pipelines with the greatest need, as based upon the most recent form 16 reports and omnibus curtailment hearing records.

3. Direct industrial sales made pursuant to order No. 533, section 2.79 of the Commission's general policy and interpretations, do not qualify as payback.

4. Payback must be accounted for in terms of volumes delivered within the same amount of time in which Texaco received the unauthorized deliveries from its offshore Federal domain reserves. Under this condition Texaco would have to dedicate nonoffshore Federal domain reserves capable of actually delivering the full payback obligation.

5. Moreover, gas used by Texaco to repay advance payments does not qualify for payback.

6. Any applications for authorization for Texaco to sell gas as payback volumes shall explicitly state that payback is contemplated and quantify the proven reserves involved.

7. Deliveries of gas related to contracts executed or certificate applications filed prior to July 7, 1977, shall not constitute payback.

In this same order, the FPC did, however, reject several other conditions recommended by PSCNY, AGD, and/or staff. It refused to condition Texaco's continued use of its offshore Federal domain gas at Port Arthur upon certain pending FPC litigation.[7] It also rejected the suggestion that 60-day emergency sales in excess of the national rate, section 157.29 of the FPC's regulations under the Natural Gas Act, not qualify as payback. Finally, the FPC declined to hold a separate hearing to consider whether Texaco and Sabine violated the Natural Gas Act.

Texaco and Sabine thereafter accepted the further conditions imposed by the July 26, 1977, order. They did so by letter filed with the FPC on August 1, 1977.

In response to the July 26, 1977, order, Congressman Andrew Maguire of the U.S. House of Representatives petitioned the FPC to intervene and for rehearing. As will be delineated infra, Congressman Maguire challenges the FPC rulings concerning continued deliveries of offshore Federal domain gas to Texaco's Port Arthur refinery, the scope and mechanism of Texaco's payback obligation, and possible violations of the Natural Gas Act. Texaco and Sabine filed a joint opposition to both the intervention and rehearing on September 9, 1977.[8] By order of September 26, 1977, however, the FPC granted Congressman Maguire permission to intervene, as well as granting rehearing for purposes of further consideration. It is this pending application for rehearing which is presently before the Commission.

Discussion

Congressman Maguire raises four arguments on rehearing, which the com-

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[3] The FPC prefaced this order by finding that the material facts in issue were undisputed so as to avoid the need for a formal hearing.

[4] Texaco and Sabine proposed to accept permanent certificates subject to the following conditions:

1. None of Texaco's offshore Federal domain gas would be transported to Texaco's Port Arthur refinery for steam generation use, subject to a 3-year conversion timetable.

2. Deliveries from Texaco's offshore Federal domain reserves would be reduced from the then-current level of 132 MMft³ to an average of 50 MMft³. Such deliveries to the Port Arthur refinery are in addition to the diminishing deliveries for steam generation.

3. Texaco would pay back such unauthorized volumes transported before July 7, 1977, by entering into contracts for interstate sales of gas from proved reserves of 200 Bft³.

4. The steam generation conversion timetable mentioned in the first condition included these deliveries from Texaco's offshore Federal domain reserves: 60 MMft³d—October 1, 1977-December 31, 1978; 40 MMft³d—January 1, 1979-December 31, 1979; 20 MMft³d—January 1, 1980-July 7, 1980; 0—July 8, 1980.

5. The aforementioned conditions would become effective upon the order being final and nonappealable, a stay of the July 7, 1977, order remaining in effect during the interim.

[5] The FPC established the following schedule:

1. Answers to extensive FPC questions to be filed by Texaco by July 19, 1977.

2. Public conference concerning the information in those answers on July 20, 1977;

3. Comments on this order filed on July 21, 1977; and

4. Possible FPC modification of the July 14, 1977, order by July 27, 1977.

[6] By letter filed on July 22, 1977, Texaco and Sabine accepted the conditions imposed by the FPC upon their proposed resolution.

[7] *Tennessee Gas Pipeline Co.*, Opinion No. 727, Docket No. CP72-6 et al., issued April 17, 1975, appeal docketed, *Brooklyn Union Gas Co.* v. *F.P.C.*, No. 75-1581 (D.C. Cir.); *Mobil Oil Corp., et al.*, Opinion No. 743, Docket No. CI73-402, et al., issued September 9, 1975, appeal docketed, *PSCNY* v. *F.P.C.*, No. 76-1956 (D.C. Cir.); and *Tenneco Oil Co., et al.*, Opinion No. 789 Docket Nos. CI75-45, et al, issued March 7, 1977, rehearing pending.

[8] Section 19 of the Natural Gas Act, which governs petitions for rehearing, does not contemplate responses to petitions for rehearing, as Texaco and Sabine have attempted. Nor does our September 26, 1977, order granting rehearing for purposes of further consideration provide an independent basis for their response since they filed before that order issued. Accordingly, we shall not consider this September 9, 1977, pleading in our consideration of Congressman Maguire's application for rehearing.

mission will consider seriatim. To begin with, he views the interim deliveries of gas from the offshore Federal domain reserves to the Port Arthur refinery for boiler fuel use as in conflict with FPC policy.[9] As a related matter, he agrues that the Commission's authorization of such continued deliveries to the Port Arthur refinery for both boiler fuel and high priority usage is not a reasoned decision based on the record evidence and fails to comply with section 7 (c) and (d) of the Natural Gas Act.

Under the certificates of public convenience and necessity as conditioned by the Federal Power Commission in its July 14 and 26, 1977, orders, supra, Texaco was authorized to continue to receive 110 MMft³/d and declining to 70 MMft³/d, at least until July 8, 1980. (On the assumption that the average American home uses 120 Mft³/yr, this amount of gas is enough to supply 330,000 average American homes for 1 day.) Texaco was authorized to receive an average of 50 MMft³/d of offshore Federal domain gas at its Port Arthur refinery for high priority usage on an indefinite basis. Texaco was also authorized to receive additional volumes (starting at 60 MMft³/d but being gradually eliminated) for boiler fuel usage until July 8, 1980.

This Commission concludes that it is reasonable to permit such continued deliveries of offshore Federal domain gas as warranted on an interim basis. These deliveries are entirely for use in the Port Arthur refinery, and the legitimacy of their continuation is predicated in part, on the plant's function within the national hydrocarbon regime.

There are 259 refineries in the United States, ranging in crude capacity from approximately 200 to 445,000 barrels per day. The Port Arthur refinery is the second largest in the United States, with crude capacity of about 406,000 b/cd. The refinery uses 9 percent of the crude oil and produces 9 percent of the lubrication oil in the United States.[10] The staff represented in its July 22, 1977, comments that the cessation of gas deliveries to the plant would result in the closure of the plant.

The availability of the Port Arthur plant and its product is, we conclude, in the public interest. In this respect, we reaffirm the judgment of the Federal Power Commission. On this basis, the present Commission does not regard it as contrary to any applicable prior decisions to permit continued deliveries of natural gas on the basis cited herein.

The problem is to evaluate how much gas should be permitted, reasonably, for purposes of the Port Arthur facility and how long it should be permitted. As to boiler fuel gas, the Federal Power Commission permitted continuation of 60 MMft³ per day through 1978, to be reduced to 40 MMft³ per day in 1979 and 20 MMft³ per day until July 8, 1980. Staff has proposed that such use be terminated one year earlier, or July 1979. There might have been, within this Commission, some support for modifying the order of the former Commission in this respect. However, the deterrent lies in our analysis of the actual requirements of conversion from natural gas use in boiler to the alternate fuels required. Specifically, gas is used in three boilers on the fluid catalytic cracking units in conjunction with plant carbon monoxide and waste heat. Staff's comments state that "[a]lthough this is a boiler fuel use, conversion of the three units, including emissions control, could cost on the order of $30 million." (Staff comments at 13). Staff placed the conversion in a lower order of priority. Two types of boilers are used—those with dual fuel capability and those with a gas only capability. As to those boilers with dual fuel capability, staff urged that a plan be developed for the permanent oil firing of these units. Staff concluded that these units could be converted within 24 to 30 months. Staff urged the conversion of boilers with a gas only capability since most boilers can be converted.

On this basis of independent staff analysis, we are convinced that, as a realistic proposition, the conversion cannot be accomplished by mid-1979, even though staff itself had so recommended. In this respect, we reaffirm the decision of the Federal Power Commission and require that Texaco proceed to the termination of boiler use at the Port Arthur facility not later than July 8, 1980. We are obliged, in this instance, to reemphasize that the company is expected to proceed with dispatch to the accomplishment of this result.

As to the use of natural gas as a high priority process fuel in the same facility, we reverse the decision of the Federal Power Commission which had granted Texaco the right to use natural gas for process uses indefinitely.

It is not necessary, nor in the public interest, to permit indefinitely the delivery of 50 MMft³/day for high priority usage. First, in its comments (pp. 11-14) staff indicated that, of the 212 MMft³/day of gas requirements for the Port Arthur refinery, 190 MMft³/day or 90 percent are susceptible to conversion to alternate fuels within 30 months, while Texaco in its comments challenged the feasibility of conversion of much of these requirements. Second, staff in its comments (pp. 15-18) also indicated that Texaco possessed tremendous intrastate gas holdings, contracts on 362 MMft³/day of which will be expiring by 1982, although Texaco again contests both the intrastate deliverability figures used by staff and its own legal ability to abandon these intrastate sales upon contract expiration. Third, staff suggests that in any event Texaco should attempt to purchase the gas needed for the Port Arthur refinery from the intrastate market.

Since it is Texaco which has created its own reliance upon these uncommitted offshore Federal domain reserves, it is appropriate that Texaco be faced with the burden of justifying any continuation of its certificate. The question of feasibility of Texaco operating the Port Arthur refinery without interstate gas is contested. We find, however, that the certificate issued to Texaco in Docket No. CI77-329 and the amended certificate to Sabine in Docket No. CP64-97 should be modified on rehearing to become a limited term certificate concerning delivery of the 50 MMft³/day for high priority use at Port Arthur. Specifically, the same July 8, 1980, date, which marks the elimination of deliveries for boiler fuel usage, shall likewise toll the end of the certificates as they relate to the 50 MMft³/day delivery. If Texaco finds that, after making all good faith efforts to: (1) Convert its refinery facilities to alternate fuels, (2) use more of its own intrastate supplies to service the refinery, and/or (3) purchase the necessary volumes in the intrastate market, it still requires some gas from its offshore Federal domain reserves in order to operate the Port Arthur refinery, it can file with the Commission to amend its limited term certificate.

Congressman Maguire then argues that the payback condition is too vague, specifically that, even after the July 26, 1977 order, payback of all volumes improperly delivered to Port Arthur was not explicitly required. We deny rehearing in this regard because the payback condition already does exactly what is sought by Congressman Maguire. While the Commission in its July 14, 1977 order, supra, accepted payback based upon 200 Bcf of proved reserves, it amended the condition in its July 26, 1977 order, so as to assure that the total volume of this offshore Federal Domain gas will be paid back (supra, at 4):

> • • • This requires that payback volumes be accounted for in terms of volumes delivered within a certain time period, rather than in terms of dedicated reserves so that Texaco will dedicate non-offshore Federal Domain reservoirs capable of actually delivering 200 billion cubic feet of natural gas to the interstate market.

As a third basis for rehearing, Congressman Maguire urges additional

[9] Opinion Nos. 727 and 789, supra note 7.

[10] Worldwide Directory Refining and Gas Processing, 1975-1976 (Petroleum Publishing Co.).

modification of the payback condition. To begin with, he argues that Texaco's payback obligation should include, not only unauthorized deliveries before July 7, 1977, but also the offshore Federal Domain gas delivered to Port Arthur during the three year phase out period. As for the pre-July 7, 1977, unauthorized deliveries, he adds that the total volume is 208 Bcf instead of the 200 Bcf stated by the Commission. (On the assumption that the average American home uses 120 Mcf per year, this is equivalent to an amount of gas sufficient to supply 1,733,000 homes for one year.) Finally, he expresses concern that Texaco will delay payback and recommends instead a minimum annual volume condition on payback.

We shall grant in part and deny in part this aspect of Congressman Maguire's application for rehearing. Although we have already found that limited term authorization for continued deliveries to the Port Arthur refinery is justified, nevertheless payback for at least a portion of this gas to be delivered from July 7, 1977, to July 8, 1980, is appropriate. Our limited term authorization was granted solely to prevent disruption in the operation of the Port Arthur refinery, supra. Based upon existing Commission policy concerning producer reservations, supra note 7, it is doubtful whether, absent the exigencies of this case, the Commission would have certificated the transportation of Texaco's offshore Federal Domain gas to the Port Arthur refinery for boiler fuel usage. We therefore find that it is proper to require Texaco to likewise pay back those interim and declining volumes delivered for boiler fuel usage through July 8, 1980. Payback will not be required, however, for the 50 MMcf/day interim deliveries for high priority usage at Port Arthur.

We grant rehearing in regard to the pre-July 7, 1977 payback condition. Congressman Maguire is correct in stating that 208 Bcf should be paid back for this period. Texaco conceded this fact during the on-the-record conference on July 20, 1977 (Tr. 42).

Finally, we deny rehearing as to the proposed "minimum annual volume" condition. In our July 25, 1977, order we directed Texaco to "file monthly reports identifying and giving the amounts of gas volumes sold to reduce payback obligations." (Ordering Paragraph G). The Commission shall employ this reporting requirement to assure that Texaco enters into contracts with heavily curtailed pipelines on a timely basis and that payback deliveries are made at a sufficient level.

Congressman Maguire's final basis for rehearing relates to whether Texaco violated the Natural Gas Act. He argues:

> In its July 7, 1977 order, the Commission found that Texaco knowingly violated the Natural Gas Act and it ordered Texaco to cease and desist from delivering federal domain gas to its Port Arthur refinery. Despite this lawful Commission order, Texaco continued to violate the Natural Gas Act and the Commission's order of July 7, 1977, by continuing to deliver offshore Federal domain gas to its Port Arthur refinery. The integrity of the regulatory process as an instrument to protect consumers cannot long endure if the sanctions against those who flout the requirements of the law are ignored by the regulatory agency entrusted with its enforcement. The Commission should reconsider its decision to dismiss altogether the issue of Texaco's violations of the Natural Gas Act.

There are apparently two issues here. One refers to the alleged violation which occurred when Texaco ignored the Commission's July 7, 1977 cease and desist order. Texaco continued to take deliveries of its uncommitted offshore Federal domain gas at the Port Arthur refinery after July 7, 1977 order and before the July 14, 1977 order granting a temporary stay. Texaco did not file with the Commission for an emergency stay until July 12, 1977. Texaco should have either stopped all deliveries or petitioned the Commission for a stay immediately. It failed to do so. However, it is clear that the FPC took this into account when it made its determination that the payback proposal, as modified, provided a sufficient public interest basis for the settlement of all issues in the proceeding.

The other issue concerns events over the period prior to the July 7, 1977 order. In that order, the FPC found that "Texaco knowingly needed certificate authorization for its transportation activities, and does yet." Supra at 15. Thus, the FPC concluded that the Natural Gas Act had been violated.

The Federal Energy Regulatory Commission agrees that the integrity of the regulatory process depends upon effective sanctions. The question for reasoned judgment is: What sanctions are most likely to be most productive in a given situation?

Referral to the Department of Justice might be an option, and the Federal Energy Regulatory Commission has given consideration to that option. While there might be symbolic value in such a referral, we conclude that the public interest would be better served by the adoption and implementation of a settlement producing major tangible benefits for gas users in large portions of the country. These users, served through the interstate market, are the prime object of our regulatory protection under the laws that Congress has assigned to us.

They were tangibly disadvantaged by the improper withdrawals that Texaco made over the ten-year period. And our intent is to rectify the imbalance at the earliest possible time. Texaco has proposed a settlement. If that settlement is adopted, with the modifications required herein, it will have the practical result of making the interstate pipeline system whole by restoring the volumes taken.[11] This would, we believe constitute an effective set of sanctions.

Our judgment that this resolution, on balance, would better serve the public interest than would referral for further litigation should not be misunderstood. In no way does this judgment on our part mitigate the seriousness of violations of the Natural Gas Act. Infractions of that Act are not to be treated casually, Nor does the present Commission intend to permit an administrative lassitude that may permit such large-scale violations to go for so long a period of time without discovery and correction, or to have the discovery take place only by processes outside this Commission. For the purpose of early warning and rapid correction, we have created new institutional arrangements, including an investigative arm in the Office of Enforcement.

On the condition that Texaco accept the modification made herein, it would no longer be essential to probe the specific violations of the Natural Gas Act that the former Commission found, and these present dockets would be terminated.

The Commission further finds: (1) The assignments of error and grounds for rehearing set forth in the application for rehearing of the July 26, 1977, order in this proceeding by Congressman Maguire on August 25, 1977, present no facts or legal principles that would warrant any change in or modification of that order, except as provided for in the body of this order and finding paragraph (2) immediately following.

(2) Rehearing should be granted in these several matters for the reasons set forth in the body of this order:

(a) Certificate authorization previously granted for Texaco and Sabine to transport 50 MMcf/d from Texaco's offshore Federal Domain reserves to Texaco's Port Arthur refinery for high priority usage should be modified to continue solely for a limited term ending on July 8, 1980.

(b) Texaco's certificate should be conditioned to require additional payback of those volumes which are delivered to the Port Arthur refinery for boiler fuel usage after July 6, 1977.

(c) Texaco's certificate should also be conditioned to require payback of 208 Bcf instead of 200 Bcf of non-offshore Federal Domain gas to account for unauthorized deliveries prior to July 7, 1977.

The Commission orders: (A) The application for rehearing filed by Congressman Maguire is hereby denied in

[11] See Appendix A for a list of the payback commitments made thus far.

part and granted in part as provided for in the body of this order and finding paragraph (2) above.

(B) The certificate authorization provided in the July 14 and 26, 1977, orders in this proceeding for Sabine in Docket Nos. CP77-304 and CP64-97 and for Texaco in Docket No. CI77-329 shall be further modified on rehearing in the following aspects:

(1) Authorization to transport an average of 50 MMcf/d of offshore Federal domain gas to the Port Arthur refinery for high priority usage shall be expressly limited to the term of July 7, 1977, to July 8, 1980. Texaco shall, on a semi-annual basis, commencing on July 7, 1978, report to the Commission on its efforts to eliminate the need for this gas.

(2) Texaco shall also pay back to the interstate market all volumes of gas transported after July 6, 1977, from its offshore Federal domain gas reserves to the Port Arthur refinery for boiler fuel usage. Texaco shall detail for the Commission how it plans to repay this gas from sources other than offshore Federal domain, specifying the fields involved and the projected delivery volumes by year.

(3) For the period ending on July 7, 1977, Texaco shall pay back 208 Bcf of natural gas.

(C) Texaco and Sabine, over the signature of a responsible officer of each company, shall file with the Commission on or before February 28, 1978, an original and one copy of their acceptance or rejection of the terms and conditions of this order.

By the Commission. Chairman Curtis voted present.

KENNETH F. PLUMB,
Secretary.

PENDING APPLICATIONS PURSUANT TO THE PAYBACK ARRANGEMENT

Field-county-State	Buyer	Estimated reserves (billion cubic feet)
Roma, Starr, Tex.	Tennessee Gas.	1.659
Hannas Draw, Hansford, Tex.	Panhandle Eastern.	1.500
Lighthouse Point, Iberia/Vermillion, La.	Transco	23.500
Lake Faussee Point, St. Martin, La.	do	1.300
Executed contracts subject to final action on rehearing		
Mayfield, Beckham, Okla.	Transco	27.454
Gem Hemphill, Hemphill, Tex.	do	.550
Davidson Ranch, Crockett, Tex.	do	3.400
Garden Island Bay, Plaquemines, La.	do	45.300
Higgins, Sweetwater, Wyo.	CIG	12.489
White City, Eddy, N. Mex.	El Paso	9.000
Burton Flat, Lea & Eddy, N. Mex.	do	3.200
Deadwood, Glasscock, Tex.	do	.400
Block 12 (Yates), Andrews, Tex.	do	4.500
Gomez (Wolfcamp) Pecos, Tex.	Transco	4.700
Snyder Plant, Scurry, Tex.	El Paso	1.125
Bryant-Scharbauer, Midland & Ector, Tex.	do	6.600
Total of all sales		146.677

[FR Doc. 78-4500 Filed 2-21-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RM78-2 (Formerly Ex Parte No. 308)]

VALUATION OF COMMON CARRIER PIPE LINES

Extension of Time for Filing Briefs

AGENCY: Federal Energy Regulatory Commission.

ACTION: Extension of Time.

SUMMARY: The Commission is postponing until further ordered the time for filing briefs as ordered by the Presiding Judge in this rulemaking proceeding docketed as RM78-2 (formerly Ex Parte No. 308). This extension is granted to enable the Commission to rule on the merits of a petition filed December 12, 1977, appealing the Judge's order.

DATES: Effective February 10, 1978.

ADDRESS: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary (202) 275-4166.

SUPPLEMENTARY INFORMATION: On December 12, 1977, the U.S. Department of Justice, State of Alaska, and Midcontinent Petroleum Product Shippers (Petitioners) filed a "Petition for Administrative Review and for Suspension of Procedural Dates" in the above-designated proceeding. By notice issued January 4, 1978, (43 FR 1532, January 10, 1978) the time for filing briefs ordered by the Presiding Judge was postponed to February 15, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4655 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1591]

SOL BURSTEIN

Termination

FEBRUARY 15, 1978.

By Order issued February 5, 1978, Mr. Burstein was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, vice president, Wisconsin Electric Power Co.
Director, vice president (nuclear plant), Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Burstein no longer holds the above-mentioned interlocking positions. Since Mr. Burstein no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1591 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the States of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4691 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1791]

ROBERT H. GORSKE

Termination

FEBRUARY 15, 1978.

By Order issued August 18, 1976, Mr. Gorske was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Vice president, Wisconsin Electric Power Co.
Director, vice president, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Gorske no longer holds the above-mentioned interlocking positions. Since Mr. Gorske no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1791 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4690 Filed 2-21-78; 8:45 am]

[6740-02]

[Project No. 420]

KETCHIKAN PUBLIC UTILITIES

Application for Spillway Modification

FEBRUARY 15, 1978.

Public notice is hereby given that an application was filed on January 31, 1978, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Ketchikan Public Utilities (Applicant) (Correspondence to: Donald D. Bowey, Assistant City Utilities Manager, Ketchikan Public Utilities, 334 Front Street, P.O. Box 7300, Ketchikan, Alaska 99901) for a modification of the spillway at Project No. 420 known as the Ketchikan Lakes Project. The project is located on Ketchikan Lake in Revillagigedo Island, Alaska, near the City of Ketchikan and affects lands of the United States within the Tongass National Forest.

The Applicant seeks authorization to improve the spillway at the Ketchikan Lake Dam. The work would consist of removal of the existing gated spillway and its replacement by an uncontrolled ogee-crest spillway. There would be no change in normal reservoir levels. This construction is necessary to improve the existing spillway in order that it may pass the probable maximum flood. The Department of Agriculture, U.S. Forest Service, and the Alaska Department of Fish and Game have stated their approval of the proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4688 Filed 2-21-78; 8:45 am]

[6740-2]

[Docket No. CP77-424]

MIDWEST NATURAL GAS CORP. AND TEXAS GAS TRANSMISSION CORP.

Order Directing Physical Connection of Facilities and Delivery of Natural Gas; Correction

FEBRUARY 10, 1978.

In FR Doc. 77-35522, issued December 6, 1977 and appearing at page 62535 in the FEDERAL REGISTER for Tuesday, December 13, 1977, make the following correction:

On page 62535, third column, three lines from the bottom of the third full paragraph, add the word "proposal" after the words "* * * under the * * *".

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4694 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1575]

JOHN P. REEVE

Termination

FEBRUARY 15, 1978.

By Order issued May 26, 1969, Mr. Reeve was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, Wisconsin Electric Power Co.
Director, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Reeve no longer holds the above-mentioned interlocking positions. Since Mr. Reeve no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1575 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4687 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1769]

NICHOLAS A. RICCI

Termination

FEBRUARY 15, 1978.

By Order issued December 31, 1975, Mr. Ricci was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Vice president, Wisconsin Electric Power Co.
Vice president, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Ricci no longer holds the above-mentioned interlocking positions. Since Mr. Ricci no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1769 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4689 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP76-322]

TENNESSEE GAS PIPELINE CO. AND EAST TENNESSEE NATURAL GAS CO.

Petition To Amend

FEBRUARY 15, 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 February 6, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, and East Tennessee Natural Gas Co. (East Tennessee), P.O. Box 10245, Knoxville, Tenn. 37919 (Petitioners), filed in Docket No. CP76-322 a petition to amend the order of June 30, 1976 (56 FPC ——) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for Stauffer Chemical Co. (Stauffer) for an additional source, 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 Commission's order of June 30, 1976, Petitioners were authorized, inter alia, to transport up to 1,700 Mcf of natural gas per day for Stauffer, which volumes were to be produced by Texas Pacific Oil Co., Inc. (Texas Pacific) from wells located in Calcasieu Parish, La. Petitioners indicate that they are presently transporting such volumes for Stauffer pursuant to such authorization and pursuant to a transportation contract dated March 29, 1976, among Petitioners and Stauffer. Such transportation contrast is on file in Tennessee's FERC Gas Tariff, Sixth Revised Volume No. 2 as Rate Schedule T-34, and in East Tennessee's FERC Gas Tariff, Original Volume No. 2 as Rate Schedule T-1, it is stated.

The petition indicates that production from the Texas Pacific wells in the Beckwith Creek Field has declined to a total production, for the three industrial consumers involved in this proceeding, of between 600 and 800 MCF of gas per day, and that as a result of this declining production and in view of Stauffer's continued need for these volumes of gas, Stauffer has arranged to purchase additional gas supplies, for the remainder of the term for which authorization herein has been granted, from Texas Pacific Oil Co. (UK), Inc. (Texas Oil) at an initial price of $2 per million Btu's. It is stated that the gas to be sold by Texas Oil to Stauffer would be produced from the Waveland Field in Hancock County, Miss. It is indicated that Texas Oil and Stauffer have entered into a gas purchase agreement dated December 14, 1977, which provides for the delivery to Tennessee, for the account of Stauffer, of up to 650 Mcf of natural gas per day.

Tennessee is requesting authorization herein to transport gas for Stauffer from an additional receipt point. It is stated that Tennessee and Stauffer have entered into a new transportation contract dated February 2, 1978, which contract supersedes the March 29, 1976 transportation contract (Tennessee's Rate Schedule T-34) and provides for an additional receipt point. It is further stated that East Tennessee is also a party to the contract, however, there is to be no change in the transportation service rendered by East Tennessee. Tennessee would receive gas from Texas Oil at Tennessee's Side Valve 530B-102 in Hancock County, Miss., and transport equivalent volumes to Tennessee's Lobelville sales meter station delivery point to East Tennessee for the account of Stauffer, it is stated.

The petition states that Tennessee would charge Stauffer each month for transportation service a charge of 22.17 cents per Mcf delivered by Tennessee to East Tennessee for the account of Stauffer. It is stated that such transportation charge is based on Tennessee's system average haul cost applied to the miles of haul from the principal receipt point (Side Valve 530B-102) to the delivery point to East Tennessee. Tennessee would receive each day, for its fuel and use requirements, a volume of natural gas equal to 3.2 percent of the volumes transported for Stauffer each day, it is said.

Petitioners indicate that the total volumes they propose to transport would not exceed the previously authorized maximum daily transportation quantity for Stauffer. It is indicated that the additional source of gas proposed to be transported hereunder is not available to the interstate market, and that the subject gas would be used by Stauffer for priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4692 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. G-6508]

TEXAS EASTERN TRANSMISSION CORP. AND TRUNKLINE GAS CO.

Petition To Amend

FEBRUARY 15, 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 February 3, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Trunkline Gas Co. (Trunkline), P.O. Box 1642, Houston, Tex. 77001 (Petitioners), filed in Docket No. G-6508 a petition to amend the order of October 19, 1976 (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 an increase in the total authorized cost to construct facilities necessary to establish the additional exchange point in Beauregard Parish, La., and an increase in the size of the meter run from 4-inch to 10-inch, 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 Commission's order of October 19, 1976, Petitioners were authorized to

construct an additional point of exchange located at the intersection of Petitioners pipelines in Beauregard Parish, La. Such additional exchange point was to consist of taps, interconnecting piping and a single 4-inch measureing and regulating station, all at an estimated cost of $66,179, it is stated.

Petitioners state that after completion of construction and compilation of total costs of the project it became apparent that the total costs would exceed the estimated and authorized costs. Petitioners further state that after initial filing of the petition to amend on May 7, 1976, it was determined that a 10-inch meter run together with larger valves and piping should be installed, and that due to an oversight petitioners failed to file, or discuss with its construction personnel the necessity therefor.

Consequently, Petitioners request that the Commission amend its order of October 19, 1977, so as to provide for the construction of a 10-inch meter run at a total cost of $141,379. Petitioners assert that increased costs are attributable to (1) an increase in the size of the meter run and (2) underestimating or omission of appurtenant facilities and installation costs.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the National 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. 78-4693 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1487]

HOWARD L. WARHANEK

Termination

FEBRUARY 15, 1978.

By Order issued October 28, 1969, Mr. Warhanek was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Secretary, Wisconsin Electric Power Co.
Secretary, assistant treasurer, Wisconsin-Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Warhanek no longer holds the above-mentioned interlocking positions. Since Mr. Warhanek no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1487 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the States of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4686 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-211]

ALABAMA POWER CO.

Notice of Filing

FEBRUARY 15, 1978.

Take notice that Alabama Power Co. (Alabama) on February 7, 1978, tendered for filing an agreement with the Utilities Board of the city of Foley, intended as an initial rate schedule. Alabama states that the filing is for the proposed Belforest delivery point of the Utilities Board of the city of Foley. Alabama further states that the agreement contains a change in the Spanish Fort delivery point, which will be changed from a delivery voltage of 44 kv to 115 kv and the capacity required to be maintained will be increased from 18,000 kva to 25,000 kva. Alabama indicates that in connection with the above new Belforest delivery point and the Spanish Fort changes, the existing delivery points of Point Clear and Fairhope will be canceled.

According to Alabama copies of this filling were served upon the Utility Board of the city of Foley.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4638 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1588]

CHARLES S. McNEER

Termination

FEBRUARY 15, 1978.

By Order issued December 18, 1975, Mr. McNeer was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, President, Wisconsin Electric Power Co.
Director, President, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. McNeer no longer holds the above-mentioned interlocking positions. Since Mr. McNeer no longer serves in interlocking positions for which authorization under Section 305(b) is necessary, Docket No. ID-1588 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4639 Filed 2-21-78; 8:45 am]

[6740-02]

[Project No. 2818]

CITY AND BOROUGH OF SITKA, ALASKA

Land Withdrawal

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 Commisison (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

On September 19, 1977, the City and Borough of Sitka, Alaska, filed, as part

of an application for new license (major), map Exhibit K-1 through K-4, inclusive, for the proposed Green Lake Project, designated as Project No. 2818, and located on the Vodopad River near the City of Sitka in the State of Alaska.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States, is from the date of said filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

COPPER RIVER MERIDIAN, AKASKA

All portions of the following described subdivisions lying within 100 feet of the centerline of the transmission line and access roads as delimited on map Exhibits K-1 and K-2:

T. 55 S., R. 64 E. (unsurveyed),
Sec. 34, U.S. Survey No. 3665.
T. 56 S., R. 64 E. (unsurveyed),
Sec. 2, W½NW¼, N½SW¼, SW¼SW¼;
Sec. 3, U.S. Survey No. 3665, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 11, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 12, NW¼SW¼, S½SW¼;
Sec. 13, NW¼NE¼, S½NE¼, NE¼NW¼, SE¼;
Sec. 24, N½NE¼, SE¼NE¼.
T. 56 S., R. 65 E. (unsurveyed),
Sec. 18, S½NW¼, N½SW¼;
Sec. 19, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 29, NW¼;
Sec. 30, N½NE¼, SE¼NE¼.

All portions of the following described subdivisions lying within the project boundary as delimited on map Exhibits K-3 and K-4:

T. 56 S., R. 65 E. (unsurveyed),
Sec. 21, S½SW¼;
Sec. 26, S½SW¼;
Sec. 27, S½NW¼, S½;
Sec. 28, S½NE¼, NW¼, N½SW¼, SE¼;
Sec. 29, NE¼, NE¼NW¼, S½NW¼;
Sec. 33, NE¼NE¼;
Sec. 34, NE¼, N½NW¼, SE¼NW¼;
Sec. 35, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 36, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼.
T. 57 S., R. 66 E. (unsurveyed),
Sec. 4, NE¼NE¼.

NOTE.—The aforementioned project subdivisions are described by the use of protraction diagrams based upon computations by the State of Alaska, Division of Lands.

The total area of U.S. lands affected by this notice is approximately 1,474 acres of which approximately 29 acres are utilized for transmission line purposes and approximately 172 acres are utilized for both transmission line and project works purposes. Most of the project reservoir area was previously reserved for power purposes, on December 2, 1970, by a withdrawal for Power Site Classification No. 459.

Copies of the aforementioned map exhibits have been transmitted to the Geological Survey, Bureau of Land Management, and Forest Service.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4646 Filed 2-21-78; 8:45 am]

[6740-02]

[Project Nos. 130, 253, 351, 630, and 997]

COLORADO

Order Vacating Land Withdrawals

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. On December 23, 1977, the Secretary issued an order amending DOE delegation order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, U.S. Department of Agriculture, has requested that the land withdrawals for project Nos. 130, 253, 351, 630, and 997 be vacated insofar as they affect national forest lands, thereby requiring Federal Energy Regulatory Commission consideration under section 24 of the Federal Power Act. This order pertains to all lands withdrawn for these projects. The lands affected by the withdrawals are described in the attached land list.

The applicants for project Nos. 130 and 253 contemplated construction of small diversion-conduit developments on Chalk and Denny Creeks, respectively, tributaries of the Arkansas River, near the town of Buena Vista, in Chaffee County, Colo. Plans for both of these projects were abandoned and the licenses were surrendered over 50 years ago.

The applicant for project No. 351 contemplated construction of a 2,000-horsepower diversion-conduit development on South Colony Creek, near Crestone Peak, in the upper Arkansas River basin. The preliminary permit for this project expired on March 6, 1925, and an application for license was not filed.

The applicant for project No. 630 contemplated construction of a small diversion-conduit development on West Lake Creek, a tributary of the Eagle River, in the upper Colorado River basin. The application for this project was denied on January 12, 1933.

Project No. 997 was a small (less than 100 horsepower) diversion-conduit development on Gypsum Creek, a tributary of the Eagle River.

SIXTH PRINCIPAL MERIDIAN, COLORADO

1. Project No. 130 (San Isabel National Forest). The following described lands were withdrawn pursuant to the filing on December 18, 1920, of an application for license for project No. 130 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated January 27 and 29, 1921:

T. 15 S., R. 79 W.,
Sec. 28, S½NE¼SE¼, NW¼SE¼, SW¼;
Sec. 29, SE¼SW¼SE¼, SW¼SE¼SE¼, E½SE¼SE¼.

(Approximately 260 acres.)

All portions of the following tracts lying within 25 feet of the center line of the transmission line location shown on a map designated as "Exhibit C" and entitled "Detail Map Transmission Line," and filed in the office of the Federal Power Commission on December 18, 1920:

T. 15 S., R. 79 W.,
Sec. 13, E½NE¼, N½SE¼, SW¼SE¼;
Sec. 23, NE¼SE¼, S½SE¼;
Sec. 24, SW¼NW¼, NW¼SW¼;
Sec. 26, NE¼NW¼, SW¼NW¼;
Sec. 27, S½NE¼.

(Approximately 17 acres.)

2. Project No. 253 (San Isabel National Forest). The following described lands were withdrawn pursuant to the filing on September 28, 1921, of an application for license for project No. 253 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letter dated November 4, 1921:

T. 14 S., R. 80 W.,
Sec. 21, W½SE¼.

(Approximately 80 acres.)

3. Project No. 351 (San Isabel National Forest). The following described lands were withdrawn pursuant to the filing on August 21, 1922, of an application for preliminary permit for project No. 351 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letter dated October 14, 1922, as corrected by letter dated May 17, 1941:

T. 24 S., R. 73 W.,
Sec. 10, SE¼SE¼;
Sec. 11, N½, W½SW¼;
Sec. 12, W½NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, NE¼NE¼, W½NE¼, S½NW¼;
Sec. 16, SE¼NE¼, SW¼, N½SE¼;
Sec. 17, S½NE¼, SE¼.

(Approximately 1,280 acres.)

4. Project No. 630 (White River National Forest). Portions (acreage not determined) of protracted sections 12 and 13 of unsurveyed T. 6 S., R. 82½ W., were withdrawn pursuant to the filing on July 28, 1925, of an application for preliminary permit for project No. 630. A notice of land withdrawal was not issued for this project.

5. Project No. 997 (White River National Forest). The following described lands were withdrawn pursuant to the filing on June 14, 1929, of an application for license for project No. 997 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letters (2) dated August 8, 1929:

T. 6 S., R. 85 W.,

Sec. 4, S½SW¼;
Sec. 9, NW¼NW¼.

(Approximately 120 acres.)

All portions of the following tracts lying within 50 feet of the center line of the transmission line location shown on a map designated "Exhibit F" and entitled "Map of the Dam, Powersite, Pipe, and Transmission Lines," and filed in the office of the Federal Power Commission on June 14, 1929:

T. 5 S., R. 85 W. (outside National Forest),
Sec. 32, lots 5, 6.
T. 6 S., R. 85 W.,
Sec. 4, W½W½.

(Approximately 13 acres.)

The Commission accepted the surrender of the license for project No. 997 by order issued October 25, 1951 (10 FPC 1467), after the project works were removed from the Federal lands involved.

The subject lands have no significant power value.

The Geological Survey has recommended that the land withdrawals for the aforementioned projects be vacated in their entirety.

The Commission orders: The land withdrawal for project Nos. 130, 253, 351, 630, and 997 are hereby vacated in their entirety.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4647 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP77-165]

COLUMBIA GAS TRANSMISSION CORP.

Petition To Amend

FEBRUARY 14, 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 February 6, 1978, Columbia Gas Transmission Corp. (petitioner), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP77-165 a petition to amend the order of June 13, 1977, issued by the Federal Power Commission in the instant docket (57 FPC ——) pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for Wheeling-Pittsburgh Steel Corp. (Wheeling-Pittsburgh), for an extended period of time, 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 for Wheeling-Pittsburgh for 1 year, without prejudice to petitioner's filing for authorization to extend the subject service upon determination of a firm price for the second year of the gas purchase contract.

Petitioner states that Wheeling-Pittsburgh and McGoldrick joint ventures No. 1-73 (McGoldrick) have agreed to a firm price of $1.85 per Mcf for the second year of the gas purchase contract.

Consequently, petitioner proposes to transport the subject gas for Wheeling-Pittsburgh for an extended period of 1 year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hering therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary,

[FR Doc. 78-4619 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-210]

EDISON SAULT ELECTRIC

Proposed Supplement to Electric Service Contract

FEBRUARY 15, 1978.

Take notice that Edison Sault Electric Co. (Edison), on February 6, 1978, tendered for filing a supplemental agreement No. 1 between Edison and Upper Peninsula Power Co. (Upper Peninsula), dated November 10, 1977, which agreement will supplement an existing contract for electric service, dated September 19, 1976, between the same two parties. Edison states that the contract between the two parties, dated September 19, 1976, has been designated FPC rate schedule No. 7 (Docket No. ER77-98). Edison further states that the proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under section "Increases or Decreases in Rates."

Edison proposes an effective date of November 10, 1977, and therefore requests waiver of the Commission's notice requirements.

According to Edison copies of this filing were mailed to Upper Peninsula Power Co. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 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 agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4640 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP74-126]

EL PASO NATURAL GAS CO.

Amendment to Petition To Amend

FEBRUARY 14, 1978.

Take notice that on February 3, 1978, El Paso Natural Gas Co. (petitioner), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP74-126 an amendment to this petition to amend

filed herein on Novemeber 23, 1977, pursuant to section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain tap facilities necessary to effectuate the exchange of natural gas with Natural Gas Pipeline Co. of America (Natural) at a proposed new exchange point located in Lea County, N. Mex. all as more fully set forth in the amendment of file with the Commission and open to public inspection.

Petitioner indicated that no November 23, 1977, it filed with the Commission in the instant docket a petition to amend the Federal Power Commission's (FPC) order of April 2, 1975, as amended, in Docket Nos. CP74-162 and in the instant docket, so as to authorize the establishment of the Eddy No. 7 exchange point in Eddy County, N. Mex. It is indicated that the subject petition is pending before the FERC. It is stated that Natural had acquired additional natural gas supplies in Eddy County, N. Mex., in close proximity to petitioner's existing gathering system which Natural desire to cause to be delivered to petitioner under the existing gas exchange agreement dated September 24, 1973, as amended, between petitioner and Natural. Petitioner and Natural have entered into amendatory agreement No. 8 dated October 12, 1977, further amending the exchange agreement in order to provide for the Eddy No. 7 exchange point, it is said.

Applicant states that subsequent to its filing of November 23, 1977, in the instant docket, Natural advised petitioner that it had volumes of natural gas which Natural had contracted to purchase from Perry R. Bass and Bass Enterprises Production co. attributable to their working interest in production from the Cleary Federal E. Comm No. 1 well which is located in proximity to an existing gathering system of petitioner. It is stated that, in order that Natural may obtain such additional natural gas supply, petitioner and Natural have executed amendatory agreement No. 9, dated December 1, 1977, further amending the exchange agreement, which amendatory agreement provides that Natural would deliver, or cause the delivery of natural gas for its account, to petitioner at a point on petitioner's existing gathering system in Lea County, N. Mex. (Lea No. 4 exchange point).

Petitioner states that in order to effectuate the exchange of natural gas between Natural and petitioner at the Lea No. 4 exchange point, it would be necessary for petitioner to construct and operate certain tap facilities as follows:

A 4½-inch O.D. tap and valve assembly with appurtenances, located on petitioner's existing 6⅝-inch O.D. Belco Petroleum Corp.-Bass Federal No. 1 well-tie pipeline in Lea county, N. Mex.

Petitioner proposes to finance the cost of the facilities constructed under the instant proposal through use of internally generated funds. Natural would construct, at its sole expense, operate and maintain all facilities necessary for the delivery and measurement of exchange gas deliveries at the Lea No. 4 exchange point, it is stated. It is indicated that the estimated total cost of the above-described facilities is $4,350/

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to praticipate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4620 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RP72-6 Ignition Fuel and Flame Stabilization]

EL PASO NATURAL GAS CO.

Presiding Administrative Law Judge's Certification of Question to Commission

FEBRUARY 14, 1978.

Take notice that on February 7, 1978, Presiding Administrative Law Judge William Jensen certified to the Commission the following question in the above-captioned case:

Were the rulings of the Presiding Administrative Law Judge on December 15 and 16, 1977, reported at transcript pages 2102-2104, 2407-2409, supported by the applicable rules of evidence as applied to the record herein, as not to be arbitrary or capricious? The controversy concerns the admission for limited purposes of alleged evidence tendered by Pacific Gas & Electric Co., Southern California Edison Co., and San Diego Gas & Electric Co. The materials were subject to a "hearsay" type objection for want of any circumstantial guarantees of trustworthiness.

Any person desiring to be heard with reference to the certified questions should file comments no later than fifteen (15) days after issuance of this notice with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's rules of practice and procedure and the regulations under the Natural Gas Act. All comments filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in the hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4631 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1732]

JERRY G. REMMEL

Termination

FEBRUARY 15, 1978.

By Order issued August 30, 1974, Mr. Remmel was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Treasurer, Wisconsin Electric Power Co.
Treasurer, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Remmel no longer holds the above-mentioned interlocking positions. Since Mr. Remmel no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1732 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4641 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-209]

KANSAS POWER AND LIGHT CO.

Proposed Changes on Rates and Charges

FEBRUARY 15, 1978.

Take notice that on February 6, 1978, The Kansas Power and Light Co. (KPL) tendered for filing a newly executed renewal contract dated January 16, 1978, with the City of Alma, Kans. for wholesale service to that community. KPL states that this is a renewal of a similar contract dated De-

cember 5, 1967, and designated KPL Rate Schedule FPC No. 98. The proposed effective date is February 1, 1978, and KPL requests that the Commission waive the notice requirements as allowed in section 35.11 of its regulations. According to KPL, the net billing for the 12 months succeeding the proposed change in agreements will be $126,701.61. In addition, KPL states that copies of the contract have been mailed to the City of Alma and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 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. 78-4643 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-208]

KANSAS CITY POWER & LIGHT CO.

Proposed Tariff Change

FEBRUARY 15, 1978.

Take notice that on February 6, 1978, Kansas City Power & Light Co. (KCPL) tendered for filing Amendatory Agreement No. 1 to the Municipal Participation Agreement between KCPL and the City of Independence, Mo. (City), KCPL's Rate Schedule No. 56.

KCPL states that the purpose of the filing is to: (a) Provide for additional points of interconnection and delivery between the parties; (b) update Service Schedule rate levels to those presently in effect for other systems interconnected with KCPL; and (c) provide for transmission service by KCPL to the City.

KCPL requests an effective date 30 days after the filing date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 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. 78-4642 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RP73-97 PGA(78-2)]

KENTUCKY WEST VIRGINIA GAS CO.

Proposed Change in Rates

FEBRUARY 14, 1978.

Take notice that Kentucky West Virginia Gas Co. (Kentucky West) on January 30, 1978, tendered for filing with the Commission Sixth Revised sheet no. 27 to its FPC Gas Tariff, First Revised Volume No. 1, to become effective March 1, 1978. Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in section 9, General Terms and Conditions of FPC Gas Tariff, Original Volume No. 1, approved by the Commission in Docket No. RP73-97 and the Purchase Gas Cost Adjustment provision in Section 18, General Terms and Conditions of FPC Gas Tariff, First Revised Volume No. 1, approved by the Commission in Docket No. RP76-93.

Kentucky West states that a copy of its filing has been served upon the purchasers and interested state commissions and upon each party on the service list of Docket No. RP76-93.

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 Captiol Street NE., Washington, D.C. 20426, in accordance with section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before February 22, 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. 78-4632 Filed 2-21-78; 8:45 am]

[6740-02]

[Project Nos. 220 and 691]

WYOMING

Order Vacating Land Withdrawals

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. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawals for Project Nos. 220 and 691 be vacated in their entirety, thereby requiring Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act.

The following described lands (in Medicine Bow National Forest) were withdrawn pursuant to the filings on June 1, 1921, and January 30, 1926, of applications for preliminary permit for Projects Nos. 220 and 691 respectively.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 15 N., R. 78 W.,
Sec. 8, SE¼NW¼, SW¼ (except patented mineral lands). Approximately 200 acres.

A notice of land withdrawal from Project No. 220 was sent to the General Land Office (now Bureau of Land Management) by letter dated June 25, 1921. A notice of land withdrawal was not sent for Project No. 691.

The lands lie along the Middle Fork Little Laramie River, near the town of Centennial, in Albany County, Wyo. The applicants for Project Nos. 220 and 691 contemplated construction of a small (100-horsepower) diversion-conduit development on the Middle Fork Little Laramie River; however, both applications were rejected. The lands have no significant waterpower value as the average flow of this reach of the river is only about 10 cfs.

The Commission orders: The land withdrawals for Project Nos. 220 and 691 are hereby vacated in their entirety.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4618 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RP78-37]

LAWRENCEBURG GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

FEBRUARY 13, 1978.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on January 31, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1.

The proposed changes would increase revenues from jurisdictional sales and service by $33,120 based on the twelve months period ended September 30, 1977 as adjusted. In addition, the proposed change would initiate the use of deferred accounting in Lawrenceburg's Purchase Gas Adjustment.

Lawrenceburg states that the increase in tariff rates has been occasioned by increases in costs which are known and measurable, and which are now effective or will become effective within nine months of September 30, 1977. These increased costs include (1) operating expenses, (2) costs associated with increased curtailment, and (3) increase in rate of return.

Lawrenceburg also requests permission to modify section 2 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1 to provide for a Purchase Gas Cost Clearing Account as provided for in section 154.38(d)(4)(iv) of the Commission's regulations under the Natural Gas Act.

Copies of this filing were served upon Lawrenceburg's two jurisdictional wholesale customers and to the interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4615 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RI77-130]

MAURICE L. BROWN CO.

Amended Petition for Special Relief

FEBRUARY 14, 1978.

Take notice that on January 31, 1978, the Maurice L. Brown Co. (Brown), 9229 Ward Parkway, Kansas City, Mo. 64114, filed an amended petition for special relief in the captioned docket, pursuant to section 2.76 of the Commission's Rules of Practice and Procedure. In its amended petition, Brown requests authorization to charge $1.3257 per Mcf for gas sold to United Gas Pipeline Co. from Newton-Whiteside Gas Unit No. 1, Harrison County, Tex.

In its original petition for special relief, filed on September 9, 1977 and noticed on September 29, 1977, Brown requested authorization to charge $2.33 per Mcf for the sale of the same gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4621 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-599]

MONTANA POWER CO.

Agreement for Sale of Non-Firm Energy

FEBRUARY 14, 1978.

Take notice that the Montana Power Co. ("Montana") on February 2, 1978, tendered for filing in accordance with section 35 of the Commission's Regulations a Letter Agreement dated February 16, 1977, between Montana and San Diego Gas and Electric Co. ("San Diego") providing for the sale of non-firm provisional energy. Montana also tendered for filing in accordance with section 35 of the Commission's Regulations a Letter Agreement dated July 27, 1977, that amended the February 16, 1977 Agreement.

Montana states that under the terms of this Letter Agreement, as amended, it will make available to San Diego non-firm energy and that San Diego will make a like amount of energy available to Montana at Montana's request prior to June 30, 1977.

Montana indicates that the terms of the Letter Agreement, as amended, have been agreed to by the parties and would provide to Montana revenues from jurisdictional sales of $31,106.43 and to San Diego revenues from jurisdictional sales of $12,544 based on the period commencing December 1, 1976 and ending June 30, 1977, the expiration date of the Letter Agreement, as amended.

Montana states further that the rate for non-firm energy sold to San Diego under this Letter Agreement, as amended, is twelve mills per kilowatt-hour ($0.012) which is approximately the maximum specified in Montana's FERC Electric Tariff M-1, Rate M-1.3, which was submitted for filing on August 6, 1976. Montana further states that the rate for energy to Montana under this Letter Agreement, as amended, was negotiated to be sixteen mills ($0.016) per kilowatt-hour for energy purchased prior to June 30, 1977.

An effective date of December 1, 1976 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 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. 78-4634 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-600]

MONTANA POWER CO.

Agreement for Sale of Firm Energy

FEBRUARY 14, 1978.

Take notice that the Montana Power Co. ("Montana") on February 2, 1978, tendered for filing, in accordance with section 35 of the Commission's Regulations, a Service Schedule designated MU-1 under the Interconnec-

tion Agreement with Utah Power and Light Co. ("Utah") designated Rate Schedule No. 27. Montana states that this Service Schedule provides for the sale of firm energy between Montana and Utah and provides for wheeling therefor. Montana indicates that the proposed Service Schedule MU-1 would provide revenues from jurisdictional energy sales of $2,350,080 and from jurisdictional wheeling service therefor of $35,728.50 based upon the term of the Agreement that commenced September 8, 1976 and ended August 31, 1977.

Montana states that under the terms of the proposed Service Schedule MU-1, Montana will make available to Utah a firm amount of energy per month according to a predetermined schedule as given in the Service Schedule and will provide wheeling therefor.

Montana states that the rate for firm energy under this Service Schedule MU-1 is essentially the same as the total rate realized under Service Schedule K-1 between Montana and Utah (Supplement No. 17 to Rate Schedule FERC No. 3).

An effective date of September 8, 1976 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with with the Federal Energy Regulatory Commission, 825 North Capitol Street NE. Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 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. 78-4636 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-601]

MONTANA POWER COMPANY

Sales of Non-Firm Energy

FEBRUARY 14, 1978.

Take notice that the Montana Power Co. ("Montana") on February 2, 1978, tendered for filing a Letter Agreement dated March 7, 1977, between Montana and Portland General Electric Co. ("Portland") providing for the sale of non-firm energy. Montana indicates that the terms of the Letter Agreement have been agreed to by the parties and would provide to Montana revenues from jurisdictional sales of $160,560 based on the two sales that occurred during August and September of 1975.

Montana states that under the terms of this Letter Agreement, Montana will make available to Portland non-firm energy to prevent the imminent consumption of oil in Portland's combustion turbine units.

Montana states that the rate for non-firm energy in this Letter Agreement is the same as the rate in Montana's agreement with the Los Angeles Department of Water and Power dated January 8, 1971, (Rate Schedule FERC No. 33).

An effective date of August 9, 1975, is proposed and waiver of the Commission's notice requirement is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropraite action to 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. 78-4633 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER77-611]

MONTANA POWER CO.

Agreement for Sale of Firm Energy and Reserve Capacity

FEBRUARY 14, 1978.

Take notice that The Montana Power Co. ("Montana") on February 2, 1978, tendered for filing, in accordance with section 35 of the Commission's Regulations, an Agreement designated MW-2 between Montana and The Washington Water Power Co. ("Washington") for the sale of firm energy and reserve capacity.

Montana states that under the terms of this Agreement designated MW-2, Montana will make available to Washington a firm amount of energy per month and Washington will make available to Montana reserve capacity according to predetermined schedules as given in the Agreement.

Montana indicates that the terms of the Agreement have been agreed to by the parties and would provide to it revenues from jurisdictional energy sales of $1,055,480, and provide to Washington revenues from jurisdictional service of $245,000, based on the ten month period ending on June 30, 1977, the expiration date of the proposed Agreement.

Montana states that the rate for firm energy under the Agreement designated MW-2 compares favorably with the total rate realized under Service Schedule K-1 between Montana and Utah Power and Light Co. (Supplement No. 17 to Rate Schedule FERC No. 3). Montana states further that the rate for capacity under this Agreement is the same as in several recent supplements to Montana's Rate Schedule FERC No. 13.

An effective date of September 1, 1976, is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 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. 78-4635 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP78-144]

NORTHWEST PIPELINE CORP.

Amendment to Application

FEBRUARY 14, 1978.

Take notice that on February 2, 1978, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-144 an amendment to its application filed in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for certain operating arrangements between Applicant and Colorado Interstate Gas Co. (CIG), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

It is indicated that pursuant to the original application filed in the instant

docket, Applicant requested authorization to transport up to 105 billion Btu's of natural gas for the account of Natural Gas Pipeline Co. of America (Natural). The amendment states that CIG proposes to sell to Natural up to 100,000 Mcf of natural gas per day during the period January 1978 through December 31, 1978 and that Applicant and El Paso Natural Gas Co. (El Paso) propose to transport for the account of Natural such volumes of natural gas as Natural purchases from CIG, all as more fully set forth in the application filed herein and the applications filed by Natural, CIG and El Paso in Docket Nos. CP78-133, CP78-147 and CP78-159, respectively.

Applicant states that in conjunction with its agreeing to transport the gas sold by CIG to Natural, Applicant and CIG have informally agreed to certain operating arrangements which would be in effect during the term of the sale to Natural. It is indicated that the operating arrangements between Applicant and CIG are paraphrased as follows:

on any day during the period when CIG is making a short-term sale to Natural, CIG would first reduce its purchase from Applicant in the amount of 50,000 Mcf and such volume would be released to Applicant for allocation to other long-term on-system customers of Applicant. On any day that CIG does not require any or all of its remaining contract demand then such excess volume would be sold by CIG to Natural.

On any day when Applicant's long-term on-system customers are unable to use the first 50,000 Mcf released by CIG then such volumes would be offered by CIG for sale to Natural. On any day that Natural is unable to purchase this 50,000 Mcf then Applicant may dispose of this volume by either sale to a short-term customer or by a reduction in its purchase from a Canadian supplier.

It is stated that in addition to the foregoing, CIG expects that their sales to Natural would be fairly uniform during any given month and that any daily fluctuations in CIG's Rocky Mountain Sales would be handled through CIG's storage operations thereby stabilizing their purchases from Applicant.

It is further stated that the operating agreements have the potential of making up to 50,000 Mcf of natural gas available to Applicant's other customers should Applicant experience gas supply shortage during the months of maximum demand on Applicant's system and that the arrangement would also permit the husbanding of storage inventories during the 1978 heating season to the extent CIG does not require its full contract demand; i.e., that demand in excess of 102,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4622 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ER78-165]

PHILADELPHIA ELECTRIC CO.

Accepting Filing

FEBRUARY 13, 1978.

On January 24, 1978, the Borough of Lansdale, Pa. (Lansdale), filed a "Petition to Extend Date for Filing Protest and Motion to Reject" in response to the proposed tariff change tendered for filing by Philadelphia Electric Co. on December 30, 1977, and noticed January 6, 1978, in the captioned docket. Lansdale's Protest and Motion to Reject was filed concurrently on January 24, 1978.

Upon consideration, notice is hereby given that the Protest and Motion to Reject filed January 24, 1978, is accepted.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4616 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. OR78-6]

POWDER RIVER PIPELINE CORP.

Complaint

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 functions of the Interstate Commerce Commission (ICC) pertaining to the transportation of petroleum and petroleum by-products by pipeline were transferred to the Secretary of the Department of Energy (DOE) and to the Federal Energy Regulatory Commission (FERC). FERC is an independent commission within the DOE, and was activated on October 1, 1977.

By complaint filed January 4, 1978, complainants (Powder River Pipeline Corp. and The Crude Co.) allege, inter alia, that the defendant (Amoco Pipeline Co.) is a common carrier by pipeline subject to the Interstate Commerce Act (IC Act) and by its actions is in violation of that Act. Specifically, complainants contend that defendant has failed to fulfill its duties and obligations prescribed in section 1(4) of the IC Act (49 USC §1(4)); and that defendant has unduly prejudiced complainants vis-a-vis complainant's competitors in violation of section 3(1) of the IC Act (49 USC § 3(1)).

Section 705 of the DOE Act provides that the ICC's rules of practice remain in effect and govern the handling of all oil pipeline matters by the FERC until superseded by lawful order of the FERC.

Rule 33(c) (49 CFR § 1100.33(c)) requires the defendant to answer a formal complaint within 30 days after the day on which the complaint was served. Rule 32 (49 CFR § 1100.32) directs the Commission (FERC) to serve the complaint on the defendant. Service will coincide with issuance of this notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4617 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1596]

RUSSELL W. BRITT

Termination

FEBRUARY 15, 1978

By Order issued December 31, 1975, Mr. Britt was authorized, pursuant to section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, Vice President, Controller, Wisconsin Electric, Power Co.
Director, Vice President, Wisconsin Michigan, Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Britt no longer holds the above-mentioned interlocking positions. Since Mr. Britt no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1596 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the States of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4644 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. CP77-297]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC., AND EAST TENNESSEE NATURAL GAS CO.

Petition To Amend

FEBRUARY 14, 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 February 6, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, and East Tennessee Natural Gas Co. (East Tennessee), P.O. Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP77-297 a petition to amend the order of April 29, 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 section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for William L. Bonnell Co. (Bonnell) from an additional source, 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 April 29, 1977, Petitioners were authorized to transport up to 1,200 Mcf of natural gas per day for Bonnell, which volumes were to be produced by McLain J. Forman, d.b.a. Forman Exploration Co., et al., (Forman) from a well located in Ouachita Parish, La. It is indicated that Tennessee is presently transporting and delivering such volumes of gas to East Tennessee for redelivery by East Tennessee to Middle Tennessee Natural Gas Utility District (MTUD), for the account of Bonnell, pursuant to the above-mentioned authorization and pursuant to a transportation contract between Petitioners and Bonnell, dated February 17, 1977, which transportation contract is on file in Tennessee's FERC Gas Tariff, Sixth Revised Volume No. 2, as Rate Schedule T-41 and in East Tennessee's Gas Tariff, Original Volume No. 2 as Rate Schedule T-5.

It is stated that gas production from the Foreman well has declined to a total production of approximately 800 Mcf of gas per day, and that Bonnell has been advised that even this level of production may decline. As a result of this, Bonnell has contracted to purchase additional gas supplies, for the remainder of the term ending May 31, 1979, for which authorization herein has been granted, from Texas Pacific Oil Co. (UK), Inc. (Texas Pacific) at an initial price of $2 per million Btu's, it is said.

Consequently, Petitioners request amendment of the order April 28, 1977, so as to provide for the transportation of gas from a second souce, for the account of Bonnell. Petitioners state that the second source gas is to be produced by Texas Pacific from the Waveland Field, Hancock County, Miss. Petitioners further state that they have entered into a transportation contract dated January 27, 1978, which contract supercedes the February 17, 1977, contract and provides for an additional receipt point by Tennessee. Tennessee has agreed to receive gas for the account of Bonnell at an additional point of receipt at the interconnection of the facilities of Tennessee and those of Texas Pacific at Tennessee's Side Valve 530B-102, located in Hancock County, Miss., and to deliver such volumes, less volumes for the related fuel and use requirements, to East Tennessee at Tennessee's existing Greenbrier Sales No. 2 Delivery Point to East Tennessee, for the account of Bonnell, it is stated.

The petition states that Bonnell would pay Tennessee each month for volumes received at both receipt points and transported hereunder: (1) a demand charge to be determined by multiplying $1.12 by the maximum daily quantity, less any demand charge credit provided therein, if applicable; and (2) a volume charge equal to 14.32 cents per Mcf multiplied by (a) the total of the daily volumes delivered during such month or (b) the number of days in said month multiplied by 66⅔ percent of the maximum daily quantity, whichever is greater, less any applicable annual minimum bill credit as provided therein. The petition further states that Tennessee would receive each day for its fuel and use requirements a volume of natural gas equal to 3 percent of the volume transported for such day, which rate is a negotiated rate based on Tennessee's system average haul cost applied to the mileage for the Hancock County receipt point.

It is indicated that the additional source of gas proposed to be transported hereunder is not available to the interstate Market, and that Bonnell would use the subject gas for high priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rule.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4623 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. RP75-73 AP(78-1)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

FEBRUARY 14, 1978.

Take notice that Texas Eastern Transmission Corp. on January 30, 1978, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Thirty-eighth Revised Sheet No. 14
Thirty-eighth Revised Sheet No. 14A
Thirty-eighth Revised Sheet No. 14B
Thirty-eighth Revised Sheet No. 14C
Thirty-eighth Revised Sheet No. 14D

Texas Eastern is reducing its rates due to repayment of advance payments for gas pursuant to Article V of the Stipulation and Agreement under Docket No. RP75-73. The proposed effective date of this reduction in rates is March 1, 1978.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 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. 78-4637 Filed 2-21-78; 8:45 am]

[6740-02]

[Docket No. ID-1770]

THOMAS J. CASSIDY

Termination

FEBRUARY 15, 1978.

By Order issued December 31, 1975, Mr. Cassidy was authorized, pursuant to Section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Vice President, Wisconsin Electric Power Co.
Director, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Cassidy no longer holds the above-mentioned interlocking positions. Since Mr. Cassidy no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1770 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4645 Filed 2-21-78; 8:45 am]

[3128-01]

[DOE/EIS-0003-D]

PROTON-PROTON STORAGE ACCELERATOR FACILITY (ISABELLE) BROOKHAVEN NATIONAL LABORATORY, UPTON, N.Y.

Availability of Draft Environmental Impact Statement

Notice is hereby given that the U.S. Department of Energy (DOE), the successor to the Energy Research and Development Administration (ERDA), has issued a draft Environmental Impact Statement, DOE/EIS-0003-D, Porton-Proton Storage Accelerator Facility (Isabelle), Brookhaven National Laboratory, Upton, N.Y. The statement was prepared pursuant to implementation of the National Environmental Policy Act of 1969 to provide environmental input into DOE's proposed legislative action requesting funds for the construction and operation of a proton-proton colliding beam accelerator (Isabelle). The statement assesses the potential incremental environmental impacts associated with the construction and operation of Isabelle at the Brookhaven National Laboratory.

Copies of the draft Environmental Impact Statement have been distributed for review and comment to appropriate Federal, New York State and local agencies, and other organizations and individuals who are known to have an interest in the activities at the site.

Copies of the statement are available for public inspection at the DOE public document rooms located at:

DOE Headquarters, 20 Massachusetts Avenue NW., Washington, D.C.
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, N. Mex.
Brookhaven National Laboratory, Research Library, Upton, N.Y.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.
Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Ill.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn.
Richland Operations Office, Federal Building, Richland, Wash.
San Francisco Operations Office, 1333 Broadway, Oakland, Calif.
Savannah River Operations Office, Savannah River Plant, Aiken, S.C.

Comments and views concerning the draft Environmental Impact Statement are requested from other interested agencies, organizations and individuals. Single copies of the statement will be furnished for review and comment upon request addressed to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, U.S. Department of Energy, Washington, D.C. 20545, 301-353-4241. Comments should be sent to the same address.

In accordance with the guidelines of the Council on Environmental Quality, those submitting comments on the draft Environmental Impact Statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. However, it would assist in the review of the comments if the comments were organized in a manner consistent with the structure of the draft Environmental Impact Statement. Emphasis should be placed specifically on the assessment of the environmental impacts of construction and operation of Isabelle, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the proposed action. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of comments received on the draft Environmental Impact Statement will be placed in the above referenced locations for inspection and will be considered in the preparation of the final Environmental Impact Statement, if received on or before April 24, 1978.

Dated at Washington, D.C. this 14th day of February 1978.

For the United States Department of Energy.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-4649 Filed 2-21-78; 8:45 am]

[3128-01]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meeting:

A meeting of the Industry Supply Advisory Group (ISAG) of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 2 and 3, 1978, at the offices of Standard Oil Co. of California, 575 Market Street, San Francisco, Calif., beginning at 9:30 a.m. on March 2. The agenda is as follows:

1. Opening remarks.

2. Second IEA Allocation Systems Test, including:

A. Government Clearances and Security—Status of U.S. Government and EEC clearances; Exchange of in-

formation and data; Security of data; Restrictions on ISAG members' use of information and data; ISAG communications; U.S. Government and EEC monitoring; and Recordkeeping requirements.

B. Organization—ISAG organization; Secretariat organization; and Relationship with other groups.

C. Administration—OECD facilities, offices, meals; Reference material and working aids; Housing; Arrvial and departure of personnel; and Handling of costs.

D. Review ISAG Data Formats.

E. Procedures—Review ISAG functions, Supply Coordination Group, Country Supply Group, and Supply Analysis Group. Review Secretariat, NESO activity, Review activities during a cycle, and Detailed handling of Voluntary Offers.

F. March 9–10 Reporting Company meeting agenda.

3. Closing Remarks/Future Meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., February 15, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

[FR Doc. 78-4751 Filed 2-21-78; 8:45 am]

[3128-01]

[ERA Docket Nos. 77-007-LNG and 77-011-LNG, and FPC Docket Nos. CP70-196, CP77-216, and CP77-217]

DELEGATION AND ASSIGNMENT OF FUNCTIONS BY THE SECRETARY OF ENERGY TO THE FEDERAL ENERGY REGULATORY COMMISSION RELATING TO DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: Notice is hereby given of the delegation and assignment by the Secretary of Energy to the Federal Energy Regulatory Commission of the authority to carry out functions vested in the Secretary under the Department of Energy (DOE) Organization Act as those functions relate to the decision of all issues pending for resolution in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket Nos. 77-007-LNG and 77-011-LNG, FPC Docket Nos. CP70-196, et al., CP77-216, and CP77-217, to the extent such issues have not been decided by the Order on Importation of Liquefied Natural Gas from Algeria in ERA Docket No. 77-011-LNG, December 31, 1977.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Martin S. Kaufman, Department of Energy, Office of General Counsel, 12th and Pennsylvania Avenue, NW., Room 5116, Washington, D.C. 20461, Telephone: 202-566-9380.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) was established by the DOE Organization Act, Pub. L. 95-91, 42 U.S.C. 7101, et seq. (1977) (the Act), which was enacted on August 4, 1977. The effective date of the Act was prescribed as October 1, 1977 by Executive Order 12009, dated September 13, 1977 (42 FR 46267, September 15, 1977).

Sections 401-407, 503 and 504 of the Act set forth the jurisdiction and authority of the Federal Energy Regulatory Commission (the Commission), the independent regulatory commission within DOE. These sections describe those functions previously performed by the Federal Power Commission and the Interstate Commerce Commission that are transferred to, and vested in, the Commission by the Act. These sections also describe the role with respect to appeals of certain Remedial Orders issued by the Secretary, and its role with respect to denials of adjustments to certain rules, regulations and orders issued by the Secretary.

In addition to jurisdiction over the functions transferred to, and vested in, the Commission by the Act, section 402(e) provides that the Commission will have jurisdiction over other matters that the Secretary may assign to it, after public notice is given of such assignment:

In addition to the other provisions of this section, the Commission shall have jurisdiction over any other matter which the Secretary may assign to the Commission after public notice * * *.

Section 642 of the Act gives the Secretary a general power of delegation:

Except as otherwise expressly prohibited by law, and except as otherwise provided in this Act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate.

Pursuant to these provisions of the Act, public notice is hereby given that the Secretary delegates and assigns to the Commission the authority to carry out certain functions which by the Act are transferred to, and vested in, the Secretary. The assignment is in the form of a delegation, as are all delegations of authority made by the Secretary.

On December 31, 1977 the Administrator of the Economic Regulatory Administration, acting pursuant to DOE Delegation Order 0204-4, October 1, 1977, issued an Order on Importation of Liquefied Natural Gas from Algeria in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket No. 77-011-LNG. That Order approved the importation of LNG into the U.S. from Algeria.

The delegation herein gives to the Commission the authority to carry out such functions as are vested in the Secretary to regulate natural gas imports under Section 301 and 402(f) of the DOE Act with respect to all of the issues remaining to be decided in related applications currently pending before DOE. These include issues relating to environment and safety inherent in the siting of an LNG terminal facility at Everett, Massachusetts, the construction of additional facilities at that site, approval of rates and tariffs, and authorization of sales for resale, in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket Nos. 77-007-LNG and 77-011-LNG, FPC Docket Nos. CP70-196, et al., CP77-216 and CP77-217, which issues arise out of the applications filed by Distrigas Corp. and Distrigas of Massachusetts Corp., to the extent that such issues have not been decided by the Order on Importation of Liquefied Natural Gas From Algeria, ERA Docket No. 77-011-LNG, December 31, 1977. The delegation order authorizes the Commission to impose such contingency plan requirements as the Commission deems necessary and appropriate.

(Department of Energy Organization Act, Pub. L. 95-91; E. O. 12009, 42 FR 46267.)

Issued in Washington, D.C., on February 15, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

DEPARTMENT OF ENERGY, DELEGATION ORDER NO. 0204-14, TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as the Secretary of Energy ("Secretary") and by sections 642 and 402(e) of the Department of Energy Organization Act (Pub. L. 95-91), (the "DOE Act") there is hereby delegated and assigned to the Federal Energy Regulatory Commission ("FERC") the authority to carry out such functions as are vested in the Secretary pursuant to his authority to regulate the exports or imports of natural gas under sections 301 and 402(f) of the DOE Act with respect to all issues which are the subject of applications in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, Federal Power Commission Docket Nos. CP70-196, et al., CP77-216 and CP77-217. In exercising the authority delegated by this Order the FERC is specifically authorized to exercise any authority otherwise vested in the Secretary to impose such contingency plan requirements as the FERC deems necessary and appropriate.

These matters are delegated and assigned to the FERC only to the extent that they have not been decided in the Order on Importation of Liquefied Natural Gas from Al-

geria, in *Distrigas Corp.* and *Distrigas of Massachusetts Corp.*, ERA Docket No. 77-011-LNG, December 31, 1977.

The authority delegated to FERC may be further delegated in whole or in part, as may be appropriate.

All actions pursuant to authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This Order is effective February 22, 1978.

JAMES R. SCHLESINGER,
Secretary of Energy.

[FR Doc. 78-4752 Filed 2-17-78; 12:08 pm]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 78-56 and 78-57; File Nos. 6967-C2-P-70 and 6968-C2-P-70]

AIR COMMUNICATIONS CO. AND WESTERN MOBILPHONE, INC.

Memorandum Opinion and Order; Designating Applications for Consolidated Hearing on Stated Issues

Adopted February 10, 1978.

Released: February 15, 1978.

In re applications of Air Communications Co. for a construction permit to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service at Albuquerque, N. Mex. and Western Mobilphone, Inc. for a construction permit to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service at Albuquerque, N. Mex.

1. The Commission, by the Chief of the Common Carrier Bureau acting pursuant to delegated authority, has before it an application filed on April 27, 1970, by Air Communications Company, File No. 6967-C2-P-70, and an application filed on April 27, 1970, by Western Mobilphone, Inc., File No. 6968-C2-P-70. Each application is for a construction permit to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) at Albuquerque, N. Mex. Three other applications to establish new air-ground facilities in the DPLMRS at Albuquerque, N. Mex. were also received, but were subsequently withdrawn at various times. Amendments to the applications presently under consideration were requested and received during the processing period. Attempts to settle this matter without a hearing have proved fruitless.

2. Since the above-referenced applications request authority to serve the same location,[1] a comparative hearing must be held to determine which applicant, if any, would best serve the public interest. *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945). In this regard, we find the applicants to be legally, financially, technically, and otherwise qualified to construct and operate the proposed facilities.

3. In view of the foregoing, *It is ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, that the application of Air Communications Co., File No. 6967-C2-P-70, and the application of Western Mobilphone, Inc., File No. 6968-C2-P-70, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the maintenance, personnel, and facilities pertaining thereto; and

(b) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications, would best serve the public interest, convenience and necessity.

4. *It is further ordered*, That the hearing shall be held at the Commission's offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

5. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. *It is further ordered*, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

PHILIP V. PERMUT,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 78-4674 Filed 2-21-78; 8:45 am]

[6712-01]

[SS Docket No. 78-55; File No. 9046-PS-28]

MARTHA SUSAN TOMS

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Adopted: February 14, 1978.

Released: February 15, 1978.

By the Chief, Safety and Special Radio Services Bureau:

In re applications of Martha Susan Toms, t/a Gene's 24 Hour Towing Service, 9900 Cherry Tree Lane, Silver Spring, Md. 20901, for authorizations for new facilities in the automobile emergency radio service.

1. The Chief, Safety and Special Radio Services Bureau (the Bureau), has before him for consideration the above-captioned application filed February 6, 1978, by Martha Susan Toms t/a Gene's 24 Hour Towing Service (Toms) and related correspondence from Toms.

2. The applicant has stated to the Bureau that in 1977 an application was filed, in longhand, in her behalf for the radio authorization she here seeks, but it was returned by the Bureau because our procedures require that such applications be typewritten. The application was resubmitted, but was again returned to Toms because of other defects.

3. When the application was returned to Toms for the second time, she telephone the Bureau to state that she could not understand the reason for return of her application because it had been granted and she had been operating her radio facilities for two months. She added that she had a radio license posted on the wall of her premises which bore a call sign. She told the Bureau that she had purchased the radios from her employee, David L. Bissett (Bissett), and Robert C. Gibson (Gibson), who is not her employee but who holds a Second Class Radiotelephone Operator's Permit from the Commission; that Bissett had performed certain acts to install the radios in her vehicles and premises; and that she understood that an authorization had been obtained from the Commission for her use of the radios. The Bureau advised Toms that no license had been issued to her; that no call letters had been assigned; and that her use of the radios was illegal and should be terminated immediately.

4. Toms has amended and refiled her application, which is now before the Bureau, together with a written summary which she has provided of her oral statements to our staff and oral statements by Bissett and Gibson. The Bureau has been told by Gibson that he warned her not to operate without an authorization. It is apparent that a serious violation of the Communications Act of 1934, as amended, and the Commission's Rules has occurred. Clearly, many material facts are in dispute, and certainly no finding pursuant to section 309(a) of the Communications Act can be made that a grant of Toms' application would serve the public interest, convenience and necessity without first determining whether Toms' unlicensed operation was willful. Therefore, the application must, in accordance with section 309(e) of the Act, be designated for evidentiary hearing.

5. Accordingly, *It is ordered*, That in accordance with the provisions of sec-

[1] In Docket No. 16073, 22 FCC 2d 716 (1969), the Commission decided that no more than one licensee may be authorized to operate at any given location. Id. at 720.

tion 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned application of Martha Susan Toms t/a Gene's 24 Hour Towing Service, File No. 9046-PS-28, is, pursuant to authority delegated in §§ 0.131(a) and 0.331 of the Commission's rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine if Martha Susan Toms t/a Gene's 24 Hour Towing Service has willfully violated the Communications Act of 1934, as amended, and the Commission's Rules by operating unlicensed radio facilities.

(b) To determine, in light of the evidence adduced pursuant to issue (a) hereinabove, whether Martha Susan Toms t/a Gene's 24 Hour Towing Service possesses the requisite character qualifications to receive a grant of the application which is subject of this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned application will best serve the public interest, convenience and necessity.

6. *It is further ordered,* That Martha Susan Toms t/a Gene's 24 Hour Towing Service, David L. Bissett, Robert C. Gibson and the Chief, Safety and Special Radio Service Bureau, are made parties to this proceeding.

7. *It is further ordered,* That the burden of proceeding with the evidence and the burden of proof on the issues specified in paragraph 5 hereinabove are, pursuant to section 309(e) of the Act and § 1.254 of the Commission's Rules, upon Martha Susan Toms t/a Gene's 24 Hour Towing Service.

8. *It is further ordered,* That each of the parties named in paragraph 6 hereinabove, in order to avail themselves of the opportunity to be heard, shall, within 20 days of the mailing of the notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that he or she will appear on the date to be fixed for hearing and present evidence on the issues specified in this Order, as prescribed in § 1.221 of the Commission's rules.

9. *It is further ordered,* That the Secretary of the Commission shall serve a copy of this Order, by Certified Mail, Return Receipt Requested, upon each of the parties (except the Bureau) named in paragraph 6 hereinabove.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-4673 Filed 2-21-78; 8:45 am]

[6712-01]

[SS Docket No. 78-58 and 78-59; File Nos. 277-A-L-97 and 37-A-L-117]

WEIR AIRCRAFT SERVICE

Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: February 15, 1978.

Released: February 16, 1978.

In re application of Weir Aircraft Service, Mineral Wells, Tex., City of Mineral Wells, Mineral Wells, Tex., for an aeronautical advisory station to serve Mineral Wells Municipal Airport, Mineral Wells, Tex.

1. Weir Aircraft Service (hereinafter called Weir), and City of Mineral Wells (hereinafter called Mineral Wells) have each filed an application for authority to operate an aeronautical advisory station at the same airport. Weir and Mineral Wells have both filed for new station authorizations. In that § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing, *it is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 9.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;
(2) Hours of operation;
(3) Personnel available to provide advisory service;
(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;
(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;
(6) Proposed radio system including control and dispatch points; and
(7) The availability of the radio facilities to other fixed-base operators;

(b) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) which is conclusory.

4. *It is further ordered,* That to avail themselves of an opportunity to be heard, Weir and Mineral Wells, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 78-4675 Filed 2-21-78; 8:45 am]

[6712-01]

NATIONAL INDUSTRY ADVISORY COMMITTEE; CITIZENS BAND RADIO COMMUNICATIONS SUBCOMMITTEE

Change in Meeting Schedule

FEBRUARY 10, 1978.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Citizens Band Radio Communications Subcommittee of the National Industry Advisory Committee to be held Tuesday, March 28, 1978. The Subcommittee will meet at the Federal Communications Commission, Room 8210, 2025 M Street NW., Washington, D.C. at 10 a.m. This meeting was previously scheduled for March 16, 1978.[1]

PURPOSE: Initial meeting to organize the subcommittee and to consider emergency communications matters.

AGENDA: As follows:

ITEMS:

1. Chairman's opening remarks.
2. Organization.
3. Membership.
4. Goals and plans.
5. Other business.
6. Closing comments and adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commit-

[1] See 43 FR 5572, Feb. 9, 1978.

tee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, 202-632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-4676 Filed 2-21-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1607]

NORMA E. SANCHEZ

Reinstatement of License

By Federal Maritime Commission Order served and published in the FEDERAL REGISTER, Norma E. Sanchez's Independent Ocean Freight Forwarder License No. 1607 was revoked, effective December 24, 1977, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was served January 23, 1978.

An appropriate surety bond has been received in favor of Norma E. Sanchez and compliance pursuant to section 44, Shipping Act, 1916, and section 510.9 of the Commission's General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised) section 5.01(a), dated August 8, 1977, Independent Ocean Freight Forwarder License No. 1607 shall be reissued to Norma E. Sanchez, effective December 23, 1977. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Norma E. Sanchez.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-4709 Filed 2-21-78; 8:45 am]

[6210-01]

FEDERAL RESERVE BOARD

FIRST BANCORP, INC.

Acquisition of Bank

First Bancorp, Inc., Corsicana, Tex., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Clifton Bank, Clifton, Tex. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 9, 1978.

Board of Governors of the Federal Reserve System, February 14, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-4695 Filed 2-21-78; 8:45 am]

[6210-01]

NORTHERN INVESTMENT CO.

Formation of Bank Holding Company

Northern Investment Company, Fort Collins, Colo. has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Northern Bank & Trust, Fort Collins, Colo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Northern Investment Company, Fort Collins, Colo., has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to engage in the sale of credit related insurance. Notice of the application was published on January 18, 1978, in the *Golden Triangle Review*, a newspaper circulated in Fort Collins, Colo.

Applicant states that it would engage in the activities of selling credit related insurance, such as credit life and credit accident and health insurance to persons borrowing from Northern Bank & Trust, Fort Collins, Colo. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 8, 1978.

Board of Governors of the Federal Reserve System, February 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-4696 Filed 2-21-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-460]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Subject: 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 Maryland Public Service Commission involving the application of the Baltimore Gas & Electric Co. for revisions in its 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 9, 1978.

[FR Doc. 78-4594 Filed 2-21-78; 8:45 am]

[4110-39]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

INFORMATION AND DATA ACQUISITION ACTIVITY

Collection; Opportunity for Comments

Pursuant to Section 406g(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Institute of Education is proposing an information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

This data acquisition activity as described below is also subject to review by the HEW Education Data Acquisition Council.

Written comments on the proposed activities are invited. Comments should refer to the form number and must be received on or before March 24, 1978, and should be addressed to the Administrator, National Center for Education Statistics ATTN: Management Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Further information may be obtained from the Project Officer, Berlin L. Kelly, School Capacity for Problem Solving Group, National Institute of Education, 202-254-6090.

Dated: February 17, 1978.

RICHARD S. WERKSMAN,
Forms Clearance Officer,
National Institute of Education.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Study of the impact of parent advisory councils on the management and administration of Title I programs at the local level.

2. AGENCY/BUREAU/OFFICE

National Institute of Education.

3. AGENCY FORM NUMBER NIE 189

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"(e)(1) In order to carry out the objectives of the Institute, the Director is authorized * * * to conduct educational research; collect and disseminate findings of educational research; * * * assist and foster such research, collection, dissemination * * * through grants * * * or jointly financed cooperative arrangements with public or private organizations * * *." (Sec. 405(e)(1) of the General Education Provisions Act as amended; 20 U.S.C. 1221e.)

"(a)(1) * * * the Institute shall undertake a thorough evaluation and study of compensatory education programs, including * * * such programs conducted under title I of the Elementary and Secondary Education Act of 1965. Such study shall include * * * an examination of the fundamental purposes of such programs, and the effectiveness of such programs in attaining such purposes.

"(c) The Institute shall make interim reports to the President and to the Congress not later than December 31, 1976 and September 30, 1977, and shall make a final report thereto no later than September 30, 1978, on the result of its study conducted under this section." (Secs. 821(a)(1) and (c) of the Education Amendments of 1974 as amended; 20 U.S.C. 1221e.)

5. VOUNTARY OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

Congressional Mandates. The information, as part of the compensatory education study, will assist the National Institute of Education in meeting its Congressional mandates. Data will be used in drafting required final report.

Institute policy planning. Data collected will further Institute policy planning and development regarding the role of Parent Advisory Councils (PAC's) in Title I, ESEA. An analytical report will address questions of current interest to policy-makers in NIE, Federal, State, and local education agencies, and non-governmental entities. These questions include: The nature of State Education Agency (SEA) and Local Education Agency (LEA) contexts for PAC involvement; the number and character of PAC management responsibilities and activities; the characteristics of PAC membership; the nature of PAC recruitment procedures; the role of external constituencies in the actions performed by PAC's; and the role of PAC's in decision-making regarding Title I.

Research. The study will improve the research base for future work regarding Parent Advisory Councils by providing comprehensive information about their actions in a small number of school districts. Hypotheses pertaining to the dynamics of Parent Advisory Councils will be offered for exploration by other researchers.

Communities concerned with parent involvement. The data will provide support for actions taken by groups and agencies concerned with parent involvement in the Title I Program. The groups and agencies include, but are not limited to, Federal, State, and local education agencies, Parent Advisory Councils, and organizations supporting parent involvement in education. The report will be made available to such groups and agencies upon request.

7. DATA ACQUISITION PLAN

a. Method of Collection: Personal Interviews.

b. Time of Collection: Spring, 1978.

c. Frequency: Single time.

8. RESPONDENTS

a. Type: LEA Central Office and Title I Staff.

b. Number: Sample (32).

c. Estimated Person-Hours Per Respondent: 0.75.

a. Type: District Title I Parent Advisory Council Members.

b. Number: Sample (29).

c. Estimated Person-Hours Per Respondent: 0.75.

a. Type: Title I Principals.

b. Number: Sample (38).

c. Estimated Person-Hours Per Respondent: 0.75.

a. Type: School-Level Title I Parent Advisory Council Chairpersons.

b. Number: Sample (38).

c. Estimated Person-Hours Per Respondent: 0.75.

9. INFORMATION TO BE COLLECTED

The study will seek information about the role of Parent Advisory Councils in Title I. Information will be sought about SEA and LEA orientations toward PAC involvement, PAC management responsibilities and activities, PAC interactions with other organizations, PAC recruitment and characteristics, and PAC role in the management and administration of Title I programs.

[FR Doc. 78-4815 Filed 2-21-78; 8:45 am]

[4110-92]

Office of Human Development Services

[Program Announcement No. 13629-783]

REHABILITATION SHORT-TERM TRAINING PROJECTS OF REGIONAL SCOPE

Announcement of Grants for Fiscal Year 1978

The Rehabilitation Services Administration, Office of Human Development Services, announces that applications will be accepted until April 21, 1978, from State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education, wishing to compete for grants in fiscal year 1978 under the Rehabilitation Short-Term Training Grant Program of Regional Scope, authorized by section 203 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762).

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and considered for an award.

Regulations governing rehabilitation short-term training were published in the FEDERAL REGISTER in Subpart A and Subpart E, Part 1362 of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR Part 1362) on November 25, 1975.

Scope of this Program Announcement: This program announcement identifies the general program objectives and funding priorities of the Rehabilitation Short-Term Training Program of Regional Scope for Fiscal Year 1978.

A. PROGRAM PURPOSE

The purpose of short-term training grants in vocational rehabilitation is to improve the professional practice skills of vocational rehabilitation workers serving the severely physically and mentally disabled.

B. ELIGIBLE APPLICANTS

Applications may be submitted by State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

C. AVAILABLE FUNDS

$1 million is available nationally for rehabilitation short-term training grants of regional scope in fiscal year 1978. The availability of funds within each region is indicated below. All projects to be funded are new and Federal funding is limited to projects which will extend no more than 12 months. It is expected that approximately 60 grants will be awarded and the amount of the grants will range from $7,500 to $50,000.

D. PROGRAM OBJECTIVES AND PRIORITIES FOR FUNDING

1. Rehabilitation short-term training of regional scope includes workshops, institutes, seminars, or other short-term training courses designed for the direct training of employees of State vocational rehabilitation agencies or employees of cooperating vocational rehabilitation agencies or facilities, or other individuals with a special interest in the vocational rehabilitation of the severely physically and mentally disabled. Trainees participating within a regional short-term training course are limited to those residing within a geographical region designated by the Department of Health, Education, and Welfare.

2. In fiscal year 1978 the following program priorities have been identified for short-term training of regional scope:

REGION I ($80,000)

(a) Case recording and documentation;
(b) Client-counselor cooperative relationships in the development of the individualized written rehabilitation program;
(c) Rehabilitation of the SSI-SSDI Client;
(d) Program and financial management; and
(e) Expanding rehabilitation educator participation in the implementation of the Rehabilitation Act of 1973.

REGION II ($100,000)

(a) Case recording and documentation;
(b) Vocational rehabilitation of the severely disabled;
(c) Techniques of daily living;
(d) Job placement for the severely handicapped;
(e) Vocational rehabilitation services for disabled veterans;
(f) The rehabilitation of the homebound severely disabled;
(g) Expanding rehabilitation educator participation in the implementation of the Rehabilitation Act of 1973;
(h) Program and financial management;
(i) Program evaluation;
(j) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program;
(k) Removal of architectural and transportation barriers;
(l) Research utilization in vocational rehabilitation; and
(m) Supervision in vocational rehabilitation.

REGION III ($100,000)

(a) Program evaluation;
(b) Rehabilitation of the deaf and deaf-blind;
(c) The use of similar benefits in vocational rehabilitation;
(d) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973, as amended; and
(e) The rehabilitation of the homebound severely disabled.

REGION IV ($150,000)

(a) Client-counselor cooperative relationships in the development of the individualized written rehabilitation program;
(b) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program;
(c) Techniques of daily living;
(d) Program and financial management;
(e) Special problems in the vocational rehabilitation of the deaf and hard-of-hearing;
(f) The rehabilitation of the homebound severely disabled;
(g) Program evaluation;
(h) Job placement for the severely handicapped;
(i) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973; and
(j) Supervision in vocational rehabilitation.

REGION V ($140,000)

(a) Job placement for the severely handicapped;
(b) Vocational rehabilitation of the severely disabled;
(c) Research utilization in vocational rehabilitation;
(d) The implementation of the Randolph-Sheppard Act;
(e) The rehabilitation of the homebound severely disabled;
(f) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973;
(g) Vocational rehabilitation service delivery in urban areas;
(h) Program evaluation;
(i) The rehabilitation of handicapped migratory agricultural workers; and
(j) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program;

REGION VI ($115,000)

(a) Expanding rehabilitation educator participation in the implementation of the Rehabilitation Act of 1973;
(b) Vocational rehabilitation of the industrially injured;
(c) Supervision in vocational rehabilitation;
(d) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973 and in interagency cooperation in the rehabilitation of severely handicapped youth;
(e) Rehabilitation of the blind and visually impaired;
(f) Rehabilitation of the SSI-SSDI client;
(g) Case recording and documentation;
(h) Job placement of the severely handicapped;
(i) Vocational rehabilitation service delivery in rural areas;
(j) Rehabilitation of the severely disabled; and
(k) Client-counselor cooperative relationships in the development of the individualized written rehabilitation program.

REGION VII ($80,000)

(a) Vocational rehabilitation role in implementation of Title V of the Rehabilitation Act of 1973, as amended;
(b) The implementation of the Randolph-Sheppard Act;
(c) Program evaluation;
(d) Program and financial management;
(e) Removal of architectural and transportation barriers; and
(f) Vocational rehabilitation of the industrially injured.

REGION VIII ($70,000)

(a) Special problems in the vocational rehabilitation of the deaf and hard of hearing;

(b) Special problems in the vocational rehabilitation of the blind and visually handicapped;
(c) Special problems in cancer rehabilitation;
(d) The rehabilitation of handicapped migratory agricultural workers;
(e) Vocational rehabilitation service delivery in rural areas;
(f) Job placement for the severely handicapped;
(g) Rehabilitation of the SSI-SSDI client;
(h) The rehabilitation of the homebound severely disabled;
(i) Vocational rehabilitation's role in implementation of Title V of the Rehabilitation Act of 1973;
(j) Program and financial management;
(k) Program evaluation;
(l) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program; and
(m) Supervision in vocational rehabilitation.

REGION IX ($95,000)

(a) Special problems in vocational rehabilitation of the mentally ill;
(b) Vocational rehabilitation of the severely disabled;
(c) Job placement for the severely handicapped;
(d) Program evaluation as an element in program and financial management;
(e) Vocational rehabilitation's role in the implementation of Title V of the Rehabilitation Act of 1973; and
(f) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program.

REGION X ($70,000)

(a) Case recording and documentation;
(b) Special problems in cardiac rehabilitation;
(c) Special problems in rehabilitation of cerebral palsy;
(d) Special problems in the vocational rehabilitation of the deaf and hard of hearing;
(e) Special problems in the vocational rehabilitation of the blind and visually handicapped;
(f) Vocational rehabilitation service delivery in rural areas;
(g) Job placement for the severely handicapped;
(h) Vocational rehabilitation's role in the implementation of Title V of the Rehabilitation Act of 1973;
(i) Program and financial management;
(j) Consumer involvement and consultation in policy development for the State/Federal vocational rehabilitation program; and
(k) Research utilization in vocational rehabilitation.

Applications in areas other than those listed above will also be reviewed and evaluated but will be considered only to the extent that funds are available after applications submitted under priority training areas have been considered.

E. GRANTEE SHARE OF PROJECT

It is expected that grantees will provide some of the total project costs. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q. Institutions of higher learning and other nonprofit institutions may consider actual indirect costs in excess of the 8 percent allowed on training grants as part of the grantee contribution to the project.

F. THE APPLICATION PROCESS

OMB Circular A-95 Clearinghouse Notice. Applicants for rehabilitation short-term training grants of regional scope are not routinely required to notify the State and Areawide A-95 Clearinghouse of the intent to apply for Federal assistance. States are authorized to extend the project notification and review procedures of OMB Circular A-95 to include training grants. If the applicant's State has extended the coverage of OMB Circular A-95 to this program, however, the clearinghouse procedures must be observed.

State Vocational Rehabilitation Agency Review. Applicants are advised to consult with their State vocational rehabilitation agency in the initial stages of application development. Applications submitted under this program are not expected to have State vocational rehabilitation agency approval before submission to the Rehabilitation Services Administration. State vocational rehabilitation agencies are requested to review and comment on the application after formal submission.

Application Submission. In order to be considered for a rehabilitation short-term training grant, all applications must be submitted on standard forms provided for this purpose by the Commissioner, Rehabilitation Services Administration, in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for the Rehabilitation Short-Term Training Program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two copies of all completed applications should be submitted to the Regional Office official designated in the application kit.

Application Consideration. The Regional Director, Office of Rehabilitation Services determines the final action to be taken with respect to each grant application.

All grant applications are subjected to a competitive review and evaluation conducted by qualified non-Federal consultants experienced in the training of rehabilitation personnel. The Regional Director takes into account the competitive review by the non-Federal consultants, the comments of the State vocational rehabilitation agencies, and the Rehabilitation Services Administration Regional Office program staff, in reaching a decision on each competing application.

After the Regional Director, Office of Rehabilitation Services has reached a decision either to disappove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

Grant Awards. The Regional Director, Office of Rehabilitation Services makes grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available. The official grant award document is the Notice of Grant Awarded which sets forth in writing the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation. The initial award also specifies the project period for which support is contemplated.

G. CRITERIA FOR REVIEW AND EVALUATION OF GRANT APPLICATIONS

All applications received in response to this announcement will receive a technical review by qualified experts. Applications are evaluated against the following criteria:

1. The relevance of the content of the proposed short-term training to the administratively established objectives of the public rehabilitation program, the objectives of the Rehabilitation Act of 1973, as amended, the objectives of the rehabilitation short-term training program of regional scope, and the fiscal year 1978 priorities for rehabilitation short-term training;

2. The qualifications of the instructional staff and the facilities and resources of the applicant organization;

3. The reasonableness of the budget in relation to the proposed project and the anticipated results;

4. The methodology to be employed in implementing the project and its feasibility for the achievement of the established educational objectives;

5. The financial and other resources of the applicant for accomplishing the objectives of the training project and how much the applicant plans to contribute to the total cost of the project;

6. The criteria to be used for the selection of individuals to whom traineeships are to be awarded;

7. Evidence that the training institution is architecturally accessible to the handicapped;

8. Where appropriate, evidence of current accreditation by the designated accrediting agency;

9. The extent to which application instructions are adequately addressed,

including both the narrative statement and budget justification;

10. The extent to which the proposal provides for an evaluation methodology, including the manner in which such methodology will be employed to measure the achievement of the objectives of the training program; and

11. The evidence of a working relationship with an appropriate State vocational rehabilitation agency and other agencies providing vocational rehabilitation services.

H. CLOSING DATE FOR RECEIPT OF APPLICATIONS

Applications are due by close of business on April 21, 1978. Applications will be judged on time if:

1. The application was sent by registered of certified mail not later than April 21, 1978, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

2. The application is sent by mail and received on or before the closing date in the Department of Health, Education, and Welfare, the Office of Human Development Services or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mailroom, or

3. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than close of business April 21, 1978, in any case.

I. LATE APPLICATIONS

Applications received after the closing date are not accepted and applicants are notified accordingly.

J. AVAILABILITY OF APPLICATION FORMS

Application kits which contain the prescribed application forms and information for the applicant, including each regional office fiscal year 1978 plan for Rehabilitation Short-Term Training of Regional Scope with a description of each priority training area, may be obtained from:

REGION I

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Room 2011, Government Center, Boston, Mass. 02203.

REGION II

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 26 Federal Plaza, Room 4106, New York, N.Y. 10007.

REGION III

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 3535 Market Street, P.O. Box 13716, Philadelphia, Pa. 19101.

REGION IV

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 101 Marietta Street NW., Suite 903, Atlanta, Ga. 30323.

REGION V

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 300 South Wacker Drive, 31st Floor, Chicago, Ill. 60606.

REGION VI

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Fidelity Union Life Building, Room 340, 1511 Bryan Street, Dallas, Tex. 75201.

REGION VII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare,601 East 12th Street, Room 384, Kansas City, Mo. 64106.

REGION VIII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, Room 11037, 19th and Stout Streets, Denver, Colo. 80294.

REGION IX

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, 50 United Nations Plaza, San Francisco, Calif. 94102.

REGION X

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Wash. 98101.

(29 U.S.C. 763.)

(Catalog of Federal Domestic Assistance No. 13.629, Rehabilitation Training.)

Dated: February, 7, 1978.

ROBERT R. HUMPHREYS,
Commissioner, Rehabilitation Services Administration.

Approved: February 14, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

[FR Doc. 78-4661 Filed 2-21-78; 8:45 am]

[4110-85]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: March 13, 1978 (10 a.m. to 5 p.m.) March 14, 1978 (9 a.m. to 1 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Inependence Avenue SW., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Health Practice Assessment, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4990.

Dated: February 1, 1978.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc. 78-4595 Filed 2-21-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-843]

ANNUAL REVIEW OF FEDERAL ADVISORY COMMITTEES

Invitation for Public Comment

AGENCY: Department of Housing and Urban Development.

ACTION: Notice requesting public comment.

SUMMARY: The Office of Organization and Management Information, Assistant Secretary for Administration has been assigned the duty of reviewing the functions and effectiveness of HUD-chartered Federal advisory committees in accordance with the Federal Advisory Committee Act. As part of the review process, public comment is invited, and will be considered in the formulation of HUD's recommendations for continuation or termination of the following committees:

1. National Mobile Home Advisory Council.[1]
2. *Task Force on Housing Costs.[2]
3. *Task Force on Tenant Participation in the Management of Low-Income Public Housing.[3]

DATE: Written public comments should be submitted by March 7, 1978, to the Rules Docket Clerk.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR ADDITIONAL INFORMATION CONTACT:

Douglas C. Brooks, Departmental Committee Management Officer, 202-755-5208, or Donald K. McLain, Committee Management Staff Contact, 202-755-5333.

SUPPLEMENTARY INFORMATION: The recommendations in the annual review will be based on the following factors:

(1) The number of times the committee has met in the past year and the relevance of that number to its continuation.

(2) The number of reports submitted by the committee in the past year.

(3) A description of how the committee's reports, recommendations, or advice have been used in agency policy formulations, program planning, decisionmaking, achieving economies, etc.

(4) An explanation of why the recommendations or information cannot be obtained from other sources, elsewhere within the agency, from other agencies or existing committees, public hearings, consultants, etc.

(5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within the agency, or with other agencies.

(6) The relationship of the cost of the committee to the reports, recommendations, or information provided.

(7) In consideration of (a) the functions to be performed and (b) the points of view to be represented, specifically how the membership is balanced—the views, areas of expertise, etc., included.

The public is invited to comment on these, or any other relevant factors for consideration in the final recommendations.

(Federal Advisory Committee Act, Pub. L. 92-463; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., February 17, 1978.

WILLIAM A. MEDINA,
Assistant Secretary for Administration.

[FR Doc. 78-4830 Filed 2-21-78; 8:45 am]

[1] The National Mobile Home Advisory Council advises the Department to the extent feasible prior to the establishment, amendment or revocation of any mobile home construction or safety standard.

[2] The Task Force on Housing Costs reviews the factors affecting the cost of housing to the consumer; considers possible actions the Federal Government, especially the Department of Housing and Urban Development, might take to reduce such costs; and makes recommendations to the Secretary concerning such actions.

[3] The Task Force on Tenant Participation in the Management of Low-Income Public Housing reviews and considers alternative recommendations to the Secretary concerning the development of a comprehensive regulation which will govern tenant participation in the management of low-income public housing assisted by the Department.

*Indicates a committee established for a specified duration. Both committees thus indicated are scheduled to expire during calendar year 1978.

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF THE SOUTH ATLANTIC COAST

Proposed Oil and Gas Lease Sale No. 43, March 28, 1978

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331—1343) and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids for the oil and gas lease sale on tracts described in paragraph 13 herein, will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, only by personal delivery to the De Soto Hilton Hotel, 15 East Liberty Street, Savannah, Ga. 31401, between the hours of 8 to 9:30 a.m., e.s.t., March 28, 1978. Bids received by the Manager other than the times and date specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., March 28, 1978. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 42 FR 54881, October 11, 1977.

3. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., e.s.t., March 28, 1978," must be submitted for each tract. A suggested bid format appears in paragraph 17 of this notice. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on OCS Official Protraction Diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash, or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Part 3302. The suggested form for this statement to be used in joint bids appears in paragraph 18. Other documents required of bidders are listed under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Cash Bonus Bids With a Fixed Sliding Scale Royalty.* Bids on tracts 43-57 through 43-67, 43-146 through 43-148, 43-155 through 43-158, 43-162 through 43-166, and 43-169 through 43-225 must be submitted on a cash bonus basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale royalty formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $1.5 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production; when the adjusted quarterly value of production is greater than $1.5 million, a sliding scale will be employed which adds to the 16.66667 percent base an increment equal to one percentage point per million dollars by which the adjusted quarterly value of production exceeds $1.5 million. In no instance will the royalty due exceed 50 percent in amount or value of production saved, removed or sold. In determining the percent royalty due, the calculation will be carried to five decimal places. (For example, 19.75341 percent.)

The sliding scale royalty formula, in equation form, may be expressed as follows:

(1) If V is less than or equal to 1.5, then $R=16.66667$;

(2) If V is greater than 1.5, then $R=16.66667+(V-1.5)$;

(3) If R calculated from equation (2) is greater than 50, then R=50.

Where: V=the quarterly value of production, adjusted for inflation, in millions of dollars, rounded to the fifth digit past the decimal point; R=the percent royalty that is due and payable in amount or value of all production saved, removed or sold.

The sliding scale royalty formula is illustrated in Figure 1.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation using the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date.

TABLE 1.—*Hypothetical quarterly royalty calculations*

(1) Actual value of quarterly production (millions of dollars)	(2) GNP fixed weight price index	(3) Inflation factor[1]	(4) Adjusted value of quarterly production[2] (millions of dollars)	(5) Percent royalty rate (R)	(6) Royalty payment[3] (millions of dollars)
1.5	197	1.35	1.11	16.66667	.2500
3.0	197	1.35	2.22	17.38667	.5216
4.5	197	1.35	3.33	18.49667	.8324
6.0	197	1.35	4.44	19.60667	1.1764
12.0	197	1.35	8.89	24.05667	2.8868
24.0	197	1.35	17.78	32.94667	7.9072
48.0	197	1.35	35.56	50.00000	24.0000
65.0	197	1.35	48.15	50.00000	32.5000
1.5	219	1.50	1.00	16.66667	.2500
3.0	219	1.50	2.00	17.16667	.5150
4.5	219	1.50	3.00	18.16667	.8175
6.0	219	1.50	4.00	19.16667	1.1500
12.0	219	1.50	8.00	23.16667	2.7800
24.0	219	1.50	16.00	31.16667	7.4800
48.0	219	1.50	32.00	47.16667	22.6400
65.0	219	1.50	43.33	50.00000	32.5000

[1] Col. (2) divided by 146 (assumed value of GNP fixed weighted price index at time leases are issued).
[2] Col. (1) divided by col. (3).
[3] Col. (1) times col. (5); all values are rounded.

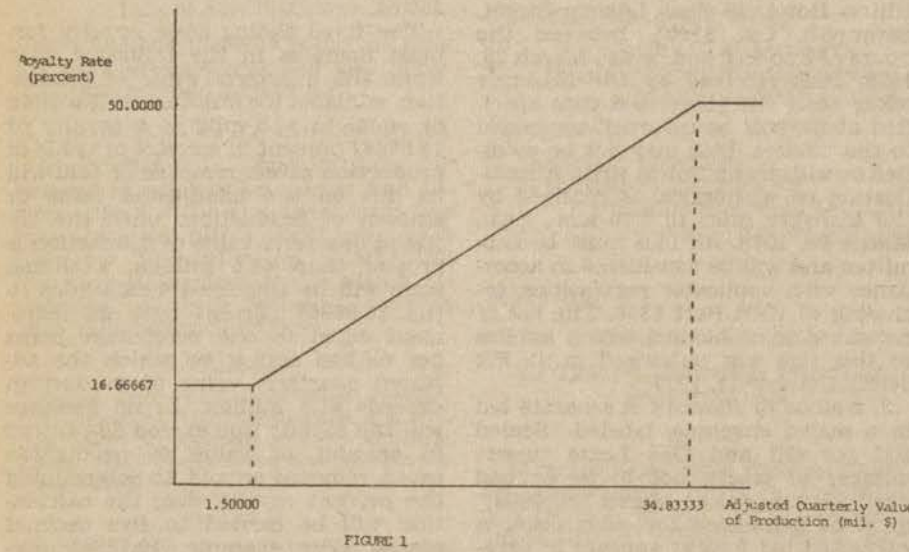

FIGURE 1

Table 1 provides hypothetical examples of quarterly royalty calculations using the above formula under two different price index values. Calculated royalty rates vary from 16.66667 to 50 percent to illustrate the range of the hypothetical royalty schedule.

Leases awarded on the basis of a cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of $8 per hectare or franction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

A suggested bid form is shown in paragraph 17 of this Notice.

5. *Bonus Bidding.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of $8 per hectare or fraction thereof. A suggested cash bonus bid form is shown in paragraph 17.

6. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m., e.s.t., March 28, 1978, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

7. *Bid Opening.* Bids will be opened on March 28, 1978, beginning at 10 a.m., e.s.t., in the De Soto Hilton Hotel at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, March 28, 1978, that bid will be returned unopened to the bidder, as soon thereafter as possible.

8. *Deposit of Payments.* Any cash, cashier's checks, certified checks, bank drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

11. *Successful Bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

12. *Protraction Diagrams.* Tracts offered for lease may be located on the following Outer Continental Shelf Official Protraction Diagrams which may be purchased for $2 each from the Manager, New Orleans Outer Continental Shelf (OSC) Office, Bureau, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130.

(1) NI 17-12, James Island;
(2) NH 17-2, Brunswick;
(3) NH 17-5, Jacksonville.

13. *Tract Descriptions.* The tracts offered for bid are as follows:

NOTE.—There is a gap in the sequence of the numbers of the tracts listed. One of the blocks identified in the final environmental statement is not included in this notice.

OCS OFFICIAL PROTRACTION DIAGRAM, JAMES ISLAND, NI 17-12

(Approved June 11, 1975)

Tract No.	Block	Description	Hectares
43-1	115	All	2,304
43-2	153	All	2,304
43-3	154	All	2,304
43-4	159	All	2,304
43-5	160	All	2,304
43-6	197	All	2,304
43-7	198	All	2,304
43-8	199	All	2,304
43-9	203	All	2,304
43-10	204	All	2,304
43-11	241	All	2,304
43-12	242	All	2,304
43-13	243	All	2,304
43-14	244	All	2,304
43-15	245	All	2,304
43-16	246	All	2,304
43-17	247	All	2,304
43-18	285	All	2,304
43-19	286	All	2,304
43-20	287	All	2,304
43-21	288	All	2,304
43-22	289	All	2,304
43-23	290	All	2,304
43-24	291	All	2,304
43-25	292	All	2,304
43-26	329	All	2,304
43-27	330	All	2,304
43-28	331	All	2,304
43-29	332	All	2,304
43-30	333	All	2,304
43-31	334	All	2,304
43-32	335	All	2,304
43-33	336	All	2,304
43-34	373	All	2,304
43-35	374	All	2,304
43-36	375	All	2,304
43-37	376	All	2,304
43-38	377	All	2,304
43-39	378	All	2,304
43-40	379	All	2,304
43-42	417	All	2,304
43-43	418	All	2,304
43-44	419	All	2,304
43-45	420	All	2,304
43-46	421	All	2,304
43-47	422	All	2,304
43-48	423	All	2,304
43-49	462	All	2,304
43-50	463	All	2,304
43-51	464	All	2,304
43-52	843	All	2,304
43-53	844	All	2,304
43-54	886	All	2,304
43-55	887	All	2,304
43-56	888	All	2,304

OCS OFFICIAL PROTRACTION DIAGRAM, BRUNSWICK, NH 17-2

(Approved Apr. 29, 1975)

Tract No.	Block	Description	Hectares
43-57	256	All	2,304
43-58	299	All	2,304

OCS OFFICIAL PROTRACTION DIAGRAM, BRUNSWICK, NH 17-2—Continued

(Approved Apr. 29, 1975)

Tract No.	Block	Description	Hectares
43-59	300	All	2,304
43-60	301	All	2,304
43-61	342	All	2,304
43-62	343	All	2,304
43-63	344	All	2,304
43-64	345	All	2,304
43-65	387	All	2,304
43-66	388	All	2,304
43-67	389	All	2,304
43-68	608	All	2,304
43-69	609	All	2,304
43-70	610	All	2,304
43-71	611	All	2,304
43-72	651	All	2,304
43-73	652	All	2,304
43-74	653	All	2,304
43-75	695	All	2,304
43-76	696	All	2,304
43-77	739	All	2,304
43-78	740	All	2,304
43-79	781	All	2,304
43-80	782	All	2,304
43-81	783	All	2,304
43-82	784	All	2,304
43-83	825	All	2,304
43-84	826	All	2,304
43-85	827	All	2,304
43-86	868	All	2,304
43-87	869	All	2,304
43-88	870	All	2,304
43-89	871	All	2,304
43-90	872	All	2,304
43-91	873	All	2,304
43-92	874	All	2,304
43-93	911	All	2,304
43-94	912	All	2,304
43-95	913	All	2,304
43-96	914	All	2,304
43-97	915	All	2,304
43-98	916	All	2,304
43-99	917	All	2,304
43-100	918	All	2,304
43-101	920	All	2,304
43-102	953	All	2,304
43-103	954	All	2,304
43-104	955	All	2,304
43-105	956	All	2,304
43-106	957	All	2,304
43-107	958	All	2,304
43-108	959	All	2,304
43-109	960	All	2,304
43-110	961	All	2,304
43-111	962	All	2,304
43-112	963	All	2,304
43-113	964	All	2,304
43-114	993	All	2,304
43-115	994	All	2,304
43-116	997	All	2,304
43-117	998	All	2,304
43-118	999	All	2,304
43-119	1000	All	2,304
43-120	1001	All	2,304
43-121	1002	ALL	2,304
43-122	1003	ALL	2,304
43-123	1004	ALL	2,304
43-124	1005	ALL	2,304
43-125	1006	ALL	2,304
43-126	1007	ALL	2,304

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE, NH 17-5

(Approved Apr. 29, 1975)

Tract No.	Block	Description	Hectares
43-127	25	ALL	2,304
43-128	26	ALL	2,304
43-129	27	ALL	2,304
43-130	28	ALL	2,304
43-131	29	ALL	2,304
43-132	30	ALL	2,304
43-133	33	ALL	2,304
43-134	34	ALL	2,304
43-135	35	ALL	2,304

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE, NH 17-5—Continued

(Approved Apr. 29, 1975)

Tract No.	Block	Description	Hectares
43-136	36	ALL	2,304
43-137	37	ALL	2,304
43-138	38	ALL	2,304
43-139	68	ALL	2,304
43-140	69	ALL	2,304
43-141	70	ALL	2,304
43-142	71	ALL	2,304
43-143	72	ALL	2,304
43-144	73	ALL	2,304
43-145	74	ALL	2,304
43-146	76	ALL	2,304
43-147	77	ALL	2,304
43-148	78	ALL	2,304
43-149	81	ALL	2,304
43-150	114	ALL	2,304
43-151	115	ALL	2,304
43-152	116	ALL	2,304
43-153	117	ALL	2,304
43-154	118	ALL	2,304
43-155	120	ALL	2,304
43-156	121	ALL	2,304
43-157	122	ALL	2,304
43-158	123	ALL	2,304
43-159	158	ALL	2,304
43-160	159	ALL	2,304
43-161	160	ALL	2,304
43-162	164	ALL	2,304
43-163	165	ALL	2,304
43-164	166	ALL	2,304
43-165	167	ALL	2,304
43-166	168	ALL	2,304
43-167	202	ALL	2,304
43-168	203	ALL	2,304
43-169	207	ALL	2,304
43-170	208	ALL	2,304
43-171	209	ALL	2,304
43-172	210	ALL	2,304
43-173	211	ALL	2,304
43-174	250	ALL	2,304
43-175	251	ALL	2,304
43-176	252	ALL	2,304
43-177	253	ALL	2,304
43-178	293	ALL	2,304
43-179	294	ALL	2,304
43-180	295	ALL	2,304
43-181	296	ALL	2,304
43-182	339	ALL	2,304
43-183	345	ALL	2,304
43-184	382	ALL	2,304
43-185	383	ALL	2,304
43-186	384	ALL	2,304
43-187	389	ALL	2,304
43-188	390	ALL	2,304
43-189	426	ALL	2,304
43-190	427	ALL	2,304
43-191	428	ALL	2,304
43-192	431	ALL	2,304
43-193	432	ALL	2,304
43-194	433	ALL	2,304
43-195	434	ALL	2,304
43-196	470	ALL	2,304
43-197	471	ALL	2,304
43-198	472	ALL	2,304
43-199	475	ALL	2,304
43-200	476	ALL	2,304
43-201	477	ALL	2,304
43-202	478	ALL	2,304
43-203	519	ALL	2,304
43-204	520	ALL	2,304
43-205	521	ALL	2,304
43-206	557	ALL	2,304
43-207	558	ALL	2,304
43-208	559	ALL	2,304
43-209	562	ALL	2,304
43-210	563	ALL	2,304
43-211	564	ALL	2,304
43-212	565	ALL	2,304
43-213	601	ALL	2,304
43-214	602	ALL	2,304
43-215	606	ALL	2,304
43-216	607	ALL	2,304
43-217	608	ALL	2,304
43-218	609	ALL	2,304
43-219	650	ALL	2,304
43-220	651	ALL	2,304
43-221	652	ALL	2,304
43-222	653	ALL	2,304

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE, NH 17-5—Continued

(Approved Apr. 29, 1975)

Tract No.	Block	Description	Hectares
43-223	696	ALL	2,304
43-224	740	ALL	2,304
43-225	784	ALL	2,304

14. *Lease Terms and Stipulations.* Leases issued as a result of this sale will be on Form 3300-1 (December 1976), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 12. For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, Form 3300-1 will be amended as follows:

Sec. 3(b)(1) *Royalty on Produetion.* To pay the lessor a royalty of that precent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows.

When the quarterly value of production, adjusted for inflation, is less than or equal to $1.5 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production; when the adjusted quarterly value of production is greater than $1.5 million, a sliding scale will be employed which adds to the 16.66667 percent base an increment equal to one percentage point per million dollars by which the adjusted quarterly value of production exceeds $1.5 million. In no instance will the royalty due exceed 50 percent in amount or value of production saved, removed or sold. In determining the percent royalty due, the calculation will be carried to five decimal places. (For example, 19.75341 percent).

The sliding scale royalty formula, in equation form, may be expressed as follows:

(1) If V is less that or equal to 1.5, then $R=16.66667$;

(2) If V is greater than 1.5, then $R=16.66667+(V-1.5)$;

(3) If R calculated from equation (2) is greater than 50, then $R=50$.

Where:

V=the quarterly value of production adjusted for inflation in millions of dollars, rounded to the fifth digit past the decimal point;

R=the precent royalty that is due and payable in amount or value of all production saved, removed or sold.

Sec. 3(b)(3). When paid in value, royalties on production shall be due and payable monthly on the last day of the month next following the month in which the production is obtained, except that the Secretary may establish such other requirements for the timing of royalty payments as he determines are necessary. In no case will the royalty payments be required prior to the last day of the month next following the month in which production is obtained. Each such determination regarding the timing of royalty payments shall be made only after due notice to the Lessee and a reasonable opportunity has been afforded to the Lessee to be heard. When paid in production, ...

Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

In the following stipulations the term Supervisor refers to the Atlantic Area Oil and Gas Supervisor for operations of the Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

Prior to any drilling activity or the construction or placement of any structure for exploration or development on a lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the Supervisor as part of his exploration and/or development plan a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum one-mile radius of the proposed exploration or production activity site.

For the purpose of this stipulation, live bottom areas are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the Supervisor photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the Supervisor will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas.

(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas.

(c) The transportation of drilling fluids and cuttings to approved disposal sites.

(d) The monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation No. 2

If the Supervisor, having reason to believe that a site, structure or object of historical or archaeological significance, hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing survey as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to de-

termine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the Supervisor, either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the Supervisor and the Manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased areas, he shall report immediately such findings to the Supervisor and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

Stipulation No. 3

The lessee shall conduct remote sensing and/or other surveys as specified by the Supervisor to determine the existence of any unexploded ordnance (munitions, mines, or bombs). The lessee's report to the Supervisor should document all indications of magnetic or sidescan sonar anomalies on the sea floor.

Stipulation No. 4

Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying such pipelines is technically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an inter-governmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of Federal, State, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed:

All vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a).

Stipulation No. 5

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors, doing business with the lessee in connection with any activites being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Operating Area Coordinator, Naval Base, Charleston, S.C. for tracts 43-1 through 43-56 and the Operating Area Coordinator, Naval Air Station, Jacksonville, Fla. for tracts 43-57 through 43-225. The lessee assumes this risks whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents or employees. The lessee further agrees to indemnify and save harmless the Unites States against, and to defend at its own expense the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractor or subcontractors doing business with the lessee in connection with the programs and activities of the United States, its contractors or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(b) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the appropriate onshore military installation, Operating Area Coordinator, Naval Base, Charleston, S.C. for tracts 43-1 through 43-56, and the Operating Area Coordinator, Naval Air Station, Jacksonville, Fla. for tracts 43-57 through 43-225, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight testing or operational activites, conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agent, employees, invitees, independent contractors or subcontractors, will be affected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(c) The lessee, when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the appropriate onshore military installation, Operating Area Coordinator, Naval Base, Charleston, S.C. for tracts 43-1 through 43-56, and the Operating Area Coordinator, Naval Air Station, Jacksonville, Fla. for tracts 43-57 through 43-225, utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Stipulation No. 6

Unless the lessee can demonstrate to the satisfaction of the Supervisor that it would not be in the interests of conservation, all reservoirs underlying this lease which extend into one, or more other leases, as indicated by drilling and other information, shall be operated and produced only under a unit agreement including the other lease(s) and approved by the Supervisor. Such a unit agreement shall provide for the fair and equitable allocation of production and costs. The Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on a method acceptable to him.

Stipulation No. 7

(a) (To be included only in leases resulting from this lease sale for tracts 43-25, 43-33, 43-40, 43-47, 43-48, 43-195, 43-202, 43-212, 43-218, and 43-222). Portions of these tracts may be subject to mass movement (slumping) of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas will not be allowed on those portions of the tract which may be subject to mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be safely designed to withstand such mass movement at the proposed location of the structure.

(b) (To be included only in leases resulting from this lease sale for tracts 43-97 and 43-98). Portions of this tract may contain a shallow "Bright Spot" seismic anomaly which may be indicative of a gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless the lessee can demonstrate to the Supervisor's satisfaction that a potential hazardous accumulation of shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be placed or drilling plans designed to insure safe operations in the area above the anomaly.

Stipulation No. 8

(To be included in any leases resulting from this sale for the fixed sliding scale roy-

alty bidding tracts listed in paragraph 4 of this notice.)

(a) The fixed sliding scale royalty rate of production saved removed, or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)), except that the Director, Geological Survey may approve an application for a reduction in fixed sliding scale royalty on this lease only when it is necessary in order to increase the ultimate recovery of oil and gas and in the interest of conservation. The Director may grant a reduction for only one year at a time. Reduction of fixed sliding scale rates will not be approved unless production has been underway for one year or more.

Although the fixed sliding scale royalty rates as determined from the formula in section 3(b)(1) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔ percent of the production saved, removed or sold from the leased area may be taken as fixed sliding scale royalty in amount, except as provided in section 6(c) of this lease; the fixed sliding scale royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔ percent may only be taken in value of the production saved, removed or sold from the leased area.

Stipulation No. 9

Lessees shall comply with regulations which affect activities under this lease and which are promulgated under applicable statutes by other Federal agencies, including the Department of Energy, the Department of Transportation, the Environmental Protection Agency, and the U.S. Army Corps of Engineers. State laws are applicable to the Outer Continental Shelf in accordance with 43 U.S.C. 1333(a)(2).

15. *Information to Lessees.* The Department of the Interior will seek the advice of the States of North Carolina, South Carolina, Georgia, and Florida and other Federal agencies, to identify areas of special concern which might require the burial of pipelines, appropriate protective measures for live bottom areas, and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the Supervisor, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM and the States, will require the lessee to undertake any measures deemed economically, environmentally, and technically feasible to protect live bottom areas.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any structures in or over any navigable waters of the United States pursuant to Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and for artificial islands and fixed structures located on the Outer Continental Shelf in accordance with Section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333(f)). Corps of Engineers permits for discharge of dredged or fill material into the navigable waters may be required pursuant to 33 U.S.C. 1344.

Bidders are advised that the Secretary of the Interior has directed that a development stage environmental impact statement be prepared for the South Atlantic area. The content of this EIS will be in accordance with the rules and regulations promulgated by the Department.

In applying safety, environmental, and conservation laws and regulations, the Supervisor will require the use of the best available and safest technology which is determined to be economically achievable. To the extent practicable, the Supervisor will consult with the relevant Federal agencies and the affected State(s) in the execution of these responsibilities.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

If nationally recommended routes for boat traffic lanes are established by the Coast Guard, lessees will be required to use them to transport supplies to the lease area.

The U.S. Congress is considering OCS Lands Act Amendments which would institute many new provisions in the leasing and administration of the resources on the OCS. Two of these provisions, (1) the Fishermen's Gear Compensation Fund, and (2) the Oil Spill Liability Fund will, if enacted, establish programs to repay damages and the costs of oil spills resulting from OCS activities. These funds may be supported by assessments levied on lessees and operators. Bidders are hereby notified that these and certain other provisions of the OCS Lands Act Amendments may apply to leases resulting from sale No. 43.

The Department's regulations found in 30 CFR and 43 CFR, as amended, are applicable to this lease sale. Recent amendments to these regulations are found in 42 FR 53956, October 4, 1977 (suspension of leases); 43 FR 3880, January 27, 1978 (oil and gas operations and oil and gas information program); and 43 FR 3892, January 27, 1978 (environmental assessment and oil and gas information program).

All bids, other than the highest bids, will be returned by the BLM to the bidder, as soon as possible, from the New Orleans OCS Office at the address stated in paragraph 12.

16. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all South Atlantic Orders, as of their effective date.

17. *Suggested Bid Form.* It is suggested that bidders submit their bids to the Manager, New Orleans Outer Continental Shelf Office, in the following form:

All tracts offered for cash bonus bidding:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total amount bid	Amount per hectare	Amount of cash bonus submitted with bid
.....			.....

Proportionate interest of company(s) submitting bid

Qualification No. ..... % .....

Company

.....

Address

.....

Signature

(Please type signer's name under signature)

18. *Required Joint Bidders Statement.* In the case of joint bids, it is suggested that each joint bidder execute the following statement before a notary public and submit it with his bid:

JOINT BIDDER'S STATEMENT

I hereby certify that ———— (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature ————————————
(Please type signer's name under signature.)

Sworn to and subscribed before me this —— day of ———— 19——.

Notary Public ————————————
State of ————————————
County of ————————————

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved: February 14, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc. 78-4482 Filed 2-21-78; 8:45 am]

[4510-30]

NATIONAL COMMISSION FOR MANPOWER POLICY

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a formal meeting on March 10, 1978, in the Federal Room of the Capital Hilton Hotel, located at 16th and K Streets NW., Washington, D.C. The meeting will begin at 9 a.m. and adjourn at 5 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (P.O. 92-208). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Comgress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda will cover a variety of issues concerned with the net employment effects of the public service employment programs of Title II and Title VI of the Comprehensive Employment and Training Act.

Members of the general public or other interested individuals may attend the Commission meeting. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written applications must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: The name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members of other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the meeting at the Commission's headquarters located at 1522 K Street NW., Room 300, Washington, D.C.

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

ISABEL V. SAWHILL,
Director, National Commission for Manpower Policy.

[FR Doc. 78-4838 Filed 2-21-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Project Nos. P-657 and P-657A]

NEW YORK STATE ELECTRIC & GAS CORP. AND LONG ISLAND LIGHTING CO.

Receipt of Partial Application for Construction Permit and Facility License, Time for Submission of Views on Antitrust Matters

New York State Electric & Gas Corp. and the Long Island Lighting Co. (applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed one part of an application, dated January 10, 1978, in connection with their plans to construct and operate 2 pressurized water reactors at either the "New Haven" site, near Lake Ontario, or the "Stuyvesant" site, near the Hudson River in New York State. The designated site will be identified in the Preliminary Safety Analysis Report and Environmental Report, which are scheduled to be submitted in October and November 1978, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR 50, Appendix L.

A copy of the partial application is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Project Nos. P-657 and P-657A have been assigned to the application and should be referenced in any correspondence relating to it.

Any person who wishes to have their views on the antitrust matters of the application presented to the Attorney General for consideration or who desires additional information regarding the matter covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before April 24, 1978.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3 Division of Project Management.

[FR Doc. 78-4538 Filed 2-21-78; 8:45 am]

[7590-01]

REGULATORY GUIDE 1.104, "OVERHEAD CRANE HANDLING SYSTEMS FOR NUCLEAR POWER PLANTS"

Public Meeting

The Offices of Standards Development and Nuclear Reactor Regulation will conduct a public meeting to discuss Regulatory Guide 1.104, "Overhead Crane Handling Systems For Nuclear Power Plants," which was published for comment on February 19, 1976.

Regulatory Guide 1.104 describes acceptable methods for complying with the Commission's regulations with regard to the design, fabrication, and testing of overhead crane systems used for reactor refueling and spent fuel handling operations. It applies to all nuclear powerplants for which applicants elect to provide a single-failure-proof overhead crane handling system, where "single-failure-proof" means that a load carried by an overhead crane handling system would not fail if any single component part of the crane handling system failed or malfunctioned. The guide is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Single copies (which may be reproduced) may be obtained upon written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The meeting will be held on March 20, 1978, in Room P-118 of the Commission's offices at 7920 Norfolk Avenue, Bethesda, Md., from 9 a.m. to 5 p.m. Representatives of the Offices of Standards Development and Nuclear Reactor Regulation will be present.

The meeting is intended to provide opportunities for the NRC staff and other interested persons to discuss questions, comments, and suggestions on the guide and the associated licensing review method. It is anticipated

that the meeting will provide a valuable exchange of information both for the NRC staff and the public with regard to the subject areas covered by the guide. Written comments may be submitted to the Commission staff at the meeting or at any time to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Interested persons are invited to attend and ask questions or present oral or written statements on the guide. Any person who intends to make an oral statement should notify Mr. Laurids Porse. Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-6928, by March 15, 1978. it is expected that oral statements will be limited to 10 minutes. Persons desiring additional information regarding the meeting should also contact Mr. Porse.

(5U.S.C. 552(a).)

Dated at Rockville, Md., this 13th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-4583 Filed 2-21-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-3, 50-247, 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC., POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the commission) has issued to Consolidated Edison Co. of New York, Inc. (Con Ed), amendment No. 18 to provisional operating license No. DPR-5 for the Indian Point nuclear generating unit No. 1 and amendment No. 37 to facility operating license No. DPR-26 for the Indian Point nuclear generating unit No. 2, and has issued to Con Ed and the Power Authority of the State of New York, amendment No. 11 to facility operating license No. DPR-64 for Indian Point nuclear generating unit No. 3. These amendments revised technical specifications for operation of Indian Point units Nos. 1, 2, and 3 located in Buchanan, Westchester County, N.Y. The amendments are effective as of the date of issuance.

These amendments revise the technical specifications to change requirements for administrative controls.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The applications for amendments transmitted by letters dated November 2, 1977, (2) amendment No. 18 to license No. DPR-5, (3) amendment No. 37 to license No. DPR-26, (4) amendment No. 11 to license No. DPR-64, and (5) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public document Room, 1717 H Street NW., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2) through (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-4584 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket Nos. 50-269, 50-270, 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment Nos. 56, 56, and 53 to facility operating licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Co. which revised technical specifications for operation of the Oconee nuclear station unit Nos. 1, 2, and 3, located in Oconee County, S.C. The amendments are effective within 30 days of the date of issuance.

These amendments revise the common Oconee technical specifications to incorporate changes to the Oconee unit No. 3 pressurization heatup and cooldown limitations.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated September 14, 1977, (2) amendment Nos. 56, 56, and 53 to licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, (3) the Commission's related safety evaluation, and (4) the Commission's safety evaluations, dated February 23, 1977, and November 4, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Oconee County Library, 201 South Spring, Walhalla, S.C. 29691. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 8th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-4585 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 27 to provisional operating license No. DPR-16 issued to Jersey Central Power & Light Co. which revised technical specifications for operation of the Oyster Creek nu-

clear generating station, located in Ocean County, N.J. The amendment is effective as of its date of issuance.

The amendment will delete the requirement for an annual operating report in order to be consistent with recent Commission guidance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment, dated January 19, 1978, (2) amendment No. 27 to license No. DPR-16, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethseda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-4586 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 26 to provisional operating license No. DPR-16 issued to Jersey Central Power & Light Co. which revised technical specifications for operation of the Oyster Creek nuclear generating station, located in Ocean County, N.J. The amendment is effective as of its date of issuance.

The amendment revises section 6.3.1 of the technical specifications relating to the qualifications of the Supervisor—Radiation Protection, in response to a request made by the NRC in a letter to the licensee dated February 18, 1977.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated June 7, 1977, (2) amendment No. 26 to license No. DPR-16, and (3) the Commission's related evaluation contained in the Commission's letter to the licensee dated All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No.3 Division of Operating Reactors.

[FR Doc. 78-4587 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO., JERSEY CENTRAL POWER & LIGHT CO., AND PENNSYLVANIA ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 37 to facility operating license No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised technical specifications for operation of the Three Mile Island nuclear station, unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of the date of its issuance.

This amendment deletes the requirement for an annual report, except for annual submission of occupational exposure and aircraft traffic data. The amendment also adds the requirement for submission of a monthly operating report.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 13, 1978, (2) amendment No. 37 to license No. DPR-50, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-4588 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 26 and 20 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Co. (the licensee), which revised technical specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minn. The amendments are effective as of their date of issuance.

The amendments incorporate fire protection technical specifications on the existing fire protection equipment and add administrative controls related to fire protection at the facilities. This action is being taken pending completion of the Commission's overall fire protection review of the facilities.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determinded that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated January 31, 1977, as amended by filing dated December 22, 1977, (2) Amendment Nos. 26 and 20 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's related Safety Evaluation dated December 2, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-4589 Filed 2-21-78; 8:45 am]

[7590-01]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised technical specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebr. The amendment is effective as of its date of issuance.

The amendment incorporates fire protection technical specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 18, 1977, as revised by letters dated July 11 and December 13, 1977, (2) the Commission's Safety Evaluation Report dated November 23, 1977, (3) Amendment No. 38 to License No. DPR-40, and (4) the Commission's letter dated February 14, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-4590 Filed 2-21-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS NUCLEAR REGULATORY COMMISSION

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 9-11, 1978, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, MARCH 9, 1978

8:30 a.m. to 9:15 a.m.: Executive Session (Open). The Committee will hear and discuss the report to the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding a heat transfer correlation (Westinghouse WRB-1 Critical Heat Flux Correlation, WCAP-8762) and a thermal design procedure (Westinghouse Improved Thermal Design Procedure, WCAP-8567) proposed by the Westinghouse Electric Corp. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter.

9:15 a.m. to 11:15 a.m.: Westinghouse Electric Corp. Heat Transfer Correlation (WCAP-8762) and Improved Thermal Design Procedure (WCAP-8567) (Open). The Committee will hear and discuss presentations by representatives of the NRC Staff and the Westinghouse Electric Corp. related to the proposed use of a revised heat transfer correlation and thermal design procedure for Westinghouse nuclear powerplant fuel. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter.

11:15 a.m. to 12 noon: Executive Session (Open). The Committee will discuss a proposed report to the Nuclear Regulatory Commission regarding decommissioning of nuclear facilities.

1 p.m. to 1:30 p.m.: Executive Session (Open). The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present on the NRC safety research program for improved safety system concepts.

1:30 p.m. to 5 p.m.: NRC Safety Research Program for Improved Safety System Concepts (Open). The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and their contractors and consultants regarding the proposed NRC program on long-term safety research for new or improved safety system concepts.

5 p.m. to 6:30 p.m.: Executive Session (Open). The Committee will hear and discuss reports of Subcommittees, Working Groups, and members on a number of generic matters related to reactor safety including reevaluation of NRC siting policies and practices. This portion of the meeting will be open to the public. The Committee will also discuss its proposed reports to the NRC regarding the proposed NRC Safety Research Program for new or improved safety system concepts and the Westinghouse Electric Corp. heat transfer correlation and procedure. Portions of this session will be closed as required to protect Proprietary Information related to these matters.

FRIDAY, MARCH 10, 1978

8:30 a.m. to 9:30 a.m.: Executive Session (Open). The Committee will hear and discuss the report of its Subcommittee on Regulatory Activities and consultants who may be present regarding proposed revisions to NRC Regulatory Guides and Regulations including Initial Test Programs for Water-Cooled Nuclear Power Plants (Regulatory Guide 1.68); and Standards for Combustible Gas Control Systems (10 CFR Part 50.44/Regulatory Guide 1.7/General Design Criteria 50-10 CFR Part 50, Appendix A).

9:30 a.m. to 11:30 a.m.: Meeting with NRC Staff (Open). The Committee will hear presentations from and hold discussions with members of the Nuclear Regulatory Commission Staff regarding proposed changes in NRC Regulatory Guides and Regulations; recent licensing actions and operating experience including the seismic bases for the Perkins Nuclear Station, seismic design margins at the North Anna Power Station, Units 1 and 2 and radiation monitoring of process steam at the Midland Nuclear Plant. The NRC staff will also report to the ACRS on generic matters related to nuclear power plant safety including performance of review and audit groups at nuclear facilities. The future schedule for ACRS activities will also be discussed.

11:30 a.m. to 12:30 p.m.: Executive Session (Open). The Committee will discuss its proposed reports to the Nuclear Regulatory Commission regarding matters considered at this meeting. Portions of this session will be closed if required to discuss Proprietary Information related to these matters.

1:30 p.m. to 5:30 p.m.: Executive Session (Open). The Committee will hear and discuss reports of its Subcommittees, Working Groups and Members regarding generic safety related matters, ARCS procedures, and the qualifications of candidates for appointment to the Committee. Portions of this session will be closed if required to protect information, the release of which would represent an undue invasion of personal privacy.

The Committee will discuss its proposed reports to NRC regarding matters discussed during this meeting and a request for seismic information regarding the North Anna Power Station. Portions of this session will be closed as required to protect Proprietary Information related to these matters.

SATURDAY, MARCH 11, 1978

8:30 a.m. to 12 noon: Executive Session (Open). The Committee will complete its reports to the Nuclear Regulatory Commission regarding matters discussed during this meeting. Portions of this session will be closed as necessary to protect Proprietary Information related to these matters.

Procedures for the conduct of and participation in this meeting were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)), and to protect information the release of which would represent an undue invasion of personal privacy (5 U.S.C. 552b(c)(6)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

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 ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m. e.s.t.

Dated: February 17, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-4772 Filed 2-21-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

FEDERAL INTERACTION WITH VOLUNTARY CONSENSUS STANDARDS-DEVELOPING BODIES

Proposed OMB Circular, Extension of Time

On December 22, 1977, the Office of Management and Budget issued a proposed OMB Circular establishing a uniform policy for all executive branch agencies in working with voluntary consensus standards-developing bodies (published January 3, 1978, 43 FR 48). Comments were requested not later than February 17, 1978. This date is hereby extended to April 17, 1978.

LESTER A. FETTIG,
Administrator.

[FR Doc. 78-4596 Filed 2-21-78; 8:45 am]

[1505-01]

BUDGET RECISSIONS AND DEFERRALS

Correction

In FR Doc. 78-2888 appearing at page 4391 in the issue for Wednesday, February 1, 1978, the designation "Cumulative Report" should be deleted from both the title page (page 4391) and the heading of the text (page 4392).

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel; Human Resources Task Force.

Date: March 10, 1978.

Place: Federal Building, Room 2886, 915 Second Avenue, Seatle, Wash. 98174.

Type of Meeting: Open.

Contact Person: Mr. Louis H. Blair, Office of Science & Technology Policy, Executive Office of the President; telephone 202-395-4596. Anyone who plans to attend should contact Mr. Blair by March 7, 1978.

Purpose of the Panel: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel

is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

Minutes of the meeting: Executive minutes of the meeting will be available from Mr. Blair.

TENATIVE AGENDA

1. Discussion of State and local government experiences with Federal Human Services Research Dissemination and Utilization Activities.
2. Discussion of the role of Science and Technology in the delivery of State and local government human services.
3. Development of recommendations for U.S. Department of Health, Education and Welfare on improved research dissemination and utilization efforts.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

FEBRUARY 15, 1978.

[FR Doc. 78-4665 Filed 2-21-78; 8:45 am]

[7555-02]

REVIEW PANEL ON DAM SAFETY PROGRAMS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Review Panel on Dam Safety Programs.

DATE: March 9, 1978.

TIME: 9:30 a.m. to 4 p.m.

PLACE: Room 3104, New Executive Office Building, Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF REVIEW PANEL: The Office of Science and Technology Policy in accordance with the statutory mandate to analyze and interpret significant developments and trends in science and technology and relate these to their impact on the achievement of national goals and objectives, is reviewing the activities and plans appropriate to the Federal, State, local governmental units, and the private sector to insure the safety of dams which are in any way affected by a Federal role.

AGENDA: 9:30 a.m. to 4 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc. 78-4666 Filed 2-21-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 301-14]

AMERICAN INSTITUTE OF MARINE UNDERWRITERS

Change of Hearing Date

By FEDERAL REGISTER Notice of January 26, 1978 (43 FR 3635) hearings were scheduled on the petition filed by the American Institute of Marine Underwriters, to be held February 28, 1978, and if necessary March 1, 1978.

Due to a scheduling conflict in the office of the Special Representative for Trade Negotiations, those hearings have been rescheduled for Tuesday, March 7, 1978, and if necessary March 8, 1978. The hearings will be held at the office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C., Room 730.

The time for submission of requests to present oral testimony is extended until February 28, 1978. Written briefs from those persons not wishing to present oral testimony should be received in the office of the Special Representative by the date of the hearing, March 7, 1978, in order to be considered by the section 301 committee.

Interested parties are referred to the FEDERAL REGISTER of January 26, 1978 (43 FR 3635-3636) for further details on the petition and procedures for the hearings.

SHIRLEY A. COFFIELD,
Chairman, 301 Committee, Office of the Special Representative for Trade Negotiations.

[FR Doc. 78-4685 Filed 2-21-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14460; File No. SR-Amex-77-28]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("the Act"), 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 23, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as stated below. On December 29, 1977 the Amex filed an amendment to File No. SR-Amex-77-28 to reflect rule changes which are pending in File No. SR-Amex-77-5.[1] The Amex granted an extension of time for Commission consideration of proposed amendments to Amex Article IV, sections 2(e)(7) (redesignated as 2(f)(7)) and new section 2(e)(5) and Rule 342(a) pending a Commission determination on amendments to section 2(e)(7) and Rule 342(a) as proposed in File No. SR-Amex-77-5.

AMEX'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend its Constitution, rules and policies relating to membership to permit a regular or options principal member to be associated with a member firm without requiring that he or she be a general partner in the firm. The principal change is the addition of a new section 2(e) to Article IV (attached as Exhibit A), which sets forth conditions of Exchange approval of member firms substantially parallel to those required of member corporations. Numerous technical conforming changes are proposed throughout the Constitution and rules, to delete reference to "general partner" or "general partners" where the context raises the inference that, within a member firm, only general partners may be members.

AMEX'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed Constitutional and rule changes is to bring membership requirements for partnerships into conformity with requirements for corporations, and to increase the flexibility of the Exchange's membership structure.

The basis under the Act for adopting the proposed changes is to carry out the purposes of the Act; to remove unnecessary restrictions on the ability of persons to become members of the Exchange; and to remove impediments to a free and open market.

The proposed amendments will not impede the Exchange's ability to enforce member compliance, consistent

[1] The Commission postponed action on amendments to Article IV, section 2(e)(7) and Rule 342(a) as proposed in File No. SR-Amex-77-5 and approved the remainder of that rule filing. See Securities Exchange Act Release No. 14272 (December 14, 1977), 42 FR 63969 (December 21, 1977).

with section 6(b)(1) of the Act, since the requirement that every general partner of a regular or options principal member firm must be a regular, options principal or allied member of the Exchange will be retained.

The proposed amendments are consistent with section 6(b)(2) of the Act in that they increase flexibility of membership and broaden opportunities for qualified persons to become members of the Exchange.

The proposed amendments are consistent with section 6(b)(6) of the Act in providing that non-partner members associated with a member firm, as well as members who are partners, are subject to disciplinary action for violations of the Act, the rules and regulations thereunder, and the Constitution and rules of the Exchange.

The Amex has determined that no burden on competition will be imposed by the proposed rule changes.

On or before March 29, 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 Comission 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 submission 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 all written submissions will 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 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 13, 1978.

AMEX EXHIBIT A

Article IV, section 2(e) is redesignated 2(f) and a new section (e) is added, to read as follows:

Conditions of approval of member firms.

(e) The Exchange shall not approve a firm as a regular or options principal member firm unless:

(1) a regular or options principal member of the Exchange is associated with the firm;

(2) every general partner in the firm is a regular, options principal or allied member of the Exchange;

(3) every member of the Exchange who is associated with the firm actively engages in its business (unless he is in active government service or health does not permit);

(4) every party required by the Exchange to be an allied member or approved person of the firm has qualified as such;

(5) the principal purpose of the firm is the transaction of business as a broker or dealer in securities; and

(6) the firm complies with such additional requirements as the Board of Governors may from time to time prescribe by rule.

[FR Doc. 78-4652 Filed 2-21-78; 8:45 am]

[8010-01]

[Release No. 10121; 811-1163]

FIRST WEST TEXAS CAPITAL CORP.

Proposal To Terminate Registration

FEBRUARY 14, 1978.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare, by order on its own motion, that First West Texas Capital Corp. ("Fund"), c/o Jimmie B. Todd, Esq., P.O. Box 1311, Odessa, Tex. 79762, registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

Information in the Commission files indicates that Fund, a small business investment company, was organized under Texas law and registered under the Act on April 11, 1962. Such information also indicates that following a shareholder vote, Fund was liquidated and ceased to exist on or about April 1, 1972.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 13, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-4650 Filed 2-21-78; 8:45 am]

[8010-01]

[File No. 81-310]

MANHATTAN LIFE INSURANCE CO.

Application and Opportunity for Hearing

FEBRUARY 14, 1978.

Notice is hereby given that The Manhattan Life Insurance Co. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the filing requirements of section 15(d) of the 1934 Act.

The Application states, in part:

1. The Applicant is a New York corporation subject to the reporting provisions of section 15(d) of the 1934 Act.

2. The Applicant is a wholly-owned subsidiary of The Manhattan Life Corp.

3. There is no public market for the Applicant's securities.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 15(d) of the 1934 Act including an annual report on Form 10-K for the fiscal year ended December 31, 1977.

The Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than March 13, 1978 may submit to the Commission in writing his views or any sub-

stantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-4651 Filed 2-21-78; 8:45 am]

[8010-01]

[Release No. 34-14469; File No. SR-NSCC-78-2]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organizations; 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. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 1, 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

Rule 3, Section 1 of the Rules of the SCC Division of National Securities Clearing Corporation (NSCC) states that the SCC Division shall maintain a list of securities which may be the subject of contracts cleared through the SCC Division and which are called "Cleared Securities" and that the SCC Division may from time to time add securities to such list.

The SCC Division of NSCC proposes to add to its list of Cleared Securities all municipal securities, as that term is defined in Section 3(a) (29) of the Securities Exchange Act of 1934, as amended.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change increases the number of securities issues for which comparison may be effected. Mechanisms currently exist for participants to settle transactions in municipal securities through the facilities of the NCC and SCC Divisions of NSCC. This rule change will permit SCC Division members to use the comparison and clearance facilities of NSCC in a similar manner to which they now use NSCC's facilities for other debt securities.

By permitting transactions in municipal securities to be compared and cleared as well as settled through NSCC, participants will be able to more effectively process such trades. This should also relieve the back offices of participants of some of the time and paperwork burdens of comparing trades and preparing receive and deliver tickets.

The proposed rule change relates to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions by permitting the use of NSCC-SCC Division facilities for comparison as well as settlement of transactions in municipal securities.

Comments concerning the proposed rule change were not solicited by NSCC.

NSCC does not perceive that the proposed rule change would constitute a burden on competition.

On or before March 29, 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 (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 14, 1978.

[FR Doc. 78-4653 Filed 2-21-78; 8:45 am]

[8010-01]

[Release No. 34-14459; File No. SR-PHLX 78-2]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; 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. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 10, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc., (PHLX) proposes a new rule and supplementary material establishing a late charge for delinquent payment of dues, fees, fines, or other charges imposed by the Exchange on members and member organizations. The text of the amendment follows (brackets indicate deletions, new material italicized):

Rule 50. There shall be imposed upon any member or member organization using the facilities or services of the Exchange, or enjoying any of the privileges therein, a late charge until payment is received of dues, fees, fines, or other charges imposed by the Exchange and not paid within thrity (30) days after notice thereof has been mailed. The amount of such late charge shall be fixed from time to time by the Board of Governors. If any member or member organization shall fail to pay such dues, fees, fines or other charges, including late charges, within ninety (90) days after notice thereof has been mailed, the Controller shall so notify the Board of Governors which shall take such action as it may deem appropriate.

Supplementary Material

The amount of the late charge authorized by Rule 50 has been established at the rate of one per cent (1%) per month. Rule 50 and the rate herein established shall become effective on and after February 9, 1978.

The basis and purpose of the foregoing proposed rule amendments is as follows:

The purpose of the rule is to promote efficiency in Exchange oper-

ations and adequate cash flow for the provision of services in a membership organization.

The proposed rule is consistent with the requirement that an exchange's rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members using its facilities. Members whose payments are delinquent should not expect to be indirectly subsidized by the Exchange and members who are timely in payments. The timely payment period and the amount of the delinquent charge are in line with standard commercial usage. A delinquent charge is an equitable allocation made to encourage uniformity in timely payment.

No comments have been received or solicited from members and others on the proposed rule change.

No burden on competition will be imposed by the proposed amendments.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit views, data and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 13, 1978.

[FR Doc. 78-4654 Filed 2-21-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1418; Amdt. No. 1]

ARKANSAS

Declaration of Disaster Loan Area

The above-numbered declaration (see 43 FR 2966) is amended by adding St. Francis and White Counties and adjacent counties, within the State of Arkansas, and extending the time for filing applications for physical damage to April 10, 1978, and for economic injury until November 10, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 10, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-4572 Filed 2-21-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1431]

KENTUCKY

Declaration of Disaster Loan Area

Pike County and adjacent counties within the State of Kentucky constitute a disaster area as a result of damage caused by snow, ice, and flooding which occurred on January 12-23, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 13, 1978, and for econcomic injury until the close of business on November 10, 1978, at:

Small Business Administration, District Office, Federal Office Building, Room 188, 600 Federal Place, Louisville, Ky. 40202

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 10, 1978..

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-4573 Filed 2-21-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1432]

NEW JERSEY

Declaration of Disaster Loan Area

The Englishtown Auction buildings located at 90 Wilson Avenue, Englishtown, Monmouth County, N.J., constitute a disaster area because of damage resulting from a fire which occurred on December 15, 1977. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 13, 1978, and for economic injury until the close of business on November 10, 1978, at:

Small Business Administration, District Office, 970 Broad Street, Room 1635, Newark, N.J. 07102

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 10, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-4574 Filed 2-21-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 78-318; Reference: ATF 0 1100.6A]

ASSISTANT DIRECTOR (REGULATORY ENFORCEMENT)

Delegation Order

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR Part 201, to the Assistant Director (Regulatory Enforcement), and provides for redelegation to Regulatory Enforcement personnel, Headquarters and field.

2. *Cancellation.* ATF 0 1100.6, Delegation Order—Authorities of the Director in 26 CFR Part 201, Distilled Spirits Plants Regulations, dated October 4, 1974 (39 FR 36611), is canceled.

3. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the approval of activities at regulated plants. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 201, Distilled Spirits Plants, belong at and should be delegated to a lower organizational level.

4. *Delegations.* Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco, and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 201, Distilled Spirits Plants:

(a) To prescribe all forms required by regulations, under 27 CFR 201.61; and to prescribe certain forms which are provided by users at their own expense, under 27 CFR 201.613.

(b) To approve applications for:

(1) Alternate methods, procedures, or operations, including alternate construction or equipment in lieu of methods or procedures specifically

prescribed in regulations, under 27 CFR 201.62(a).

(2) Emergency variations from requirements for construction, equipment, and methods of operations, under 27 CFR 201.62(b).

(c) To withdraw authorization of any alternate method or procedure or of any variation whenever the revenue is jeopardized or the effictive administration of the regulations is hindered by the continuation of such authorization or variation, under 27 CFR 201.62.

(d) To waive any provision of law and regulations for temporary pilot or experimental operations, and to designate any plant for such operations, under 27 CFR 201.63.

(e) To waive any provision of law and regulations to effectuate the purposes of 26 U.S.C. 5312(b), and to authorize and approve, pursuant to written application, the establishment and operation of experimental distilled spirits plants, under 27 CFR 201.64 and 27 CFR 201.65.

(f) To determine the nonpotability of a by-product, to waive any provision of law and regulations, and to approve applications for waiver of requirements, under 27 CFR 201.66.

(g) To authorize the carrying on of other businesses on premises of distilled spirits plants, under 27 CFR 201.67.

(h) To temporarily exempt a proprietor of any plant from provisions of law and regulations by reason of disaster, under 27 CFR 201.69.

(i) To require the discontinuance of the use of storage facilities and to require supervision of spirits to be transferred, under 27 CFR 201.71.

(j) To waive any provision of law and regulations to effectuate the purposes of 26 U.S.C. 5312(a); to authorize and approve, pursuant to written application, experimental or research operations by scientific institutions and colleges of learning; and to require the filing of bonds and any additional information and the submission of records, under 27 CFR 201.72.

(k) To approve the use of meters or other devices or methods for controlling the denaturation of spirits, under 27 CFR 201.90.

(l) To authorize the use of meters or other devices or methods for volumetrical measurement of spirits (including denatured spirits) or wines, under 27 CFR 201.91.

(m) To approve all seals, locks, or other devices, that are to be used on conveyances in which spirits are transferred in bond, withdrawn free of tax, or withdrawn without payment of tax, under 27 CFR 201.100(b)(1).

(n) To approve applications to establish a warehouse without regard to the minimum storage requirements, and to limit the type of operations to be conducted and any expansion or changes thereto, under 27 CFR 201.112.

(o) To authorize regional regulatory administrators to approve registrations of plants with separated areas, under 27 CFR 201.117.

(p) To approve other materials and methods for plats and plans, under 27 CFR 201.155.

(q) To approve applications by successors to adopt the approved ATF F 27-B Supplemental, Formula and Process for Rectified Products, of predecessors, under 27 CFR 201.165.

(r) To approve meters or other devices or methods or manner for safeguarding the security of the closed distilling system and the protection of processing equipment, under 27 CFR 201.240.

(s) To approve:

(1) Other devices or methods or other means to secure openings in tanks and to control the flow of spirits in and out of tanks on bonded or bottling premises, under 27 CFR 201.243 (b) and (c).

(2) Fences or walls to enclose tanks on bonded premises used as receptacles for spirits, under 27 CFR 201.243(b).

(t) To approve pipelines which may not be readily examined, under 27 CFR 201.244.

(u) To approve other methods for identification of pipelines, under 27 CFR 201.245.

(v) To approve other measuring devices for weighing or measuring materials, spirits (including denatured spirits), and denaturants, under 27 CFR 201.246.

(w) To approve:

(1) Meters or other methods or other devices (comparable in accuracy and security to meters) to accurately determine the production gauge of spirits and the total quantity filled into containers, under 27 CFR 201.269 (a), (c), and (d).

(2) The manner and type of governmental supervision of proprietors' production gauges, under 27 CFR 201.269(d).

(x) To approve other methods for determining the quantities of chemical byproducts produced, under 27 CFR 201.277.

(y) To authorize the spirits content of chemicals to exceed 10 percent by volume including chemical byproducts of spirits production, and to approve methods to test chemicals for spirits content, under 27 CFR 201.278.

(z) To approve:

(1) Meters or other devices to measure and control the flow of spirits into and out of storage tanks or other containers which permit a determination of the quantity being deposited and removed, under 27 CFR 201.291 (b) and (c).

(2) Applications to store packages and cases in any manner which adequately safeguards the interests of the Government, under 27 CFR 201.291(c).

(aa) To waive the requirement of showing information on labels, under 27 CFR 201.331.

(bb) To approve applications and issue permits on ATF F 1444, Tax-Free Spirits for Use of United States, for the procurement of spirits for use by the United States or a governmental agency, to receive evidence of authority to sign for the head of a department or independent bureau or agency, and to cancel permits returned by a governmental agency, under 27 CFR 201.391.

(cc) To authorize the disposition of excess spirits in the possession of a governmental agency, under 27 CFR 201.392.

(dd) To require the testing of approved synthetic oils or essential oils or pure chemicals or other denaturants, under 27 CFR 201.404.

(ee) To approve meters or other devices for measurement of spirits and denaturants, under 27 CFR 201.407.

(ff) To authorize other methods for adding denaturants to spirits, and to require a flow diagram of the intended process or method of adding denaturants, under 27 CFR 201.408.

(gg) To approve the conversion and use of specially denatured alcohol, under 27 CFR 201.411.

(hh) To approve ATF F 27-B Supplemental and to require a diagram, drawing or other pictorial depiction of process, under 27 CFR 201.422.

(ii) To approve ATF F 27-B Supplemental and riders to the formulas, and to accept surrender of original formulas, under 27 CFR 201.425.

(jj) To approve ATF F 27-B Supplemental, under 27 CFR 201.443.

(kk) To waive the requirement of showing information on labels to be affixed to bottles containing spirits bottled for export, under 27 CFR 201.467.

(ll) To approve other types of containers or the use of containers made of other materials, under 27 CFR 201.501.

(mm) To approve the use of bulk conveyances for withdrawal of spirits free of tax to a specified consignee, under 27 CFR 201.507.

(nn) To approve applications to locate the required marks on a container at a place other than that prescribed by regulations, and to aprove other durable methods of marking and branding, under 27 CFR 201.515.

(oo) To approve applications for other designations and branding of distilled spirits for which a designation is not prescribed, under 27 CFR 201.517(c).

(pp) To approve other extraneous matter to printed on caution labels, under 27 CFR 201.523.

(qq) To approve applications for designs or other marks to be placed on the Government side of cases, under 27 CFR 201.527(b), under 27 CFR

201.528(b), under 27 CFR 201.529(b), and 27 CFR 201.530.

(rr) To approve, pursuant to applications accompanied by specimen bottles or acceptable models or representations, distinctive liquor bottles which are found not afford a jeopardy to the revenue and which are suitable for the intended purpose, under 27 CFR 201.540b.

(ss) To approve applications to receive and reuse liquor bottles, under 27 CFR 201.540f.

(tt) To disapprove for use as a liquor bottle any bottle which is determined to be decptive, under 27 CFR 201.540i.

(uu) To require the State of distillation to be shown on labels or to permit other labeling to negate any misleading or deceptive impressions, under 27 CFR 201.540o.

(vv) To approve overprinting strip stamps with the class and type of product or with an appropriate abbreviation or symbol, under 27 CFR 201.541.

(ww) To authorize labels or State stamps to be affixed to containers so as to partially obscure strip stamps, and to approve the use of any cup, cap or seal after receiving a sample of the closure and container, under 27 CFR 201.545.

(xx) To approve applications to modify and use certain prescribed forms, and to withdraw the use of such forms, under 27 CFR 201.614.

(yy) To approve processes for reproducing records and the types of records to be reproduced, under 27 CFR 201.616.

(zz) To approve applications to estimate the weight or volume of nonliquid distilling materials, under 27 CFR 201.618.

5. *Redelegation.* (a) The authorities in paragraphs 4(a) through 4(p), in paragraphs 4(r) through 4(gg), and in paragraphs 4(kk) through 4(zz) above, may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

(b) The authorities in paragraphs 4(q), 4(hh), 4(ii), and 4(jj) above, may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist (GS-11).

(c) The authorities in paragraphs 4(b)(2), 4(g), 4(h), 4(i), 4(o),, 4(p), 4(s)(2), 4(t), 4(u), 4(w)(2), 4(z)(2), 4(cc), 4(mm), 4(ss), 4(vv), 4(ww), and 4(zz) above, may be redelegated to regional regulatory administrators, who may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

d. The authorities in paragraphs 4(k), 4(l), 4(r), 4(s)(1), 4(v), 4(w)(1), 4(z)(1), 4(ee), 4(ff), and 4(yy) above, may be redelegated to regional regulatory administrators for approval of identical meters, devices, methods or materials, and processes for reproducing records and the types of records to be reproduced, which have been previously approved in Bureau Headquarters. Regional regulatory administrators may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

Effective date: This order becomes effective on February 15, 1978.

REX D. DAVIS,
Director.

FEBRUARY 15, 1978.

[FR Doc. 78-4629 Filed 2-21-78; 8:45 am]

[4810-22]

Customs Service

[T.D. 78-67]

IMPRESSION FABRIC OF MAN-MADE FIBER FROM JAPAN

Antidumping American Manufacturer's Desire To Contest Negative Fair Value

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

ACTION: Notice of desire to contest a determination under the Antidumping Act, 1921, as amended.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has received notification from certain American manufacturers of impression fabric of man-made fiber of their desire to contest a decision made under the Antidumping Act of 1921, as amended, with respect to such products sold by two Japanese companies.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Berniece Browne, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-2938.

SUPPLEMENTARY INFORMATION: On December 30, 1977, a notice of "Determination of Sales at Less Than Fair Value, Exclusion From, and Final Discontinuance of Antidumping Investigation" in the matter of impression fabric of man-made fiber from Japan was published in the FEDERAL REGISTER (42 FR 65344-5). This notice excluded from the determination of sales of less than fair value impression fabric of man-made fiber from Japan sold by Asahi Chemical Industry Co., Ltd. (Asahi), and discontinued the antidumping investigation with respect to merchandise produced by Shirasaki Tape Co., Ltd. (Shirasaki). Except for the merchandise sold by these two producers, the case was referred to the U.S. International Trade Commission for a determination whether the sales at less than fair value are causing, or are likely to cause, injury to an industry in the United States.

Notification was received by the Secretary of the Treasury on January 16, 1978, of the desire of Bomont Industries, Schwarzenbach-Huber, and Standard Products Corp., American manufacturers, producers or wholesalers of the same class or kind of merchandise, to contest in the U.S. Customs Court the failure to include in the determination of sales at less than fair value, such merchandise sold by Asahi and Shirasaki.

In accordance with the provisions of section 516 of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516), notice is hereby given that certain American manufacturers, producers or wholesalers have given notice that they desire to contest the failure to include in the determination of sales of less than fair value, impression fabric of man-made fiber sold by Asahi and Shirasaki.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, and the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, insofar as they pertain to the publication of a notice by an American manufacturer, producer, or wholesaler to contest a determination by the Secretary of the Treasury under section 201 of the Antidumping Act, 1921, as amended (19 U.S.C. 160) by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 15, 1978.

[FR Doc. 78-4789 Filed 2-21-78; 8:45 am]

[4810-35]

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 10]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A certificate of authority as an acceptable surety on Federal bonds is hereby issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $50,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated
Amwest Surety Insurance Company
10960 Wilshire Boulevard
Los Angeles, California 90024
California

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other imformation. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 14, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc. 78-4671 Filed 2-21-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

ANNUAL REVIEW OF ADVISORY COMMITTEES

Request for Public Comment

The Veterans Administration is conducting a Comprehensive Review of all of its Federal Advisory Committees. The committees are listed as follows:

Actuarial Advisory Committee
Administrator's Education and Rehabilitation Advisory Committee
Central Office Education and Training Review Panel
Veterans Administration Wage Committee
VA Special Medical Advisory Group
Veterans Administration Voluntary Service National Advisory Committee
Cooperative Studies Evaluation Committee
Health Manpower Grants Review Committee
Merit Review Board for Basic Science Programs
Merit Review Board for Behavioral Science Programs
Merit Review Board for Cardiovascular Programs
Merit Review Board for Clinical Pharmacology, Alcoholism and Drug Dependence Programs (formally Alcoholism and Drug Dependence Programs)
Merit Review Board for Endocrinology Programs
Merit Review Board for Gastroenterology Programs
Merit Review Board for Hematology Programs
Merit Review Board for Immunology Programs
Merit Review Board for Infectious Disease Programs
Merit Review Board for Nephrology Programs
Merit Review Board for Neurobiology Programs
Merit Review Board for Oncology Programs
Merit Review Board for Respiration Programs
Merit Review Board for Surgery Programs
Advisory Committee on Cemeteries and Memorials
Advisory Committee on Structural Safety of Veterans Administration Facilities

These committees furnish advice and consultation to the Administrator of Veterans Affairs in the areas of medicine, health care, education and rehabilitation, government-administered life insurance programs, and wage schedules. The 14 Merit Review Boards evaluate the scientific merit of research conducted by Veterans Administration investigators working in Veterans Administration hospitals and clinics. Each covers a different professional specialty or program area. Their assessments provide impartial expert advice that guides program improvement and funding at both the national and local levels.

The public is invited to provide comments, in writing, by March 17, 1978 to the Associate Deputy Administrator of Veterans Affairs.

Dated: February 15, 1978.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-4667 Filed 2-21-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 594]

ASSIGNMENT OF HEARINGS

FEBRUARY 16, 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 114211 (Sub 307), Warren Transport, Inc., is assigned for continued hearing on March 21, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC-C-9854, Marotta Air Service, Inc.—Investigation of operations now being assigned April 10, 1978 (1 day), at New York, NY in a hearing room to be later designated.

MC 143121 (Sub 4), Tillamook Carriers, Inc., now being assigned April 11, 1978 (1 day), at New York, NY in a hearing room to be later designated.

MC 117119 (Sub 643), Willis Shaw Frozen Express, Inc., now being assigned April 12, 1978 (3 days), at New York, NY in a hearing room to be later designated.

MC 117068 (Sub 88), Midwest Specialized Transportation, Inc., now being assigned February 27, 1978 (1 day), at Kansas City, MO and will be held in Room 609, Federal Office Building, 911 Walnut Street.

AB 43 (Sub 37), Illinois Central Gulf Railroad Co. Abandonment near Dyersburg, TN, and Hickman, KY, in Dyer and Lake Counties, TN, and Fulton County, KY, now assigned March 8, 1978, at Dyersburg, TN, is canceled and reassigned for March 8, 1978 (2 days) at Dyersburg, TN, and will be held at the Dyersburg Electric Co., 211 East Court Street; and for March 10, 1978 (1 day), at Hickman, KY, and will be held at the Country Club, Union City Highway, Route 125.

MC 1515 (Sub 222), Greyhound Lines, Inc., is assigned for continued hearing on March 20, 1978 (1 week), at Atlantic City, New Jersey, and will be held at Howard Johnson's Motor Lodge, Pacific and Arkansas Avenues; and on March 27, 1978 (1 week), at New York, NY, and will be held in the Court of Claims, Room 238, Courtroom A, 26 Federal Plaza.

MC 107403 (Sub-No. 1032), Matlack, Inc. and MC 116077 (Sub-No. 389), Robertson Tank Lines, Inc., now being assigned April 26, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 133095 (Sub-No. 175), Texas Continental Express, Inc., now being assigned April 20, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC-F-13197, Jack C. Robinson, d.b.a. Robinson Freight Lines—Control—Cumberland Express, Inc., and MC-F-13236, *Atlanta Motor Lines, Inc. et al.* v. *Cumberland Express, Inc., et al.*, now assigned March 13, 1978, at Atlanta, GA, are postponed indefinitely.

MC 118989 (Sub 165), Container Transit, Inc., is now assigned for hearing March 17, 1978 (1 day), at Chicago, IL, and will be held in Room 1944C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124947 (Sub 72), Machinery Transports, Inc., now assigned March 17, 1978, at Chigago, IL, is canceled and application dismissed.

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

[FR Doc. 78-4704 Filed 2-21-78; 8:45 am]

[7035-01]

[Amendment No. 2 to Exemption No. 142]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

TO: The Baltimore and Ohio Railroad Co. Consolidated Rail Corp.

Upon further consideration of Exemption No. 142 issued January 18, 1978.

It is ordered, That under authority vested in me by Car Service Rule 19, Exemption No. 142 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire February 28, 1978.

This amendment shall become effective February 10, 1978.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4699 Filed 2-21-78; 8:45 am]

[7035-01]

[Revised Exemption No. 144]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Because of severe winter storms resulting in massive snow drifts blocking main tracks and yards, railroads in the North Central portion of the United States are unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, these carriers are unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships stand idle because of the inability of the railroads to return them to owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) Railroads operating in the States named in paragraph (b) are authorized to accept from shippers general service freight cars described in paragraph (c) owned by other railroads regardless of the provisions of Car Service Rules 1 and 2.

(b) ND,[1] SD, MN, IA, WI, MI.

(c) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406 issued by W. J. Trezise, or successive issues thereof as having the following mechanical designations:

Plain Boxcars: "XM", "XMI."

Gondola Cars: "GA", "GB", "GD", "GH", "GS", "GT."

Hopper Cars: "HFA", "HK", "HM", "HMA", "HT", "HTA."

Flat Cars: "FM", less than 200,000 lb. capacity.

It is further ordered, That:

(d) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective February 10, 1978

Expires February 17, 1978.

[1] Illinois, Indiana, Kentucky, Ohio, New York, and Pennsylvania eliminated.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4702 Filed 2-21-78; 8:45 am]

[7035-01]

[Sixteenth Revised Exemption No. 129; Rule 19; Ex Parte No. 241]

EXEMPTION UNDER PROVISION OF THE MANDATORY CAR SERVICE RULES

It appearing, that the railroads named herein own numerous 40-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with car service rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by car service rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," with inside length 44 feet 6 inches or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of car service rules 1(a), 2(a), and 2(b).

[1] Atlanta & Saint Andrews Bay Railway Co.
Reporting marks: ASAB.
Bessemer & Lake Erie Railroad Co.
Reporting marks: BLE.
Chicago, West Pullman & Southern Railroad Co.
Reporting marks: CWP.
Detroit & Mackinac Railway Co.
Reporting marks: D&M-DM.
Illinois Terminal Railroad Co.
Reporting marks: ITC.
Louisville, New Albany & Corydon Railroad Co.
Reporting marks: LNAC.
* * *
New Hope & Ivyland Railroad Co.
Reporting marks: NHIR.
Richmond, Fredericksburg & Potomac Railroad Co.
Reporting marks: RFP.

Effective 12:01 a.m., February 15, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4703 Filed 2-21-78; 8:45 am]

[1] Addition.

[2] Missouri-Kansas-Texas Railroad Co. eliminated.

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 16, 1978.

These application for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before March 9, 1978.

FSA No. 43506, Southwestern Freight Bureau, Agent's No. B-729, rates on chemicals, between points in LA and TX, on the one hand, and, on the other, Bay City and Midland, MI, and Sarnia, ON, Canada, in sup. 29 to its tariff 12-K, ICC 5272, to become effective March 14, 1978. Grounds for relief—rate relationship and kindred articles.

FSA No. 43507, Traffic Executive Association—Eastern Railroad, Agent's E.R. No. 3064, rates filed pursuant to sections 15(8)(b) and 15(8)(c) of the Act on candy or confectionery, between points in official terrritory, in sup. 155 to its tariff E-2009-I, ICC C-1008, to become effective February 25, 1978. Grounds for relief—revised rate structure.

By the Commission.

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

[FR Doc. 78-4705 Filed 2-21-78; 8:45 am]

[7035-01]

[Finance Docket No. 28676]

GRAND TRUNK WESTERN RAILROAD CO.—CONTROL—DETROIT, TOLEDO & IRONTON RAILROAD CO.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of waiver and time extension.

SUMMARY: Waiver of certain requirements of the Commission's railroad acquisition, control, consolidation, coordination project, trackage rights, and lease procedures was granted. An extension of time regarding one requirement was also granted. This action was taken on a petition filed by Grand Trunk. It will facilitate the filing of Grand Trunk's application. This proceeding is inconsistent with Finance Docket No. 28499 (Sub-No. 1), Norfolk & Western Railroad Co. and Baltimore & Ohio Railroad Co.—Control—Detroit, Toledo & Ironton Railroad Co.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, Assistant Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7564.

SUPPLEMENTARY INFORMATION: Upon petition by Grand Trunk, the

Commission has waived certain requirements of the railroad acquisition, control, merger, consolidation, coordination project, trackage rights, and lease procedures, 42 FR 14871, March 17, 1977, in connection with the application in this proceeding. Specifically, filing of "corporate entity" data for Grand Trunk's car ferry subsidiary, directors' and shareholders' resolutions of Detroit, Toledo & Ironton Railroad Co. and of Detroit, Toledo & Shore Line Railroad Co., and opinions of counsel for the latter two carriers has been excused. Grand Trunk was granted an additional 30 days in which to file DT&I and DT&I Enterprise balance sheet and income statement data.

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

[FR Doc. 78-4707 Filed 2-21-78; 8:45 am]

[7035-01]

[Amdt. No. 2 to ICC Order No. 43 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of ICC Order No. 43 (Chicago, Milwaukee, St. Paul & Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That: ICC Order No. 43 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 17, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 10, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4698 Filed 2-21-78; 8:45 am]

[7035-01]

[Amdt. No. 2 to ICC Order No. 47 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of ICC Order No. 47 (Chicago, Milwaukee, St. Paul & Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That: ICC Order No. 47 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 17, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 10, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4700 Filed 2-21-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to ICC Order No. 49 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of ICC Order No. 49 (Chicago & North Western Transportation Co.) and good cause appearing therefor:

It is ordered, That: ICC Order No. 49 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 24, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 10, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4701 Filed 2-21-78; 8:45 am]

[7035-01]

[Notice No. 9]

SPECIAL PROPERTY BROKERS

FEBRUARY15, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness on or before March 24, 1978. Statements must be mailed to: Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposing concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation April 10, 1978.

B-78-12, filed January 25, 1978. Applicant: JOHN S. CONNOR, INC., 33 South Gay Street, Baltimore, MD 21202.

By the Commission.

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

[FR Doc. 78-4706 Filed 2-21-78; 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

[6320-01]

1

[M-100, Amdt. 2, February 15, 1978]

NOTICE OF DELETION OF ITEM FROM THE FEBRUARY 15, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 15, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2. Docket 21448, Spokane-Montana Points Service Investigation, Order on Discretionary Review (Memo No. 7766, OGC).

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This item was deleted from the February 15, 1978 agenda so that the Board could give more consideration to the issues involved. Accordingly, the following Members have voted that agency business requires the deletion of item 2 from the February 15, 1978 agenda and rescheduled for the February 23 agenda and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Elizabeth E. Bailey

[S-386-78 Filed 2-17-78; 10:13 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 24, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-389-78 Filed 2-17-78; 11:08 am]

[6704-01]

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGES IN SUBJECT MATTER OF AGENCY MEETING

At its closed meeting held at 2 p.m. on Thursday, February 16, 1978, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its addition of the following matters to the agenda for the meeting, on less than 7 days' notice to the public:

Requests from an insured State nonmember bank for consent to retire outstanding Class A subordinated capital debentures, to issue a convertible subordinated capital debenture, and to issue and retire at its maturity a subordinated capital note.

Application of Hardwick Bank & Trust Co., Dalton, Ga., an insured State nonmember bank, for consent to purchase the assets and assume the liabilities of Normandy Carpets Employees' Credit Union, Dalton, Ga.

Recommendation (Case No. 43,415-L) regarding the liquidation of assets acquired by the Corporation from The Drovers' National Bank of Chicago, Chicago, Ill.

In voting to add the matters to the agenda, the Board further determined, on motion of Chairman LeMaistre, seconded by Director Heimann, that its deliberations with respect to the matters were exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) thereof (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)) since the public interest did not require consideration of the matters in a meeting open to public observation.

The Board further voted, on motion of Chairman LeMaistre, seconded by Director Heimann, to withdraw from the agenda for the meeting a recommendation (Case No. 43,338-L (Amended)) regarding the liquidation of assets acquired by the Corporation from International City Bank and Trust Co., New Orleans, La., for additional staff consideration.

In voting for the changes, the Board determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: February 16, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION.
ALAN R. MILLER,
Executive Secretary.

[S-396-78 Filed 2-17-78; 3:33 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 7082, February 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 22, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

RP-8—RP72-149 (PGA77-10), Mississippi River Transmission Corp.
ER-8—ER78-70 and ER78-71, Pennsylvania Power and Light Co.

KENNETH F. PLUMB,
Secretary.

[S-393-78 Filed 2-17-78; 2:31 pm]

[6720-02]

5

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., February 23, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

MATTERS TO BE CONSIDERED: Consideration of New Building Status Report; Consideration of Authority to Purchase Loans; Termination and Appointment of Regional Assistant Secretary; Advisory Committee Restructuring; and Discussion of Loan-to-Value Ratio on Refinance Loans.

Announcement is being made at the earliest practicable time. No. 138, February 17, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-391-78 Filed 2-17-78; 2:31 pm]

[6720-02]

6

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: At the conclusion of the open meeting to be held at 2:30 p.m., February 23, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

MATTERS TO BE CONSIDERED: Consideration of Advisory Committee appointment.

Announcement is being made at the earliest practicable time. No. 139, February 17, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-392-78 Filed 2-17-78; 2:31 pm]

[6730-01]

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 7083, February 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: February 22, 1978, 10 a.m.

CHANGES IN THE MEETING: Addition of the following item to the closed session: Status of Pacific Far East Line as holder of Certificates of Financial Responsibility for passenger vessel operation.

Deletion of the following item from the closed session: Matson Navigation Co. general rate increase in the West Coast/Hawaii trade.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-395-78 Filed 2-17-78; 3:33 pm]

[6210-01]

8

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS.

TIME AND DATE: 10 a.m., Friday, February 24, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Possible amendments to section 23A of the Federal Reserve Act to be submitted to the Congress. This matter was originally announced for a meeting on February 15, 1978. 2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 17, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-387-78 Filed 2-17-78; 10:13 am]

[7545-01]

9

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2 p.m., Wednesday, February 22, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Administrative Law Judge personnel matter. Selection of Regional Director for Region 24 (Hato Rey, P.R.).

CONTACT PERSON FOR MORE INFORMATION:

Robert Volger, Acting Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated, Washington, D.C., February 17, 1978.

By direction of the Board:

GEORGE A. LEET,
Associate Executive Secretary, National Labor Relations Board.

[S-390-78 Filed 2-17-78; 2:00 pm]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 20, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 21; 1:30 P.M.

Item 2—Briefing on OIA Report on Apollo Testimony. (Approximately 1 hour.) (Closed—Exemptions 1, 6, 9; postponed from February 16, 1978.)

THURSDAY, FEBRUARY 23; 3 P.M.

1. Discussion of NRDC Petition on Tarapur Export License (XSNM-1060). (Approximately 1 hour—public meeting.)
2. Affirmation Items. (Approximately 5 minutes—(public meeting.)

FRIDAY, FEBRUARY 24, 2 P.M.

NRC/DOE Management Meeting under the Interagency Policy Agreement. (Approximately 2 hours—public meeting.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: February 16, 1978.

WALTER MAGEE,
Office of the Secretary.

[S-388-78 Filed 2-17-78; 11:08 am]

[8010-01]

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 5646, February 9, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional meetings held.

The Commission held a closed meeting on Thursday, February 16, 1978, following the 10 a.m. open meeting, to discuss the following matters:

Settlement of Administrative Proceeding of an enforcement nature.
Chapter X proceeding.
Formal order of investigation.
Other litigation matters.

The Commission also held a closed meeting later this date, at 4:45 p.m., to discuss the following matter:

Discussion of regulatory matters arising from or bearing enforcement implications.

The General Counsel of the Commission, or his designee, certified that, in his opinion, the items considered at the closed meetings were so considered pursuant to one or more of the exemp-

tions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(9) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the additional matters to be considered and that no earlier notice thereof was possible.

Dated: February 16, 1977.

[S-394-78 Filed 2-17-78; 2:31 pm]

[8120-01]

12

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., Thursday, February 23, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A. Personnel actions

1. Change of Status—Charlesetta V. Moore, from Assistant to the Director to Assistant Director of Equal Employment Opportunity, Knoxville, Tenn.

B. Consulting and personal service contracts

None.

C. Purchase awards

1. Amendment to contracts with Veebro, Inc., and Brown Badgett, Inc., for coal for TVA steam plants.
2. Req. No. 822922—Shield Building steam tunnel embedments for Hartsville and Phipps Bend Nuclear Plants.
3. Rejection of bids in response to Invitation No. 4-821174 (reissue) for direct-current distribution panels for Hartsville and Phipps Bend Nuclear Plants.
4. Req. No. 822825—Indefinite quantity term contract for pipe, fittings, tubing, bolting material, gaskets, and accessories for Hartsville and Phipps Bend Nuclear Plants.

D. Project authorizations

1. No. 3309—Convert the Carthage, Tenn., 161-13-kV substation to 161-46-13-kV.
2. No. 3244.1—Amendment to project authorization for freeze protection at Cumberland Steam Plant.
3. No. 3312—Construction of a new ash disposal pond at John Sevier Steam Plant.

E. Fertilier items

None.

F. Power items.

1. Acquisition of interest in uranium properties in McKinley County, N. Mex., under option agreement with Mobil Oil Corp.
2. New power contract with the city of Lewisburg, Tenn.
3. New power contract with the city of Muscle Shoals, Ala.
4. New power contract with the city of Columbus, Miss.
5. New power contract with the city of Etowah, Tenn.
6. New power contract with Bowater Southern Paper Corp., Calhoun, Tenn.
7. Letter agreement with the Department of Energy (DOE)—power supply for Oak Ridge and Paducah projects.

G. Real property transactions

1. Filing of condemnations suits.
2. Abandonment of portion of TVA's Lebanon-Gallatin transmission line right of way in Wilson County, Tenn.—tract LG-44.

H. Unclassified

1. Memorandum of Understanding between Mississippi Game and Fish Commission and TVA concerning development and protection of fish and wildlife resources.
2. Supplemental agreement with Bear Creek Development Authority for clearing of the Cedar Creek Reservior.

Following the formal meeting, the Board will complete its quarterly review of current and anticipated conditions and costs affecting TVA's power operations, and the adequacy of revenues to meet the requirements of the TVA Act and the tests and provisions of its bond resolutions. The Board will determine whether an adjustment of the rates and charges for the sale of electric power will be necessary during the quarter beginning April 1, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information also is available at TVA's Washington Office, 202-566-1401.

Dated: February 16, 1978.

[S-385-78 Filed 2-17-78; 10:13 am]

[6712-01]

13

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., Open Commission Meeting, Wednesday, February 22, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Complaints and compliance—1—Results of investigation into the operations of WJPD-AM and FM, Ishpeming, Mich.

Complaints and compliance—2—Field investigations into the operations of KODE-TV, Joplin, Mo., KOAM-TV, Pittsburg, Kan., and KTVJ, Joplin, Mo.

Hearing—1—Petition for special relief in the Rhinelander, Wis. TV renewal proceeding (Docket No. 21266).

Hearing—2—Motions to certify record in the Orlando, Fla. television proceeding (Docket Nos. 11083, 17339, 17341, 17342, and 17344).

Hearing—3—Comments of seven applicants for a construction permit for an AM station in Los Angeles, Calif. (Docket Nos. 15752, 15754, 15755, 15756, 15764, 15765, and 15766).

Hearing—4—Petition filed by Midwest St. Louis, Inc. for a declaratory ruling in a comparative hearing for a UHF TV station in St. Louis, Mo. (Docket Nos. 20820, 20821).

Hearing—5—Applications for review of a final Review Board decision in the KTVO, Inc. Kirksville Mo., television proceeding (Docket No. 20100).

Hearing—6—Petition for reconsideration filed by Talton Broadcasting Co., of a Commission decision in the renewal proceeding of WHBB-AM, Selma, Ala. (Docket No. 20723).

Hearing—7—Draft Decision in the Oil Shale Broadcasting Company (KWSR), Rifle, Colo. renewal proceeding (Docket No. 20231).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 15, 1978.

[S-401-78 Filed 2-17-78; 4:02 pm]

[6712-01]

14

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 22, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

General—1—Amendent of Parts 2, 13, 81 and 83 of the Commission's Rules relating to the use of radiotelegraphy in the maritime services (Docket No. 20813).

General—2—Inquiry into problems of public coast radiotelegraph stations (Docket No. 19544).

Common Carrier—1—Complaint of John C. Ringen against AT&T and New York Telephone Co. (File No. TS 34-75).

Common Carrier—2—Application of RCA Global Communications, Inc., to close radiotelegraph station KHK and radiotelephone station KQM, Kahuku, Hawaii.

Common Carrier—3—Declaratory ruling concerning inter-connection obligations of AT&T.

Common Carrier—4—AT&T's petitions to suspend Southern Pacific Communications Co.'s Transmittal No. 113, revising its Tariff FCC No. 6 to offer Sprint Option V service.

Common Carrier—5—MTS and WATS Market Structure.

Common Carrier—6—Modification of procedures in Docket No. 20814, investigation into AT&T's Multi-Schedule Private Line (MPL) tariff.

Common Carrier—7—Petitions to reject, suspend and investigate American Satellite Corp. revisions to its Tariff FCC No. 1.

Common Carrier—8—Western Union Tariff FCC No. 254 revising rates and rate structure for low-speed private line services.

Common Carrier—9—RCA American Tariff FCC No. 1 revising rates and regulations for fixed-term transponder service.

Cable Television—1—Petition for special relief, filed by CPI, serving North Little Rock and Sherwood, Ark. and opposition pleadings filed by Combined Communications Corp., (KARK-TV), and Leaske TV, Inc., (KATV), both of Little Rock, Ark.

Cable Television—2—Petition for reconsideration, filed by Blytheville TV Cable Co., Blytheville, Ark. and opposition pleading filed by KAIT-TV, Jonesboro, Ark. (CSR-988).

Cable Television—3—Petition, filed by Texas Community Antennas, Inc., (Nacogdoches Cable TV), directed against the Commission's decision in Texas Community Antennas, FCC 77-131, 63 FCC 2d 339 (1977) (CSC-124, CSR-1002).

Cable Television—4—Applications filed by San Joaquin Cable TV, Inc., for certificates of compliance to serve Fresno, Calif. (CAC-05821, CAC-06971).

Cable Television—5—Petitions for reconsideration of Commission decision in Vanhu, Inc. (Seattle, Wash.), filed by United Community Antenna Systems, Community Telecable of Seattle and Tele-Vue Systems.

Cable Television—6—Petition for waiver of section 78.11(a) of the Commission's Rules in the Cable Television Relay Service, filed by Hayward Cable Television, Inc. (CAR 12131-11).

Assignment of License and Transfer of Control—1—Applications for assignment of licenses for WNOK(AM)(FM)(TV), Columbia, S.C., from Palmetto Radio Corp. to Capital Communications, Inc. (BAL-9045) (BALH-2518) (BALCT-650).

Renewal—1—Petition to deny the renewal application of Gulf Television Corporation for KHOU-TV, Houston, Texas.

Renewal—2—By-direction letters requiring certain broadcast stations to submit EEO Progress Reports.

Renewal—3—Renewal applications filed by Scripps-Howard Broadcasting Company for WMC-AM-FM-TV, Memphis, Tennessee and petition to deny filed by People United to Save Humanity, et al.

Aural—1—Application filed by Gulf South Communications (WTMP), Tampa, Fla., to change the city of license to Tampa-Temple Terrace, Fla. and Application filed by Hagadone Capital Corp. (KISA), Honolulu, Hawaii, for nighttime operation.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 15, 1978, February 16, 1978.

[S-400-78 Filed 2-17-78; 4:02 pm]

[6712-01]

15

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, February 16, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., Subject

Assignment of License and Transfer of Control—1—Petition for stay and reconsideration of applications to exchange ownership of TV Stations in Washington, D.C. (WJLA) and Oklahoma City, Oklahoma (KOCO).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 15, 1978.

[S-399-78 Filed 2-17-78; 4:02 pm]

[6714-01]

16

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., February 24, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Request for consent to the modification of a capital condition previously imposed in connection with the approval of an application for Federal deposit insurance

The Peoples Commercial Bank, East Greenbush, N.Y., for consent to modification of the capital condition imposed in connection with approval of the bank's application for Federal deposit insurance.

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank

Name of person and of bank authorized to be exampt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Application for consent to merge and to establish branches

East River Savings Bank, New York (Manhattan), N.Y., an insured mutual savings bank, for consent to merge under its charter and title with Erie Federal Savings and Loan Association, Buffalo, N.Y., a federally insured savings and loan Association, and for consent to establish the four offices of the latter institution as branches of the resultant bank.

Applications for consent to merge, to establish branches, and to redesignate the main office locations

Barnett Bank of Auburndale, Auburndale, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Barnett Bank of East Polk County," with Barnett Bank of East Polk County, National Association, Winter Haven, Fla.; for consent to establish the three offices of the latter bank as branches of the resultant bank; and for consent to redesignate the main office location of the resultant bank to the present main office site of Barnett Bank of East Polk County, National Association.

Arlington Trust Co., Inc., Herndon, Va., an insured State nonmember bank, for consent to merge under its charter, and with the title of "First American Bank of Virginia," with Clarendon Bank & Trust, McLean, Va., and with Alexandria National Bank of Northern Virginia, Springfield, Va.; for consent to establish the 17 offices of Clarendon Bank & Trust (including an approved but unopened branch) and the 12 offices of Alexandria National Bank of Northern Virginia as branches of the resultant bank; and for consent to redesignate the main office location of the resultant bank to the present main office site of Clarendon Bank & Trust.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,357-SR (amended)—Franklin Bank, Houston, Tex.

Case No. 43,400-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,401-L—International City Bank & Trust Co., New Orleans, La.

Case No. 43,403-NR—United States National Bank, San Diego, Calif.

Case No. 43,405-NR—United States National Bank, San Diego, Calif.

Case No. 43,406-L—First State Bank of Northern California, San Leandro, Calif.

Case No. 43,407-SR—Franklin Bank, Houston, Tex.

Case No. 43,409-L—The Hamilton Bank & Trust Co., Atlanta, Ga.

Case No. 43,410-L—The Hamilton Bank & Trust Co., Atlanta, Ga.

Case No. 43,412-L—Northeast Bank of Houston, Houston, Tex.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-398-78 Filed 2-17-78; 4:02 pm]

[6714-01]

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FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., February 24,1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings

Application for consent to establish a branch

New Canaan Savings Bank, New Canaan, Conn., for consent to establish a branch at 33 Old Ridgefield Road, Wilton, Conn.

Request for consent to an extension of time in which to establish a branch

Citizens Bank and Trust Co. of Maryland, Riverdale, Md., for consent to an extension of time to February 17, 1979, in which to establish a branch at the southeast corner of the intersection of Central Avenue and Enterprise Road (proposed Kettering Shopping Center), Prince George's County, Md.

Recommendation regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,418-L—The Drovers' National Bank of Chicago, Chicago, Ill.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities

Kaye, Scholer, Pierman, Hays & Handler, New York, N.Y., in connection with the receivership of American Bank & Trust Co., New York, N.Y.

Schneider, Smeltz, Huston & Bissell, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

Recommendation with respect to the amendment of Corporation rules and regulations

Memorandum and resolution proposing the final adoption of amendments to Part 330 of the Corporation's rules and regulations, entitled "Clarification and Definition of Deposit Insurance Coverage," to provide specifically for insurance coverage of beneficial interests in pension and other trusteed employee benefit plans and to provide for coverage of nonvested beneficial interests in the same manner as vested interests.

Memorandum and resolution proposing that the Cororation indemnify First Alabama Bancshares, Birmingham, Ala., parent holding company of First Alabama Bank, N.A., Notasulga, Ala., against any loss, cost, or expense resulting from its being made a party defendant in a suit involving the closing of First Bank of Macon County, Notasulga, Ala.

Memorandum regarding the leasing of space in the Federal Home Loan Bank Board Building, Washington, D.C., for the expansion of the Washington headquarters office

Memorandum proposing the leasing of 4,800 square feet of space in the building located at 1729 E Street NW., Washington, D.C., for the expansion of the Washington headquarters office

Reports of committees and officers

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Final report of the Chief, Accounting and Budget Branch, Office of the Controller, with respect to the termination of the receivership of Bank of Pineapple, Pineapple, Ala.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-397-78 Filed 2-17-78; 4:02 pm]

federal register

WEDNESDAY, FEBRUARY 22, 1978
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

■

CONDITIONAL PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Assumption of Review Responsibility; Conclusive Effect of Determinations on Claims Payment and Correlation of Title XI Functions

[4110-35]

Title 42—Public Health

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

PART 463—REVIEW RESPONSIBILITY AND AUTHORITY OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS (PSRO's)

Assumption of Review Responsibility by Conditional PSROs; Conclusive Effect of PSRO Determinations on Claims Payment; Correlation of Title XI Functions With Functions Required Under Title XVIII and Title XIX of the Act

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

ACTION: Final rules.

SUMMARY: These rules: (1) Establish procedures for conditional Professional Standards Review Organizations (PSROs) to assume responsibility for review of the medical necessity, quality, and appropriateness of health services for which payment may be made under the Social Security Act; (2) require that Medicare fiscal agents and Medicaid State agencies, in paying claims for health services, accept as conclusive PSRO determinations as to medical necessity, quality, and appropriateness; and (3) establish policies to assure correlation of PSRO activities with other review, certification, and payment activities relating to health care. These provisions implement several sections of Title XI-B of the Social Security Act.

The intent is to assure: (1) That services paid for under Title XVIII (Medicare) or Title XIX (Medicaid) of the Act are medically necessary, appropriate, and of acceptable quality; and (2) to preclude duplication of review and certification activities.

EFFECTIVE DATE: These regulations are effective on February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Larry Sobel, Legal Analyst, Room 16A-40, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, phone 301-443-2808.

SUPPLEMENTARY INFORMATION: On January 24, 1977 three Notices of Proposed Rulemaking were published in the FEDERAL REGISTER (42 FR 4256; 4259; and 4260). They proposed to add, to 42 CFR Part 101, three subparts:

Subpart D—Assumption of Review Responsibility by Conditional PSRO's.
Subpart E—Conclusive Effect of PSRO Determinations on Claims Payment.
Subpart F—Correlation of functions under Title XI Subpart B of the Social Security Act with Other Provisions of the Act.

Regulations effective October 1, 1977 established a new Chapter IV in Title 42 of the CFR and transferred all Health Care Financing Administration regulations to that new chapter. Accordingly, these final regulations are codified under Subchapter D, Professional Standards Review, of 42 CFR Chapter IV as Part 463. Comments relating to the proposed §§ 101.401 through 101.605 are discussed in relation to redesignated §§ 463.1 through 463.28.

A total of 36 comments was received from PSRO's, State Medicaid agencies, health care providers and other interested groups. All comments were considered and are summarized below, along with our responses to them and the changes made in the proposed rules.

In addition to the comments received, these regulations reflect provisions of the "Medicare-Medicaid Anti-Fraud and Abuse Amendments" enacted as Pub. L. 95-142 on October 25, 1977. Numerous provisions of this law relating to PSRO's were similar to provisions of these proposed regulations, particularly the provisions involving PSRO/State relationships. These provisions were the result of extensive discussions among State, PSRO, and Department representatives which resulted in the eventual framework for PSRO/State relationships incorporated in Pub. L. 95-142.

Sections 463.2(e)(3) and (e)(4) of these regulations restate section 1155(a)(7) of the Act, added by Pub. L. 95-142, and provide that a PSRO will have responsibility for review in intermediate care facilities only if the State requests the PSRO to perform the review or if the Department finds that the State review in those facilities is ineffective or (in combined facilities) inefficient. The Department will in the future propose regulations to establish criteria for Department determinations of effectiveness and efficiency under §§ 463.2(e)(3) and (e)(4).

A. Assumption of Review Responsibility

Evaluation of PSRO Capability

1. Two comments were received that more specific criteria should be listed regarding the Secretary's evaluation of an organization for conditional designation as a PSRO. These criteria will be provided in regulations which are under development within the Department relating to agreements between the Secretary and PSRO's.

2. One commentator believed that the recommendations of the Medicare fiscal agents and State Medicaid and Title V agencies should be deleted as an evaluation criterion, in § 463.2(a), and another commentator suggested that the comments be reviewed by the organization seeking conditional designation as a PSRO.

The Department believes that, because of their fiscal interest in PSRO review of health care and because PSRO determinations are conclusive for payment purposes in the Medicaid program, the State Medicaid agencies should be specifically provided with an opportunity to comment on the PSRO's capability. In addition, PSRO consultation with State Medicaid agencies is now required by section 1152(h)(1) of the Act, added by Pub. L. 95-142. However, a State fiscal interest is not present in the Medicare program, and PSRO determinations are not conclusive for payment purposes on Title V agencies. Therefore, § 463.2(a) adopts the proposed rule with respect to State Medicaid agency consultation and comments. The Department further believes that an organization seeking conditional designation as a PSRO should have the opportunity to respond to comments regarding its capability to perform review. Therefore, § 463.2(c) provides this opportunity.

3. A comment was received that provision for increased consumer input should be made when a PSRO is evaluated for conditional designation. Sections 463.2(a), (d), and (e)(2) have been revised to broaden the opportunity for input when a PSRO is being evaluated for conditional designation and for expansion into the areas of long-term care and ambulatory review. These sections now provide that the Governor of the State in which the organization is located will be provided with an opportunity to comment at such times and to further comment if his views regarding the organization's capability are different from the views of the Department. These provisions have been included in recognition of section 1152(h) of the Act, added by Pub. L. 95-142, and the significant fiscal interest which States have in the operation of the Medicaid program. The Governor may, of course, utilize his Office of Consumer Affairs as well as State health officials in the formulation of his comments regarding the PSRO's capability.

4. In order to ensure that the Department is sufficiently informed of PSRO review activities subsequent to conditional designation and to make clear that the Department will evaluate the capability of the PSRO to expand into the areas of long-term care and ambulatory care review, language has been added in § 463.2(e) which clarifies that PSRO's will submit to the Department at least once each year any modifications to their approved formal plan for review, and that the Department will review amendments to the PSRO's formal plan to expand into long-term or ambulatory care review. Section 463.3(a) of the regulations, as adopted, also clarifies that the Department will provide separate notification to the PSRO of the Department's authorization to

the PSRO to exercise review responsibility for hospital review, for long-term care review, and for ambulatory care review.

PSRO ASSUMPTION OF REVIEW RESPONSIBILITY AND NOTIFICATIONS

5. Comment was received, regarding § 463.4(a), that the timing for the initiation and pace of PSRO assumption of review responsibility in area institutions should be based upon the time of each of the PSRO's notifications to the Department, rather that upon the phase-in schedule, which is more accurately an estimate of PSRO phase-in which is frequently revised. Experience has indicated that the PSRO's phase-in timetables frequently have required revision as a result of various factors such as the negotiation of memoranda of understanding with the fiscal agents, and that the emphasis in these regulations on estimates for phase-in has been confusing and administratively burdensome. Therefore, although the requirement of an estimated phase-in schedule (updated as necessary) in the PSRO's formal plan has been retained, the final regulations clarify that the date of the PSRO's assumption of review responsibility relates to the PSRO's notification in the newspaper and to the Department and affected health care institutions of its exact date of assumption of review responsibility in the institutions in accordance with § 463.8.

6. The regulations, under §§ 463.3(b) and 463.9(b), also clarify that the Department has the discretion under section 1154(b) of the Social Security Act to authorize the conditional PSRO to perform review which is not conclusive for payment purposes for a period of time and to delay the PSRO's assumption of review responsibility in health care institutions for appropriate reasons other than those listed in § 463.9(b). The Department may authorize the conditional PSRO to perform nonbinding review for a period of time in order to allow for a more gradual phase-in of PSRO review responsibility in such areas as long-term care and ambulatory care review. This more gradual phase-in may be necessary in order for sufficient time to work out PSRO/fiscal agency administrative relationships and facilitate the PSRO's understanding of and experience with Medicare and Medicaid level-of-care rules. The Department may also decide to delay PSRO assumption of review responsibility in health care institutions in order to take account of the occasional need for the Department to coordinate PSRO review activity with health care demonstration projects (such as the Evaluation of Alternative Review Systems (EARS) project in Public Health Service hospitals) and other similar activities.

7. One commentator suggested that since the PSRO has the responsibility to notify health care institutions and the public of its assumption of review responsibilities, the PSRO (rather than the Department) should also be given the responsibility to notify the fiscal and survey agencies as well. PSRO's will establish close working relationships with the fiscal agents, but are not required to interact to the same extent with the State survey and certification agencies. Therefore, the final regulations, in § 463.8(a), adopt this comment with respect to PSRO notifications to the Medicare fiscal agents and Medicaid and Title V State agencies, but place the responsibility with the Department to notify the State survey agencies of the dates of PSRO assumption of review responsibility in particular institutions.

8. One commentator suggested, regarding §§ 463.4(b) and 463.8(a), that publication in a newspaper of the PSRO's assumption of review responsibility be required once a week for three consecutive weeks instead of one time, and that only newspapers qualified to publish public notices under applicable State law should be utilized. Another commentator suggested that the notice be published in a newspaper or general circulation distributed in the affected institution's area, rather than distributed in the PSRO area. The Department believes that the requirement of publication in one newspaper provides for adequate notice, since § 463.8(a) requires the PSRO to inform affected health care institutions of its assumption of review responsibility in the institutions as well as to publish notice in a newspaper. In addition, the Department believes that a requirement of qualification to publish public notices under applicable State laws would cause confusion as to interpretation of State law and that the proposed requirement of publication in a newspaper of general circulation adequately informs the public. The Department has adopted the comment regarding distribution of the newspapers in the affected institution's area to ensure that those parties most likely to be affected by the PSRO'S assumption of review responsibility will be informed of this fact.

PSRO MEMORANDA OF UNDERSTANDING (MOU'S) WITH STATE AGENCIES AND FISCAL AGENTS

9. Several commentators suggested that the procedures specified for assumption of review responsibility by a conditional PSRO are unduly detailed and restrictive, that the regulations should provide more support for the negotiation process between PSRO's and the fiscal agents, and that the administrative procedures developed between the PSRO's and the fiscal agent should be required to be incorporated into a written and signed memorandum of understanding. The Department believes that the general concept of timetables for the assumption of review responsibility by PSRO's is necessary in order to ensure the timely implementation of PSRO review. However, for easy reference, an Appendix to Subpart A has been provided listing the various PSRO time frames for action. This section has also been restructured to take account of the requirement in section 1171(a) of the Act, added by Pub. L. 95-142, for an MOU between the PSRO and the State Medicaid agency under ordinary circumstances. The Department agrees with the commentators who indicate that the discussion and negotiation process between PSRO's and the Medicare fiscal agents, as well as the State agencies, is important in order to establish sound working relationships, to enable each party to respond to problems of concern to the other, and to set the basis for amicable resolution of future problems which may arise. Therefore, § 463.5(a) has been modified to require an MOU between the PSRO and the Medicaid and Title V State agencies and the Medicare fiscal agents, unless the Secretary waives that requirement because the fiscal agency or agent does not desire to enter into an MOU with the PSRO, refuses to negotiate in good faith or in a timely manner with the PSRO or insists on provisions in the MOU which are not consistent with the provisions of the Social Security Act. This section also includes the requirement in section 1171(b) of the Act, added by Pub. L. 95-142, that the PSRO include in the MOU reasonable review goals and methods requested by the State Medicaid agency.

10. Two commentators suggested that in order to ensure PSRO accountability to State Medicaid agency fiscal concerns, and to ensure arms-length negotiating, a separate contract be required between the agency and the PSRO's which would place final responsibility for the expenditure of State Funds with the State agency. These comments were not adopted because the Department believes it is important that the PSRO review program be a uniform program capable of application to the Medicare and Medicaid and Title V programs. To allow PSRO's to contract separately with all the State Medicaid agencies for the performance of PSRO duties and functions would prevent the development of such a unified review system and weaken the effectiveness of PSRO review of health care. Various provisions have been included in the final regulations which are responsive to State fiscal concerns, including input by Governor under § 463.2, the requirement for an MOU between the PSRO and the State Medicaid agency,

under § 463.5, and the provision in § 463.10 for State monitoring of PSRO review and the Department's suspension of PSRO binding review authority in the event of unsatisfactory PSRO review performance.

11. Two commentators suggested that there be a positive act of approval by the Department of the PSRO's memoranda of understanding with the fiscal agents and agencies and that any disapproval of the procedures be made in writing. The Department agrees with these comments and has adopted them in § 463.5(c). One commentator also suggested that any disapproval of the procedures by the Department be communicated to the health care institutions in the PSRO's area. This comment has not been adopted because if the PSRO's procedures have been disapproved by the Department, the fiscal agents and agencies will continue to perform review in the health care institutions until the procedures are approved. Prior to PSRO assumption of review responsibility in each health care institution, the institution will be so notified by the PSRO in accordance with § 463.8.

12. One commentator suggested that these regulations should apply to all PSRO's, including those which commenced review activities prior to adoption of these regulations. Although MOU's which have previously been approved by the Department need not be resubmitted for approval, these regulations do apply to all PSRO's and provisions in the proposed regulations which may have implied otherwise have been deleted.

MONITORING OF PSRO'S

13. Numerous commentators questioned the legal basis and appropriateness of the Department's temporary suspension of binding review authority by a conditional PSRO, prior to a full reevaluation of the PSRO by the Department, when a State provides reasonable documentation to the Department that the PSRO's determinations have caused a detrimental impact on either State Medicaid expenditures or the quality of care received by Medicaid patients. Concern was expressed particularly that the increase in State Medicaid expenditures could be appropriately the result of improvement in the quality of health care as a result of PSRO review activities and therefore not be "detrimental" nor warrant such suspension of PSRO authority. Commentators also strongly objected to such suspension of authority as a violation of the PSRO's due process interests because the suspension would take effect prior to a full and formal investigation of the merits of the complaint by the Department and without ample opportunity for the PSRO to investigate and refute the charges.

The Department's authority to suspend a conditional PSRO's binding review authority is inherent in its responsibility under section 1154(b) of the Social Security Act to require the PSRO to perform only those duties and functions which it determines the PSRO is capable of performing. In addition, section 1171(d) of the Act, added by Pub. L. 95-142, now specifically provides for a temporary suspension of PSRO authority, but only if there is an unreasonable and detrimental impact from PSRO review on both the cost and appropriateness of health care that the PSRO has not corrected. These provisions have been included in § 463.10(d). At the time the Department conducts a full investigation of the PSRO's performance, under § 463.11, the PSRO will have the opportunity to meet with officials of the Department and refute the State's allegations.

14. Comment was received that the State Medicaid agency should be required to monitor the effectiveness of PSRO review of Medicaid services, that Federal matching funds be made available for the cost of such monitoring, and that the PSRO provide to the agency, upon request, any records or reports maintained or produced by the PSRO which are necessary to monitor and evaluate PSRO performance.

The Department does not believe it is appropriate to require State Medicaid agencies to monitor PSRO review performance if the State agency does not wish to do so. However, § 463.10(b) has been revised in accordance with section 1171(d)(1) of the Act, to clarify that the State Medicaid agency may monitor PSRO's if it wishes in accordance with a State monitoring plan which has been approved by the Secretary, and that Federal matching funds will be made available for the cost of such monitoring. PSRO data or information which the State agency needs in accordance with its approved monitoring plan will be available to the State agency under section 1166(a) of the Social Security Act in order to fulfill the purposes of the PSRO program. However, pursuant to the restrictions on disclosure of PSRO data and information in section 1166, the State agency must use the data only for the purpose of monitoring PSRO performance.

15. One commentator suggested that State monitoring of PSRO's with Federal assistance should be permitted only if this monitoring does not duplicate other monitoring activities of the Department. Another commentator suggested that the regulations should provide for the phaseout of monitoring by the fiscal agents when a PSRO is no longer in the conditional phase. The Department believes that, in order to ensure the appropriate use of Federal matching funds, the State monitoring activities should not duplicate the purposes of PSRO review and that such monitoring should be less intensive over time and focus on problem areas which have been identified. Therefore, § 463.10(b)(2), as adopted, provides that the Department will approve a State's monitoring plan only if the plan does not duplicate the purposes of PSRO review and meets such other relevant criteria as the Department may determine.

16. One commentator recommended that the fiscal agent's criteria for monitoring be included in the regulations. The Department does not believe that all State Medicaid agencies which desire to monitor PSRO review will have developed criteria for evaluating PSRO performance at the inception of State monitoring because at this stage it may be difficult to judge what are reasonable performance standards. However, § 463.10(b), as adopted, includes the provision in section 1171(d)(2) of the Act, that a State monitoring plan may contain performance criteria for evaluating PSRO review effectiveness.

REEVALUATION OF PSRO CAPABILITY

17. Several commentators believed that the provision for reevaluation of the capability of conditional PSRO's by the Department, under § 463.11, did not provide adequate due process to the PSRO's because of failure to specify all of the reevaluation factors, failure to notify and solicit comments from the PSRO prior to the reevaluation, or provide the PSRO with the comments of the fiscal agents and agencies, failure to provide a formal hearing, failure to specify all of the actions which the Department might appropriately take if the PSRO is found to be performing unsatisfactorily, and failure to provide adequate time for the PSRO to respond to the Department's intended actions or to provide a reconsideration of or appeal from the Department's decision. One commentator suggested that the regulations should provide for periodic evaluation of PSRO performance by the Department with, for just cause, a reevaluation of the working relationships.

A formal hearing is not required by the statute in order for the Department to take action with respect to a conditional PSRO which the Department believes is not performing satisfactorily. These regulations, however, provide the PSRO with the grounds for the Department's belief and its intended actions and the opportunity for a informal meeting. This is a fair procedure which will enable the PSRO sufficiently to be apprised of the Department's findings and to offer rebuttal to those findings.

In response to the comments received, § 463.11(d) of the final regula-

tions provides that the PSRO will have an opportunity to respond to any comments of the fiscal agents and State agencies regarding the Department's proposed action and allows the PSRO 30 days rather than 14 days to respond to the Department's intended action. Sections 463.10(a) and 463.11(a) provide for periodic evaluation of PSRO performance with, for good reason, a reevaluation of the PSRO's capability. Section 463.10(a) includes the provision in section 1171(e)(1) of the Act, added by Pub. L. 95-142, for State medicaid agencies to be represented on PSRO assessments conducted by the Department.

18. Comment was received that the Department be required to notify affected health care institutions of any decision resulting from the Department's reevaluation of a PSRO's capability. The Department agrees with this comment and has adopted it in the final regulations under § 463.11(d).

DISCUSSION OF MISCELLANEOUS COMMENTS

19. The Department does not agree that the proposed rule would be improved as suggested by some commentators and has rejected the following suggestions:

(a) That PSRO's do not have authority to review services paid for under Part B of the Medicare program when the practitioner does not accept an assignment of benefits from the patient. Section 1155(a)(1) of the Social Security Act authorizes PSRO's to review all health care services "for which payment may be made (in whole or in part) under this Act," including services paid for under Part B of the Medicare program irrespective of whether the practitioner has accepted an assignment of benefits from the patient.

(b) That reference to Title V of the Social Security Act be omitted from the regulations. Although § 1158(a) of the Act and Subpart B of these regulations provide that PSRO medical necessity determinations are only advisory to the Title V State agency, PSRO's are required to review health care services provided by or in institutions "for which payment may be made (in whole or in part) under this Act," including services provided to Title V recipients.

(c) That "health care institution" be defined more specifically in the regulations. It is not feasible to attempt to delineate all of the organizations which may be involved "in the delivery of health care services and items for which reimbursement may be made in whole or in part under the Act." The types of organizations so involved constitute a constantly changing mix of health care facilities.

(d) That an appeal mechanism be provided to an organization seeking conditional designation as a PSRO in the event the Department makes an adverse determination as to the organization's capability. Title XI, Part B of the Social Security Act does not provide such an appeals mechanism, although appeals rights are specifically provided in the PSRO statute under other circumstances. Although no formal appeal right is provided, the Department intends to continue its practice of considering any comments made by the organization regarding the Department's evaluation and to take appropriate action in light of those comments.

(e) That if the Department determines to utilize "other relevant factors" in evaluating the capability of an organization seeking conditional designation as a PSRO, PSRO input regarding those factors should be obtained by the Department. The Department believes that the determination of these factors should not be subject to prior consultation, since it is the Department's responsibility to make an objective evaluation of PSRO capability. However, as indicated above, the Department will propose more specific evaluation criteria in subsequent PSRO regulations which are under development within the Department relating to agreements between the Department and PSRO's.

(f) That a public notice be provided listing those agreements between the Department and each PSRO which were approved prior to the effective date of the final regulations. The agreements between the Secretary and the PSRO's are not the subject of these regulations, which deal with agreements between PSRO's and fiscal agents and agencies, and PSRO's and health care institutions. This comment will be considered in connection with the development of PSRO regulations relating to agreements between the Department and PSRO's.

(g) That the hospital delegation criteria should include specific performance criteria and should be subject to review and approval by the State Medicaid agency. Provisions for State agency review and comment on the PSRO's proposed hospital delegation criteria are routinely included in the MOUs between PSRO's and State Medicaid agencies. However, it is not reasonable to expect PSRO's to develop performance criteria and evaluate the review performance of hospitals against these criteria before the PSRO has begun to perform review itself. Under section 1155(e) of the Social Security Act, it is the PSRO and not the State Medicaid agency which has the responsibility to evaluate the capability of the hospital to perform review efficiently and effectively.

(h) That hospitals be required to seek to enter into agreements with the PSRO within a certain period of time, such as 120 days, following conditional designation of the PSRO, as a condition for continued participation in the Medicare program. A hospital's failure to enter into an agreement with a PSRO may not be made a grounds for exclusion from participation in the Medicare program. However, refusal of a hospital to allow PSRO entry and performance of review constitutes a violation of Titles XI and XVIII of the Social Security Act and is grounds for a PSRO recommendation of sanctions against the hospital under section 1160(a)(1)(C) of the Act (see § 101.715 of the proposed PSRO Hospital Review regulations (42 FR 4624, January 25, 1977)).

(i) That the PSRO be required to provide a 60-day prior notice to the health care institution of the exact date of assumption of review responsibility by the PSRO in the institution. Experience has indicated that, as a result of various factors such as negotiation of memoranda of understanding, PSRO's often must revise their estimate of the date of assumption of review responsibility in institutions. Therefore, a publication date 30 days prior to the exact assumption of review responsibility in an institution is more reasonable than 60 days.

(j) That the PSRO be required to consult with nondelegated institutions at least 60, rather than 45 days prior to PSRO assumption of review responsibility in the institution. However, prior to consultation, the PSRO is required to determine whether a hospital desires to seek delegation of review functions, which may take up to 40 days under the proposed regulations relating to the Relationship of the PSRO to Hospitals and Utilization of Hospital Review Committees (42 FR 4633, January 25, 1977). The Department believes that an additional 60 days for consultation could result in excessive delays in PSRO review implementation and that 45 days is a reasonable time frame for consultation.

(k) That PSRO's and hospitals should be given more flexibility to determine which time frames for development of agreements are workable for them, and that the Department should attempt to resolve disagreements between PSRO's and hospitals which are obstacles to the signing of such agreements before the PSRO implements nondelegated review in the institutions without an agreement. It is important to establish these time frames in order to enable expeditious review implementation in hospitals by PSRO's determined to be capable of such implementation by the Department. Experience has indicated that hospitals which desire a delegation of review functions and are found capable of performing the review by the PSRO are ordinarily able to reach agreement with the PSRO without

the need for the Department's intervention.

(l) That an agreement between the PSRO and health care institution be required with nondelegated as well as delegated institutions. Agreements with delegated institutions are essential in order to delineate the division of review functions as between the PSRO and the delegated institution. Consultation with nondelegated institutions regarding the PSRO's administrative and review procedures in the institution is required under § 463.7(a), and the PSRO and the institution may, if they both wish, incorporate these procedures into a written agreement under § 463.7(b)(2). A requirement for such an agreement is not necessary, since the PSRO will be performing all of the PSRO review functions in the institution.

(m) That the Department does not have the authority to subject PSRO activities to review and monitoring by Medicare fiscal agents or State Medicaid agencies. The Department is authorized to obtain information and monitor PSRO's under section 1155(f) of the Social Security Act, and Medicare fiscal agents and State Medicaid agencies act as agents of the Department in performing monitoring of PSRO review performance. Section 1171(d)(1) of the Act, added by Pub. L. 95-142, specifically provides for monitoring of PSRO's by State Medicaid agencies under State monitoring plans approved by the Department.

(n) That the State Medicaid agency's monitoring results should not serve as the basis for a temporary suspension of PSRO review authority for the Medicare program unless the Medicare fiscal agent provides documentation of similar problems compiled through its monitoring activities of the PSRO, and that if there is a difference of opinion regarding PSRO review performance between the monitoring agencies, a complete investigation should be made by the Department before any review is suspended. Although the monitoring results from the Medicare fiscal agent will be considered by the Department when it makes a full investigation of the PSRO's performance, a temporary suspension of PSRO authority based solely on the State's documentation is warranted because of the State fiscal contibution to health care services approved by the PSRO. Section 1171(d)(3) of the Act specifically provides for this temporary suspension.

(o) That if the Department temporarily suspends a PSRO's authority, this suspension should affect the entire PSRO area and not be done on an institution-by-institution basis. It is important for the Department to reatain the flexibility to suspend the PSRO's authority only with respect to certain types of health care institutions, since it may be apparent from the State's documentation that the problems in PSRO review performance relate only to those types of institutions. Section 1171(d)(3) of the Act provides for a suspension of PSRO authority "in whole or in part."

(p) That during a period of temporary suspension of a PSRO's binding review authority, the State Medicaid agency be authorized to establish alternate review procedures to assure the appropriateness and quality of care. Although the PSRO's review determinations will be only advisory to the State Medicaid agency during the temporary suspension period, it is important to retain the PSRO review system in place. This is only a temporary suspension, prior to a full evaluation of the PSRO's performance by the Department, and it would be wasteful, confusing, and inefficient to allow duplicative review systems to operate during this period, with the possibility of reinstatement of the PSRO's binding review authority after a full evaluation. This is particularly the case since institutions are relieved of responsibility for the performance of utilization review when the PSRO assumes review responsibility in the institutions.

(q) That the Statewide Professional Standards Review Councils assist the Department in monitoring the performance of PSRO's and be substituted for the fiscal agents in performing this monitoring. Statewide Councils have the responsibility under section 1162(c)(2) of the Social Security Act to assist the Department in evaluating the performance of each PSRO. However, it is important to have a variety of mechanisms to monitor the performance of PSRO's. Therefore, Statewide Councils will not be substituted for the monitoring of the fiscal agents but may review the findings of other monitoring bodies to assist the Department in determining their significance.

(r) That the State Medicaid agency should be able to request a hearing by, and provide testimony to, the Department and be present at any meeting regarding the review effectiveness of a conditional PSRO. Provision is made in § 463.11(c) for the Department to notify the fiscal agents and State agencies of his intended action after a reevaluation of PSRO capability and to solicit their comments regarding his intended action. This should provide sufficient opportunity for the State agency to communicate its views to the Department regarding the PSRO's review capability.

(s) That if the Department intends to terminate an agreement with a conditional PSRO upon 90 days notice to the PSRO, an appeals mechanism should be available to the PSRO. Section 1154(c) of the Social Security Act provides only for 90 days notice in the event the Department terminates the agreement of a conditional PSRO. Although not required by the statute, § 463.11(d) of the regulations provides for an informal meeting if the Department intends to take an action against a conditional PSRO as a result of a finding of unsatisfactory performance, including termination of the conditional PSRO's agreement with the Department.

B. CONCLUSIVE EFFECT OF PSRO DETERMINATIONS ON CLAIMS PAYMENT

1. Several commentors approved of the provisions in § 463.16 that make PSRO determinations conclusive for payment purposes. One commentator objected to these provisions because of the payment of State monies for services in the Medicaid program. The Department believes that binding review authority is essential to enable PSRO's to progressively assume review functions and duties during the conditional period, to permit an accurate appraisal of PSRO effectiveness, and to maintain physician support for, and participation in, the PSRO program. The fiscal concerns of States are adequately protected through the strong monitoring role provided to State Medicaid agencies and the provision for temporary suspension of PSRO binding review authority by the Department based upon reasonable documentation by the State of unsatisfactory PSRO review performance (see § 463.10). Section 1158(c) of the Act, added by Pub. L. 95-142, specifically requires that PSRO determinations relating to the medical necessity and appropriateness of health care shall constitute the conclusive determination on those issues for purposes of payment.

2. A comment was received that the PSRO should be required to notify both the practitioner and the provider of an adverse review decision, and to notify both Medicare and Medicaid agencies when a patient is expected to receive financing benefits under more than one program. The language of § 463.16(b)(2) does require the PSRO to notify both the practitioner and provider of its adverse decision if both provided, or proposed to provide, the health care services. The requirement of notification to the financing programs of the PSRO's adverse determinations has been deleted from these regulations because it will be included in the PSRO Hospital Review regulations (issued as proposed rulemaking on January 25, 1977, at 42 FR 4624).

3. A comment was received that PSRO medical necessity and quality determinations should be conclusive with respect to all claims made under the Social Security Act, including determinations by the Department to exclude services rendered by a provider

or health care practitioner from coverage under the Medicare program. This determination by the Department under sections 1862(d) and 1866(b) of the Act to exclude services means that those services may not be paid for under the Act and therefore are not within the PSRO's responsibility to review.

4. Three commentators suggested that the requirement that the claim for payment be supported by evidence of the PSRO's medical necessity certification could cause cash flow problems for providers by impeding the billing process and recommended that providers be routinely paid for claims with a subsequent deduction from future paid claims if the PSRO disapproves the services. This suggestion was not adopted because the billing process should not be impeded by the PSRO's medical necessity certification, since ordinarily such certification is made prior to submittal of the claim for payment and is included on the claim for payment. Moreover, sufficient flexibility in the form of such certification is provided in § 463.16(a)(1), since "evidence of PSRO review and approval, routine certification, or other appropriate action" may be provided by the PSRO.

5. Section 1158(d) of the Act, added by Pub. L. 95-142, prohibits payment for more than 1 day of institutional care after a PSRO disapproval of the care, unless the PSRO determines that up to 3 days are required to arrange postdischarge care. This provision is implemented for the Medicare program in § 463.17(a). The appropriate implementation of this provision for the Medicaid program and its relationship to payment for "administratively necessary" days in that program are under study within the Department and will be considered in the development of the proposed PSRO regulations relating to determinations by the Department that a claimant is "without fault" under section 1158(a) of the Act.

6. Objection was made to termination of payment for health care provided to a Medicaid or Medicare patient after a PSRO medical necessity denial prior to the conduct of a full evidentiary hearing on the issue when requested by the individual or the individual's doctor. The Department has required State Medicaid agencies to provide an evidentiary hearing before terminating benefits to Medicaid recipients, including health care benefits (see 45 CFR 205.10). However, the provisions which entitle a Medicaid recipient to a fair hearing under such circumstances are not applicable when PSROs are performing review, because under section 1159(c) of the Social Security Act, the PSRO medical necessity review system and the Federal hearing conducted by the Bureau of Hearings and Appeals of the Social Security Administration (see the PSRO, hearings and appeals regulations at 42 FR 4676, January 25, 1977) replace the State medical necessity review system and the State fair hearing (see § 463.27(e) of these regulations).

Under section 1158(a) of the Social Security Act, payment with Federal funds may not be made after a PSRO medical necessity denial unless the Department determines that the claimant is "without fault." Regulations are under development within the Department to implement this provision which will give the public an opportunity to comment on the circumstances under which a claimant should be considered without fault and therefore entitled to payment. However, the Department has determined that Medicaid inpatients in skilled nursing and intermediate care facilities and psychiatric and tuberculosis hospitals should be considered to be "without fault" under section 1158 for the period until completion of a PSRO reconsideration if the request for reconsideration is received by the PSRO within 2 days of the individual's receipt of the PSRO's denial notice. This is because the patients often have established a continuing care arrangement in those institutions, they lack financial resources, and they have raised a question as to the correctness of the PSRO determination. The Department believes that 2 days is a reasonable time period to provide for the reconsideration request if payment is to be continued until completion of the reconsideration even when the reconsideration decision is adverse to the patient. The question of the applicability of this payment provision to the Medicare program when PSRO's are performing review is under study within the Department and will be considered in the development of the proposed PSRO "without fault" regulations.

Currently, procedures for reconsiderations with which the PSRO's must comply under agreements with the Department are set forth in Chapter XIX of the PSRO Program Manual issued by the Department. Under these procedures, a PSRO must conduct a reconsideration within 3 working days after a request from a patient in a health care institution, the patient and his physician are entitled to make an oral presentation at an informal PSRO reconsideration proceeding, and to present witnesses on the claimant's behalf. Copies of the PSRO Program Manual may be obtained from the appropriate Regional Office of the Department of Health, Education, and Welfare or from the Office of the Acting Associate Administrator, Health Standards and Quality Bureau, Room 16A55, 5600 Fishers Lane, Rockville, Md. 20857.

On the other hand, the Department does not believe that payment should be made through the Federal hearing required under section 1159(b) of the Social Security Act and 42 CFR 101.1402 because the PSRO reconsideration proceeding will provide a fair opportunity for the claimant to present testimony and witnesses on the medical necessity issues in dispute. Medical necessity issues ordinarily do not involve significant factual issues which need be resolved through cross-examination of parties and witnesses and other judicial or quasi-judicial procedures.

The Department believes that it is appropriate to provide for this payment to patients in long-term care institutions and psychiatric and tuberculosis hospitals, but not in acute-care hospitals, because the nature of the services provided in long-term care institutions is often on a continuing, rather than one-time basis. In addition, the denial of payment to a nursing home resident and the necessity of the patient to relocate his residence will ordinarily cause greater hardship than in the acute-care setting.

Section 463.17(b) provides that payment will be made until the conclusion of a PSRO reconsideration of an adverse medical necessity decision which has been requested with respect to a Medicaid recipient who is in a skilled nursing facility, intermedate care facility, psychiatric hospital, or tuberculosis hospital. This change is effective on February 22, 1978, because the Medicaid regulations that authorize payment under similar circumstances are not applicable when PSRO's are performing review and it is in the public interest to permit this payment to Medicaid patients immediately. However, because of the significance of this provision, additional comment regarding this change is encouraged and will be considered by the Department for purposes of revision of these regulations.

Interested persons are invited to submit written comments, suggestions or objections concerning § 463.17(b) to the Director, Office of Professional Standards Review Organizations, Room 16A55, 5600 Fishers Lane, Rockville, Md. 20857, on or before April 24, 1978. All comments received in timely response will be considered and will be available for public inspection in the above-named office during regular business hours.

C. COORDINATION OF PSRO FUNCTIONS WITH OTHER FUNCTIONS REQUIRED UNDER THE SOCIAL SECURITY ACT

1. Several commentators indicated approval of the provisions eliminating duplicative review requirements under Title XVIII and XIX of the Social Security Act when a PSRO assumes review responsibility under Title XI, Part B of the Act. These provisions are now required by section 1152(e) of

the Act, as amended by Pub. L. 95-142, unless the Department specifies otherwise. The provision in section 1158(c) of the Act, added by Pub. L. 95-142, which prohibits reviews for purposes of payment by Medicare fiscal agents and State Medicaid agencies with respect to a PSRO's medical necessity decisions, has been included in §§ 463.26(c)(2) and 463.27(c)(2).

2. One commentator suggested that the requirement that State Medicaid agencies accept the affirmative decisions of a PSRO (pursuant to §§ 463.16(c) and 464.27(c)) would be unenforceable without specific provision in the regulations for sanctions in the event the State agency fails to make payment for the approved services. The Preamble to the proposed regulations indicated that "The State Medicaid agencies are also bound by PSRO decisions under section 1164 of the Act, which makes the provisions of Title XI, Part B, directly applicable to the State Medicaid plans." Although this statutory provision would be a sufficient basis for a compliance action, under section 1904 of the Act, by the Department against a State Medicaid agency which did not abide by PSRO medical necessity determinations, in order to clarify this relationship between Title XI and Title XIX of the Social Security Act, the substance of this provision has been included in § 463.27(f) relating to correlation of Title XI functions with Title XIX functions.

3. A comment was received that the relationship of Medicare coverage requirements to PSRO review determinations should be further clarified and that the consistency of PSRO judgments with Medicare coverage rules should be determined by the Medicare intermediary. Conversely, a comment was received that the delineation of responsibility between the PSRO and the fiscal agents was clear and that the regulations should prohibit the fiscal agents from including medical determinations as part of their prerogative to set limits on coverage. Sections 463.26(c) and 463.27(c) make clear that the Department under Title XVIII and the States under Title XIX may establish the services that are covered on a uniform basis (scope of benefits). However, to the extent individual medical judgments are required to implement these coverage rules, it is the PSRO's responsibility and authority to make these medical judgments which must be followed by the Medicare fiscal agents and State Medicaid agencies. Therefore, these sections have not been changed (see also the discussion of PSRO binding review authority in the Preamble to Subpart B).

4. Language has been included in §§ 463.26(e) and 463.27(e) clarifying that provisions for notification of PSRO reviews and appeals and for payments pending a PSRO reconsideration decision are in lieu of Medicare and Medicaid notification provisions and Medicaid provisions for payment pending a State agency hearing decision.

5. Provision has been made in § 463.27(a)(2) for relief of the State's review responsibility and fiscal penalty in skilled nursing facilities and intermediate care facilities based upon the PSRO's approved time table for review in those facilities, rather than the exact date of PSRO assumption of responsibility. This is because prospective relief of the State's responsibility to perform the annual inspections required under medical review and independent professional review in those facilities will enable the State and the PSROs to plan more effectively for cooperative review efforts and result in more efficient long-term care review in the State. However, individual long-term care facilities remain responsible for fulfilling physician certification requirements and applicable utilization review requirements until the PSRO actually implements review in the facility.

6. The Department does not agree that the proposed rule would be improved as suggested by some commentators and has rejected the following suggestions:

(a) That the regulations should provide for the State survey agency to continue a small sampling activity to monitor PSRO review performance in hospitals. Pursuant to § 463.10, PSRO's will be extensively monitored by the Department, by Medicare intermediaries, and by State Medicaid agencies (at the option of the State agency). Under the State survey agency's contract with the Department, the Department may, at its discretion, utilize the agency to monitor PSRO's if it finds such monitoring useful.

(b) That the Department grant a waiver from the application of PSRO review procedures under these regulations to State Medicaid agencies which are found to be equal or superior in review effectiveness to the PSRO. The "superior sytems waiver" applies only to authorization for a State Medicaid agency, under section 1903(i)(4) of the Act, to utilize its own review system to satisfy Title XIX utilization review requirements in lieu of utilizing the Title XVIII Medicare utilization review requirements (see 42 CFR 450.19(b)). The PSRO review system required under Title XI of the Social Security Act replaces both Title XVIII and Title XIX review requirements, and may not be "Waived" under Title XI for another review sytem.

(c) That until PSRO review effectiveness is proven for reviewing hospital services, regulations should not be promulgated to expand the PSRO concept to other types of review, such as medical review (section 1902(a)(26) of the Act) and independent professional review (section 1902(a)(31) of the Act) in long-term care institutions.

Section 1155(a) of the Act, as amended by Pub. L. 95-142, requires that PSRO's review services in skilled nursing facilities and, under certain circumstances, in intermediate care facilities (see § 463.2(e)). Section 1154(b) of the Act requires that PSRO's be "substantially carrying out" all their required functions by the end of their conditional period. Hence, it is necessary and appropriate for these regulations to provide for PSRO review in long-term care institutions.

However, an expansion of PSRO review responsibility to long-term care institutions takes place only if the Department finds, pursuant to section 1154(b) of the Act and after an evaluation of the PSRO's plan for such review, that the PSRO is "capable of performing" such functions. In addition, under § 463.2, the Department will provide the Governor of the State with an opportunity to comment on the PSRO's capability and to have further input if his views regarding the PSRO's capability differ from the views of the Department. It was because the Medicare fiscal agents and State Medicaid agencies were determined not to be performing effective utilization review by Congress that the Congress instituted the PSRO concept and the concept of gradual increase in PSRO responsibility without a requirement of "proven" PSRO effectiveness (S. Rept. No. 92-1230, 92d Cong., 2d sess. (1972, pp. 255-257)). The PSRO concept has been reaffirmed by Congress in Pub. L. 95-142.

The Department believes that PSRO review will, in fact, be effective and that the provisions in Subpart A for State input prior to PSRO assumption of review responsibility in long-term care institutions, for State monitoring of PSRO review performance, and for the Department to suspend a PSRO's binding review authority in case of unsatisfactory performance, are responsive to State concerns regarding effective performance of PSRO's.

NOTE.—The Health Care Financing 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.

Dated: January 6, 1978.

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

Approved: February 7, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

42 CFR Chapter IV is amended by adding a new Part 463 to read as follows:

Subpart A—Assumption of Review Responsibility by Conditional PSRO's

Subpart B—Conclusive Effect of PSRO Determinations on Claims Payment

Subpart C—Correlation of Title XI Functions With Functions Required Under Title XVIII and Title XIX of the Act

AUTHORITY: Title XI, Part B of the Social Security Act, 86 Stat. 1429 et seq. (42 U.S.C. 1320c et seq.); sec. 1102 of the Social Security Act, 49 Stat. 647 (42 U.S.C. 1302).

Subpart A—Assumption of Review Responsibility by Conditional PSRO's

§ 463.1 Definitions.

As used in this part, unless otherwise specified: (a) "Act" means the Social Security Act (42 U.S.C. Chapter 7)

(b) "Conditional PSRO" means a Professional Standards Review Organization designated on a conditional basis in accordance with sections 1152(a) and 1154 of the Act.

(c) "Health care institution" means an organization involved in the delivery of health care services or items for which reimbursement may be made in whole or in part under the Act.

(d) "Medicaid State agency" means the State agency that is established or designated to administer the State plan for medical assistance under Title XIX of the Act.

(e) "Medicare fiscal agents" means intermediaries which are parties to agreements entered into by the Secretary pursuant to section 1816 of the Act and carriers which are parties to contracts entered into by the Secretary pursuant to section 1842 of the Act.

(f) "MOU" stands for memorandum of understanding.

(g) "Phase-in timetable" means a schedule, contained in the PSRO's formal plan and updated as necessary, specifying the estimated dates when a conditional PSRO will assume review responsibilities in particular health care institutions either directly or through delegation to the health care institutions.

(h) "Review responsibility" means (1) the responsibility of the PSRO to perform review functions prescribed under Title XI, Part B of the Act and the regulations of this part; and (2) the authority of a PSRO to make conclusive determinations regarding the medical necessity, quality and appropriateness of health care.

(i) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the Secretary has delegated a specified authority.

(j) "State survey agency" means an agency performing provider surveys under section 1864(a) of the Act.

(k) "Title V State agency" means an agency established or designated to administer the State plan for maternal and child health and crippled children services under Title V of the Act.

§ 463.2 Evaluation of capability.

(a) *Formal plan.* (1) An organization wishing to be designated as a conditional PSRO shall submit to the Secretary a formal plan detailing the necessary tasks and a phase-in timetable for the orderly assumption and implementation of review responsibility.

(2) During the development and preparation of its formal plan, and prior to its submission to the Secretary, the organization shall consult with the Medicaid State agency.

(3) The organization shall submit the plan, including any comments by the State agency, to the Governor of the State at the time of its submission to the Secretary.

(4) The Governor of the State shall have 30 days from the date of receipt of the formal plan to submit his copmments on the plan to the Secretary.

(b) *Evaluation by the Secretary.* The Secretary will evaluate the capability of the organization to exercise review responsibility and determine whether to designate it as a conditional PSRO, on the basis of the following factors:

(1) The formal plan, and any modification or amendments submitted by the organization;

(2) Comments by the Governor of the State submitted in accordance with paragraph (a)(4) of this section regarding the organization's capability to assume review responsibility; and

(3) Other relevant factors, as determined by the Secretary.

(c) *Opportunity for organization to respond.* The Secretary will provide the organization an opportunity to respond to comments submitted in accordance with paragraph (a)(4) of this section.

(d) *Consultation with the Governor.* If the Secretary intends to make a determination (under paragraph (b) of this section), which is adverse to the comments of the Governor, the Secretary will advise the Governor of his intended action and the basis for the action, and provide the Governor at least 30 days to submit additional evidence and comments prior to taking final action.

(e) *Extension of PSRO review activities.* (1) Once designated, the conditional PSRO shall submit to the Secretary, at least once a year, any modification to the formal plan; and any amendments to extend the PSRO's review activities to:

(i) Skilled nursing facilities, as defined in section 1861(j) of the Act;

(ii) Intermediate care facilities, as defined in section 1905(c) of the Act [see paragraphs (e)(3) and (e)(4) of this section]; or

(iii) Ambulatory care services.

(2) Paragraphs (a) through (d) of this section (relating to the Secretary's evaluation of an organization's capability to be designated as a conditional PSRO and input by the State) apply to any amendments to extend a PSRO's review activities to these facilities and services.

(3) Except as provided in paragraph (e)(4) of this section, a PSRO shall assume review responsibility in intermediate care facilities (as defined in section 1905(c) of the Act) and in public institutions for the mentally retarded (as described in section 1905(d)(1) of the Act) only if:

(i) The Secretary finds, on the basis of such documentation as he may require from the State, that the Medicaid State Agency is not performing effective review of the quality and necessity of health care services provided in those facilities and institutions; or

(ii) The State requests the PSRO to assume this responsibility.

(4) A PSRO shall assume review responsibility in intermediate care facilities that are also skilled nursing facilities (as defined in section 1861(j) of the Act) to the extent that the Secretary finds that the performance of this function by the Medicaid State agency is inefficient.

§ 463.3 Notification of designation and capability.

(a) *Notice of Secretary's decision.* The Secretary will send written notice to the organization of his determinations regarding:

(1) Whether to designate it as a conditional PSRO; and

(2) Its capability to exercise review responsibility:

(i) In hospitals;

(ii) In long-term care facilities;
(iii) For ambulatory care services.

(b) *Review not conclusive for claims payment.* (1) The notification under paragraph (a)(2) of this section may include a time limited authorization for the PSRO to perform review which is not conclusive for purposes of claims payment.

(2) During this time, the Title XVIII and Title XIX requirements regarding utilization review and control, physician certifications, and State agency surveys and certifications shall be deemed to be satisfied.

(c) *Notice to fiscal and survey agencies.* (1) The Secretary will notify the appropriate Medicaid, State survey and Title V State agencies and the Medicare fiscal agents of the PSRO's approved phase-in timetable at the time of designation.

(2) He will also inform them of any later revisions in that time table.

(d) *Notification to health care institutions and the public.* (1) A PSRO designated under paragraph (a) of this section shall, within 30 days of the notice from the Secretary:

(i) Provide a copy of its approved phase-in timetable to each health care institution listed in the timetable;

(ii) Publish, in at least one local newspaper (see § 463.4(b)), a notice indicating:

(A) That the Secretary has found it capable to assume review responsibility in designated health care institutions;

(B) That the estimated phase-in timetable for review, approved by the Secretary, is available for public inspection in the PSRO's principal business office; and

(C) That the PSRO will publish the exact dates on which it will assume review responsibility in particular health care institutions, 30 days before those dates.

(2) Conditional PSRO's designated before the effective date of this subpart shall comply with the requirements of this section if they have not already done so.

§ 463.4 General requirements.

(a) *Timing of assumption of review responsibility in particular health care institutions.* A PSRO that has been found capable of exercising review responsibility and so notified by the Secretary shall assume that responsibility in accordance with its published notices of exact dates. (See § 463.8.)

(b) *Publication in newspapers.* Publication required by these regulations shall be in newspapers that:

(1) Have general circulation; and

(2) Are distributed in the area of the institution that is subject to the PSRO review activities.

(c) *Public access.* The PSRO shall maintain and make available for public inspection, at its principal business office:

(1) A copy of each set of MOU's (or other administrative procedures) with Medicaid and Title V State agencies and Medicare fiscal agents; and

(2) A copy of its current approved phase-in timetable.

§ 463.5 Coordination with other agencies and agents.

(a) *Procedures for MOU's.* If a Medicaid or Title V State agency or Medicare fiscal agent notifies the PSRO that it wishes a written memorandum of understanding incorporating their administrative procedures:

(1) The PSRO and the agency or agent shall negotiate in good faith in an effort to reach written agreement.

(2) If they cannot reach agreement, the Secretary will assist them in resolving matters in dispute.

(3) The PSRO is required to incorporate its procedures into an MOU approved by the Secretary, before it may make conclusive determinations for the Medicaid and the Medicare programs, unless the Secretary finds that the agency or agent has:

(i) Refused to negotiate in good faith or in a timely manner; or

(ii) Insisted on including in the MOU provisions which are not consistent with the provisions of the Act.

(4) The MOU shall include procedures for:

(i) Informing Medicaid and Title V State agencies and Medicare fiscal agents of PSRO approval or disapproval of health care services and items;

(ii) Exchanging data or information;

(iii) Modifying the procedures when additional PSRO review responsibility is authorized by the Secretary; and

(iv) Dealing with any other matters that are necessary for coordination.

(5) A Medicaid State agency may request the PSRO to include in the MOU a specification of review goals or methods that are not included in the PSRO's formal plan.

(6) If they cannot reach agreement regarding this specification, the Secretary will require that it be included in the MOU to the extent that he finds that the review goals or methods:

(i) Are consistent with the PSRO's functions under Title XI, Part B of the Act and with Title XIX of the Act and the approved State plan; and

(ii) Do not seriously impact on the effectiveness and uniformity of the PSRO's review of health care services paid for under Title XVIII and Title XIX of the Act.

(b) *Administrative procedures.* If a Medicaid or Title V State agency or Medicare fiscal agent does not notify the PSRO that it wishes an MOU:

(1) The PSRO shall develop administrative procedures that include the items specified in paragraph (a)(4) of this section.

(2) During the development of its procedures, and prior to their submission to the Secretary, the PSRO shall consult with the agency or agent.

(c) *Action by the Secretary.* (1) At least 30 days prior to the timetable date for initial assumption of review responsibility, the PSRO shall submit to the Secretary for approval its MOUs or administrative procedures, including any comments by the agencies or agents.

(2) If the Secretary approves the MOUs or procedures, the PSRO shall follow them.

(3) If the Secretary disapproves the MOUs or procedures, he will:

(i) Notify in writing the PSRO and the appropriate agencies and agents, stating the reasons for disapproval; and

(ii) Require the PSRO to revise its MOUs or procedures and, if necessary, modify its timetable.

(d) *Modification of MOUs.* The MOUs or procedures may be modified, with the Secretary's approval:

(1) Through a revised MOU with the agency or agent; or

(2) In the case of procedures, by the PSRO, after providing opportunity for comment by the agencies and agents.

§ 463.6 Procedures for delegation of PSRO review functions to hospitals.

(a) *Development of requirements and procedures.* (1) At least 90 days before the first date in the phase-in timetable, the PSRO shall submit to the Secretary prior to use:

(i) Models of procedures for the coordination of PSRO and institutional administrative and review activities in:

(A) Hospitals to which all PSRO review functions will be delegated;

(B) Hospitals in which review activities will be apportioned between the PSRO and the institution; and

(C) Hospitals in which the PSRO will perform all review functions; and

(ii) A model notification letter, including the factors the PSRO will consider in evaluating the capability of hospital review committees to perform delegated review functions. The factors shall not be used by the PSRO unless approved by the Secretary.

(b) *Notification to hospitals.* (1) At least 60 days before the first date in the phase-in timetable, the PSRO shall provide copies of the coordination procedures to all hospitals in its area.

(2) Prior to initiation of review in a particular hospital, the PSRO shall send that hospital a notification letter informing it of:

(i) The requirements and procedures for delegation of review functions; and

(ii) The factors which the PSRO will consider in evaluating the hospital review committee's capability to perform review functions.

(c) *PSRO evaluation and decision regarding delegation.* If the particular hospital requests delegation of review functions, the PSRO shall:

(1) Evaluate the hospital review committee's capability to perform them; and

(2) Notify the hospital of its decision.

(d) *Agreements with delegated hospitals.* (1) The PSRO shall enter into a written agreement with any hospital to which it proposes to delegate all or part of its review functions.

(2) That agreement shall include:

(i) Coordination procedures;

(ii) Provisions for administrative resolution of disputes; and

(iii) Any other provisions that the Secretary may require.

(e) *Action when agreement cannot be reached.* If agreement cannot be reached, the PSRO shall not delegate review functions, but shall initiate review in the hospital on the date indicated by public notice. (See § 463.8(a))

§ 463.7 Consultation with nondelegated institutions.

(a) *Consultation.* (1) At least 45 days before initiating review in any institution to which it does not propose to delegate review functions, the PSRO shall consult with that institution regarding administrative and review procedures.

(2) These procedures shall include the items specified in § 463.6(d)(2).

(b) *Modification and agreement.* After consideration of any comments made during consultation:

(1) The PSRO shall make such modifications as it deems appropriate for the particular institution, consistent with items specified in § 463.6(d)(2); and

(2) The PSRO may incorporate the procedures in a written agreement that includes the items specified in § 463.6(d)(2).

§ 463.8 Notices regarding assumption of responsibility.

(a) *Notice of exact date.* (1) At least 30 days before initiation of review in any health care institution, the PSRO shall:

(i) Publish a notice of the date in at least one local newspaper; and

(ii) Notify the health care institutions, the Secretary, and the appropriate Medicaid and Title V State agencies and Medicare fiscal agents.

(2) The Secretary will in turn notify the State survey agency.

(3) The requirements of paragraph (a)(1) of this section are applicable regardless of whether review is to be performed by the PSRO or delegated to the institution.

(b) *Notice of delay in assumption of responsibility.* If the PSRO is unable to assume responsibility on the date announced under paragraph (a) of this section it shall, prior to that date:

(1) So notify the health care institutions, the appropriate agencies and agents, and the Secretary; and

(2) State the reason for its inability.

(c) *Effect of delay in PSRO's assumption of responsibility.* (1) Except as provided in § 463.27(a)(2), the activities required under titles XVIII and XIX of the Act, as specified in Subpart C of this part, shall continue in effect in the institution until the PSRO is able to assume responsibility.

(2) The Secretary will take such action as he deems necessary. That action may include, but is not limited to:

(i) Revision of the PSRO's phase-in timetable; (See § 463.9)

(ii) Monitoring arrangements; (See § 463.10) or

(iii) Reevaluation of the PSRO's capability. (See § 463.11)

§ 463.9 Revision of phase-in timetable.

(a) *PSRO request.* If a conditional PSRO anticipates a delay of more than 90 days in meeting the estimated date for the assumption of review responsibility in any health care institution, it shall, prior to such estimated date, notify the Secretary of the anticipated delay and request a revision of its approved phase-in timetable.

(b) *Action by the Secretary.* The Secretary may, at any time after designation, revise the approved phase-in timetable of any conditional PSRO, in accordance with a request under paragraph (a) of this section or on the basis of his reevaluation of the PSRO's capability in accordance with § 463.11, or for other appropriate reason.

§ 463.10 monitoring.

(a) *Use of appropriate agencies and agents.* (1) The Secretary will periodically evaluate the review performance of conditional PSRO's. He may arrange to have Medicare fiscal agents or State agencies assist him in monitoring the activities of a conditional PSRO.

(2) The Medicaid State agency shall have the opportunity to be represented on any project assessments conducted by the Secretary with respect to a PSRO located within its State.

(3) If monitoring is authorized, the PSRO shall take all necessary and appropriate actions to facilitate monitoring activities.

(b) *State monitoring plan.* (1) The Medicaid State agency may monitor the PSRO's performance of review responsibilities in accordance with a State monitoring plan that is developed after review and comment by the PSRO's and is approved by the Secretary.

(2) The Secretary will approve a State's monitoring plan if the plan does not duplicate the purposes of PSRO review and meets such other relevant criteria as the Secretary may determine.

(3) The costs of activities of the State agency under and in accordance with such plan are reimbursable as an expense of the State agency under section 1903(a) of the Act.

(4) A State monitoring plan may include a specification of performance criteria for judging the effectiveness of the PSRO's review performance.

(5) If the agency and the PSRO's cannot agree regarding the criteria, the Secretary will assist them in resolving the matters in dispute.

(c) *Meetings.* (1) If a monitoring agency considers that PSRO performance is not effective, it shall

(i) Notify the PSRO and meet with it to discuss methods for improving effectiveness; and

(ii) Promptly notify the Secretary of any serious problems and of the results of its meeting with the PSRO.

(2) The Secretary may decide to reevaluate the PSRO's capability or take other appropriate action.

(d) *State complaints and temporary suspension of PSRO authority.* (1) If a Medicaid State agency and a PSRO are unable to resolve their problems, the State may file a written complaint requesting:

(i) Corrective action by the Secretary; or

(ii) Temporary suspension of the PSRO's authority to make determinations that are conclusive for claims payment.

(2) If the State requests a temporary suspension of the PSRO's authority, the Secretary will, within 30 days from the date of receipt of documentation from the State, determine if the State has provided reasonable documentation that the PSRO's review determinations, and not other factors, have caused an unreasonable and detrimental impact on:

(i) Total State Medicaid expenditures; and

(ii) The appropriateness of care received by Medicaid patients.

(3) If the Secretary determines that the State has provided this documentation, he will determine whether the PSRO has taken appropriate corrective action.

(4) If the PSRO has not taken this action, the Secretary will immediately suspend the PSRO's authority, in whole or in part, to make conclusive determinations.

(5) This suspension of authority will remain in effect until the Secretary:

(i) Reevaluates the PSRO's performance and determines that the performance does not have this unreasonable and detrimental impact; or

(ii) Determines that the PSRO has taken appropriate corrective action.

(6) Any determination made by the Secretary under this paragraph shall be final and shall not be subject to judicial review.

(e) *Effect of suspension.* During a temporary suspension of PSRO authority:

(1) The PSRO shall continue its review activities.

(2) The PSRO's determinations shall not be conclusive for claims payment purposes but only advisory to Medicaid State agencies and Medicare fiscal agents.

(3) The Title XVIII and Title XIX requirements regarding utilization review and control, physician certifications, and State agency surveys and certifications shall be deemed to be satisfied.

(f) *Notifications.* (1) The Secretary will notify, in writing, the appropriate State agencies and Medicare fiscal agents, and the PSRO involved, of

(i) His determinations under paragraph (d) of this section and their effect;

(ii) Any subsequent actions that he takes; and

(iii) The basis of his actions.

(2) The Secretary will notify, in writing, the appropriate committees of the United States House of Representatives and the Senate of:

(i) Any documentation that a State agency submits under paragraph (d) of this section; and

(ii) The actions that he takes.

§ 463.11 Reevaluation of capability.

(a) *Reevaluation factors.* For good reason, the Secretary will reevaluate a conditional PSRO's capability to perform review functions. He will consider:

(1) The progress of the PSRO in carrying out its formal plan;

(2) Any comments or recommendations submitted by Medicaid or Title V State agencies or Medicare fiscal agents; and

(3) Other relevant factors as determined by the Secretary.

(b) *Notice of tentative determination and intended action.* If, after such reevaluation, the Secretary has reason to believe that the conditional PSRO is not performing in a satisfactory manner the duties and functions which it was found capable of performing, he will notify the conditional PSRO of the grounds for this belief and of the action that he proposes to take. This action may include:

(1) Placing restrictions upon the exercise of review responsibility or the performance of certain duties and functions by the conditional PSRO, including revision of the conditional PSRO's phase-in timetable;

(2) Requiring the conditional PSRO to take corrective action, including the acceptance of technical assistance to improve its performance;

(3) Suspending the authority of the PSRO to make conclusive determinations. (For the effect of suspension, see § 463.10(e).)

(4) Terminating the agreement with the conditional PSRO upon 90 days notice to the PSRO, pursuant to section 1154(c) of the Act;

(5) Any other action the Secretary may deem appropriate.

(c) *Notice to State and Medicare fiscal agencies.* The Secretary will, as soon as practicable:

(1) Notify the appropriate Medicaid and Title V State agencies and Medicare fiscal agents, and affected health care institutions of his belief and intended action under paragraph (b) of this section; and

(2) Solicit their comments on the action he proposes to take.

(d) *Informal meeting and decision.* (1) The notice to the conditional PSRO under paragraph (b) of this section shall offer the conditional PSRO an opportunity

(i) To respond to any comments of the State agencies and the Medicare fiscal agents;

(ii) To submit written material; and

(iii) To meet informally with an official designated by the Secretary to show cause why the action proposed by the Secretary should not be taken.

(2) If the conditional PSRO does not submit written material or request an informal meeting within 30 days after receipt of the Secretary's notice, the Secretary's tentative decision shall become final and he will so notify the PSRO, Medicaid and Title V agencies, and Medicare fiscal agent(s) and affected health care institutions, and state the basis for his decision.

(3) If the conditional PSRO submits written material within 30 days, the Secretary will consider this material prior to making a final decision.

(4) If the conditional PSRO requests an informal meeting within 30 days after receipt of the Secretary's notice, a meeting will be scheduled as soon as practicable.

(5) After this meeting, the official designated by the Secretary will render promptly a recommended decision to the Secretary.

(6) The Secretary will adopt, revise or set aside the recommended decision and will notify the PSRO, appropriate agencies and affected health care institutions of his decision and the basis for it.

APPENDIX—TIME FRAMES FOR PSRO ACTION

1. Within 30 days after the Secretary's notification of conditional designation and capability to exercise review responsibility: Provide notice to health care institutions and public. (See § 463.3(d))

2. At least 90 days before the earliest date in the phase-in timetable: Submit to the Secretary copies of the models of procedures for coordination of PSRO and institutional administrative and review activities in hospitals and the model notification letter. (See § 463.6(a)(1))

3. At least 60 days prior to initiation of review activities in any hospital: Provide copies of administrative and review procedures to all hospitals in the PSRO area. (See § 463.6(b)(1))

4. In a timely manner, prior to initiation of review activities in any hospital: Notify that institution of the procedures and requirements for delegation of review functions. (See § 463.6(b)(2))

5. At least 45 days prior to initiation of review activity in any institution to which the PSRO does not propose to delegate any of its review functions: Provide the institution an opportunity for consultation regarding the approved administrative and review procedures. (See § 463.7(a)(1))

6. At least 30 days before the timetable date for initial assumption of review functions: Submit to the Secretary for approval, copies of administrative procedures or MOUs with appropriate State agencies and Medicare fiscal agents. (See § 463.5(c)(1))

7. At least 30 days prior to initiation of review activities: Notify the institution, the public, the Secretary, and the appropriate State agencies and Medicare fiscal agents of the exact date of initiation. (See § 463.8(a)(1))

Subpart B—Conclusive Effect of PSRO Determinations on Claims Payment

§ 463.15 Basic requirement.

No Federal funds appropriated under Title XVIII or XIX of the Act shall be used (directly or indirectly) for the payment of any claim for services or items provided in a health care institution where a PSRO is exercising review responsibility for those services unless the conditions of this subpart are met.

§ 463.16 Effect of PSRO action.

(a) *Conditions of payment.* Payment shall not be made unless:

(1) The claim for payment is accompanied or supported by evidence of PSRO review and approval, routine certification, or other appropriate action indicating that the PSRO has not disapproved the services or items; or

(2) The services or items have been approved in accordance with section 1159 of the Act relating to PSRO reconsiderations and appeals; or

(3) The Secretary determines that the claimant is without fault.

(b) *PSRO disapprovals.* Payment shall not be made if:

(1) The PSRO has disapproved of the services or items giving rise to the claim; and

(2) The PSRO has notified the practitioner or provider who provided, or proposed to provide, the services or items, and the individual who received, or was proposed to receive them, of its disapproval of the provision of those services or items.

(c) *Conclusive effect on payment agencies.* Unless services or items have been disapproved by the PSRO or disapproved under section 1159 of the Act, payment shall not be denied by a Medicare fiscal agent or a Medicaid State agency on the grounds that the services:

(1) Were not medically necessary; or

(2) Were not of a quality which meets professionally recognized standards of health care; or

(3) Were provided inappropriately on an inpatient basis, or could have been provided more economically in an inpatient health care facility of a different type.

§ 463.17 Duration of payment after PSRO disapproval.

(a) *The Medicare program.* In any case in which a PSRO disapproves institutional care provided or proposed to be provided to a Medicare beneficiary:

(1) Payment may be made for the services furnished before the second day after the day on which the provider received notice of the disapproval; or

(2) If the PSRO determines that more time is required in order to arrange post discharge care, payment may be made for the services furnished before the fourth day after the day on which the provider received the notice.

(b) *The Medicaid program.* In any case in which a PSRO receives a request to reconsider its disapproval of institutional care provided or proposed to be provided to a medicaid recipient, assistance to the individual shall not be suspended, reduced, discontinued, or terminated until the reconsideration decision is rendered if:

(1) At the time of the PSRO disapproval, the individual is in a psychiatric hospital, a tuberculosis hospital, a skilled nursing facility, or an intermediate care facility, as defined in sections 1861 (f) and (g) and 1905 of the Act; and

(2) The PSRO receives the request for reconsideration in writing and within 2 days of the date on which notification of its disapproval was provided to the individual.

§ 463.18 Coverage determinations.

Nothing in this part shall be construed as precluding the Secretary, a medicare fiscal agent, or a Medicaid State agency, in the proper exercise of its duties and functions, from reviewing claims to determine whether they meet the coverage requirements of Titles XVIII and XIX. (See § 463.26 (b) and (c) and § 463.27(c))

Subpart C—Correlation of Title XI Functions with Functions Required Under Title XVIII and Title XIX of the Act

§ 463.25 Applicability.

The provisions of this subpart are applicable only to health care services and items provided by or in health care institutions in which a PSRO has assumed review responsibility in accordance with the applicable provisions of Subpart A of this part.

§ 463.26 Correlation of Title XI functions with Title XVIII functions.

(a) *Utilization review activities.* PSRO review activities under section 1155(a) of the Act shall be in lieu of the utilization review and evaluation activities required of health care institutions under sections 1861(e)(6), 1861(j)(8), 1861(j)(12), 1861(k) and 1865 of the Act.

(b) *Certifications.* (1) The certifications made by attending physicians under section 1156(d) of the Act with regard to the medical necessity of health care services, shall be in lieu of the physician certifications required under sections 1814(a)(2) (A), (B), (C) and (E), 1814(a)(3), and 1835(a)(2)(B) of the Act.

(2) However, pertinent coverage regulations and guidelines authorized and established under those provisions of title XVIII of the Act shall continue to apply to payment determinations.

(3) A medicare beneficiary is not eligible for a period of presumed coverage under section 1814(h) of the Act if a PSRO determines that the care specified in section 1814(a)(2)(C) of the Act is not medically necessary or appropriate.

(c) *Payment determinations by Medicare intermediaries and carriers.* (1) PSRO determinations under section 1155(a) of the Act with regard to the medical necessity, quality and appropriate level of care of health care services, shall be conclusive with regard to those issues on decisions of Medicare intermediaries and carriers under sections 1814(a)(4), 1814(a)(5), 1814(a)(6), 1862(a)(1) and 1862(a)(9) of the Act.

(2) Reviews with respect to those determinations shall not be conducted, for purposes of payment, by Medicare intermediaries and carriers.

(3) However, pertinent coverage regulations and guidelines authorized and established under those provisions of title XVIII of the Act continue to apply to payment determinations, and claims payment agencies shall not be precluded from rendering coverage and reimbursement determinations with regard to issues that are not subject to PSRO determinations.

(d) *Survey, compliance and assistance activities.* PSRO review and monitoring activities shall be in lieu of the survey, compliance and assistance activities required of State survey agencies under section 1864(a) with respect to sections 1861(e)(6), 1861(j)(8), 1861(j)(12), and 1861(k) of the Act, and intermediaries and carriers under sections 1861(b)(1)(B) and 1842(a)(2)(A) and (B) of the Act.

(e) *Review and appeals activities.* Any reviews, appeals, and notifications of PSRO determinations provided under sections 1159 (a) and (b) of the Act shall be in lieu of reviews, appeals and notifications provided under sections 1842(b)(3)(C) and 1869(b) of the Act with respect to the issues of the medical necessity, quality and appropriate level of care of health care services.

§ 463.27 Correlation of Title XI functions with Title XIX functions.

(a) *Review activities.* (1) PSRO review activities under section 1155(a) of the Act shall be in lieu of the medical, utilization and independent professional review activities required under sections 1902(a)(26), 1902(a)(30), 1902(a)(31), 1903(g)(1) and 1903(i)(4) of the Act.

(2) For purposes of a State's review responsibility and its relief of financial penalty under section 1903(g)(1) of the Act, the PSRO's assumption of review responsibility in skilled nursing facilities and intermediate care facilities shall be based upon the PSRO's approved timetable for review in those facilities.

(b) *Certifications.* Certifications made by attending physicians under section 1156(d) of the Act shall be in lieu of physician certifications required under section 1903(g)(1)(A) of the Act.

(c) *Payment determinations.* (1) PSRO determinations under section 1155(a) of the Act, with regard to the medical necessity, quality and appropriate level of care of health care services, shall be conclusive with regard to those issues on decisions of Medicaid State agencies under sections 1903(g) and 1903(i)(4) of the Act.

(2) Reviews with respect to those determinations shall not be conducted, for purposes of payment, by Medicaid State agencies.

(3) However, such PSRO determinations shall not preclude appropriate coverage determinations under the provisions of Title XIX of the Act with regard to issues that are not subject to PSRO determinations.

(d) *Survey and compliance activities.* PSRO review and monitoring activities shall be in lieu of the validation procedures performed by the Secretary under section 1903(g)(2) of the Act and the survey procedures required of State survey agencies under section 1902(a)(33) of the Act.

(e) *Review and appeals activities.* (1) Any reviews, appeals and notifications of PSRO determinations provided under sections 1159 (a) and (b) of the Act shall be in lieu of fair hearings before State agencies and notifications provided under section 1902(a)(3) of the Act with respect to the issues of the medical necessity, quality and appropriate level of care of health care services.

(2) The provisions of § 463.17(b) relating to payment pending a PSRO reconsideration decision are in lieu of the provisions of 45 CFR 205.10(b)(1) relating to payment pending a State agency hearing decision.

(f) *State plans.* The provisions of this part shall apply to the operation of State plans and programs approved under Title XIX of the Act.

§ 463.28 Continuation of functions not assumed by PSROs.

Any of the duties and functions of a PSRO under Title XI, Part B of the Act for which a PSRO has not assumed responsibility shall be performed in the manner and to the extent otherwise provided for under the Act.

[FR Doc. 78-4301 Filed 2-21-78; 8:45 am]

Federal Register

WEDNESDAY, FEBRUARY 22, 1978
PART III

DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

[4710-01]

DEPARTMENT OF STATE

[Public Notice 593]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the fishery conservation zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional applications for fishing during 1978 have been received from the Government of Japan, and are published herewith.

Dated: February 13, 1978.

LARRY L. SNEAD,
Acting Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0922

1. Name of Vessel Eikyu Maru No. 26 2. Visual Identifier (Call Sign) 8KPN
3. Type of Vessel Longliner / Pot Longliner / Gillnet 4. Length 48 M
5. Gross Tonnage 299 M.T 6. Net Tonnage 130 M.T 7. Maximum Speed (knots) 13 kt
8. Owner's Name and Address Eikyu Gyogyo Kabushiki Kaisha
92, Nishi, Ochiishi, Nemuro, Hokkaido, Japan
9. Types of Processing Equipment Flash freezer

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SBL	Sablefish	Bottom longline	x	x	
BSA	Pollock	Bottom longline	x	x	
	Yellowfin sole	Bottom longline	x	x	
	Other flounders	Bottom longline	x	x	
	Pacific ocean perch	Bottom longline	x	x	
	Sablefish	Bottom longline	x	x	
	Pacific cod	Bottom longline	x	x	
	Others	Bottom longline	x	x	
	Herring	Gillnet	x	x	
CRB	Tanner Crab	Traps (pots)	x	x	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SA-78-0870

1. Name of Vessel HOYO MARU NO.67 2. Visual Identifier (Call Sign) JJKU
3. Type of Vessel LONGLINER/POT 4. Length 45 M.
5. Gross Tonnage 461 M.T. 6. Net Tonnage 186 M.T. 7. Maximum Speed (knots) 13
8. Owner's Name and Address HOYOGUICAN KABUSHIKI KAISHA
1-2-17 OKANA MACHI, KESENUMA-SHI, MIYAGI KEN, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SNA	SNAILS	TRAPS(POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0878

1. Name of Vessel RYUSHO MARU NO.1 2. Visual Identifier (Call Sign) 8LLJ
3. Type of Vessel LONGLINER/POT 4. Length 48M.
5. Gross Tonnage 463 M.T. 6. Net Tonnage 221 M.T. 7. Maximum Speed (knots) 11
8. Owner's Name and Address SUSUMU TSURIYA
5-13, IRIPUNE-CHO, HAKODATE-CITY, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SNA	SNAILS	TRAPS(POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1064

1. Name of Vessel TAKASHIRO MARU NO.28 2. Visual Identifier (Call Sign) J B L R
3. Type of Vessel CARGO/TRANSPORT 4. Length 68 M
5. Gross Tonnage 969 M.T. 6. Net Tonnage 502 M.T. 7. Maximum Speed (knots) 11
8. Owner's Name and Address TAKASHIROKARU KAIUN KABUSHIKI KAISHA
719-5, DOKASHOUKA NAKAEI-CHO, WATARAI-GUN, MIE-KEN, 516-01, JAPAN
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	LONG-FINED SQUID				X
	SHORT-FINED SQUID				X
	BUTTER FISH				X
	OTHER FINFISH				X
CRB	CANCER CRAB				X
GOA	FLOUNDERS				X
	PACIFIC OCEAN PERCH				X
	PACIFIC COD				X
	POLLOCK				X
	SQUID				X
	OTHER GROUND FISH				X
	OTHER NON FISHES				X
	ATKA MACKEREL				X
BSA	YELLOWFIN SOLE				X
	KOREA FLOUNDERS				X
	(Continued for the attached paper)				

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

Attached Paper

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	PACIFIC OCEAN PEARCH				X
	MERRILL				X
	PACIFIC COD				X
	SABLEFISH				X
	POLLOCK				X
	SQUID				X
	OTHER GROUND FISH				X
SNA	SNAILS (KEATS)				X
SBL	SABLEFISH				X

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1127

1. Name of Vessel TAKASHIRO MARU NO.25 2. Visual Identifier (Call Sign) 7JHQ
3. Type of Vessel CARGO/TRANSPORT 4. Length 81 M. (Maximum)
5. Gross Tonnage 1400 M.T. 6. Net Tonnage 738 M.T. 7. Speed (knots) 11
8. Owner's Name and Address TAKASHIROKARU KAIUN KABUSHIKI KAISHA
719-5, GOKASHOURA WANSEI-CHO, WATARAI-GUN, MIE-KEN, 516-01, JAPAN
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	LONG-FINED SQUID				X
	SHORT-FINED SQUID				X
	BUTTER FISH				X
	OTHER PISFISH				X
CRB	TANNER CRAB				X
GOA	FLOUNDERS				X
	PACIFIC OCEAN PEARCH				X
	PACIFIC COD				X
	POLLOCK				X
	SQUID				X
	OTHER GROUND FISH				X
	OTHER ROCK FISHES				X
	ATKA MACKEREL				X
BSA	YELLOWFIN SOLE				X
	OTHER FLOUNDERS (Continued for the attached paper)				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1128

1. Name of Vessel KINSHOKA MARU 2. Visual Identifier (Call Sign) JPNY
3. Type of Vessel CARGO/TRANSPORT 4. Length 87M (Maximum)
5. Gross Tonnage 1,999. MT 6. Net Tonnage 1,096. MT 7. Speed (knots) 14
8. Owner's Name and Address DAIYO KISEN K.K.
4-37, TOSABORIDORI, NISHI-KU, OSAKA, JAPAN
9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	POLLOCK				X
	PACIFIC COD				X
	YELLOW FIN SOLE				X
	SAMLN FISH				X
	HERRING				X
	OTHER FLOUNDERS				X
	SQUID				X
	PACIFIC OCEAN PERCH				X
	OTHER GROUNDFISH				X
GOA	POLLOCK				X
	PACIFIC COD				X
	FLOUNDERS				X
	PACIFIC OCEAN PERCH				X
	OTHER ROCKFISHES				X
	SQUID				X
	ATKA MACKEREL				X
	OTHER GROUNDFISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

Attached Paper

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	PACIFIC OCEAN PEARCH				X
	HERRING				X
	PACIFIC COD				X
	SABLEFISH				X
	POLLOCK				X
	SQUID				X
	OTHER GROUND FISH				X
SNA	SNAILS (HEATS)				X
SBL	SABLEFISH				X

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1129

1. Name of Vessel AKATSUKI MARU NO.1 2. Visual Identifier (Call Sign) JQLQ
3. Type of Vessel DANISH SEINER 4. Length 31 M.
5. Gross Tonnage 97 M.T. 6. Net Tonnage 29 M.T. 7. Speed (knots) (Maximum) 10
8. Owner's Name and Address HISASHI WATANABE
4-1, TOYOHANA-CHO, OTARU-SHI, HOKKAIDO, 047, JAPAN.
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	POLLOCK	BOTTOM TRAWL	X		
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X		
	SABLEFISH	BOTTOM TRAWL	X		
	YELLWFIN SOLE	BOTTOM TRAWL	X		
	OTHER FLOUNDERS	BOTTOM TRAWL	X		
	PACIFIC COD	BOTTOM TRAWL	X		
	OTHER GROUNDFISH	BOTTOM TRAWL	X		
	HERRING	BOTTOM TRAWL	X		
	SQUID	BOTTOM TRAWL	X		
	SABLEFISH	BOTTOM TRAWL	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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federal register

WEDNESDAY, FEBRUARY 22, 1978
PART IV

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

■

LOANS BY NATIONAL BANKS IN AREAS HAVING SPECIAL FLOOD HAZARDS

[4810-33]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This amendment revises the Comptroller's regulations on loans by national banks in areas having special flood hazards (12 CFR Part 22) in order to conform them to recent statutory changes. The substance of the amendment incorporates the statutory change which rescinds the former prohibition as to loans in non-participating communities and replaces such prohibition with a notification requirement.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219. Telephone No. 202-447-1880.

SUPPLEMENTARY INFORMATION: Section 703(a) of the Housing and Community Development Act of 1977, Pub. L. 95-128 (the "Act") changes the National Flood Insurance Program by amending Section 202(b) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234. Prior to its amendment by the Act, Section 202(b) required the Comptroller of the Currency to issue regulations which, with certain exceptions, prohibited national banks from making any loans secured by improved real estate or a mobile home located or to be located in a designated flood hazard area unless the community in which the area is situated was then participating in the National Flood Insurance Program. Section 703(a) of the Act has now removed this prohibition. It provides instead that the Comptroller of the Currency shall by regulation require national banks, as a condition of making, increasing, extending, or renewing any loan secured by property located in a flood hazard area, to notify the purchaser or lessee of such property whether Federal disaster relief assistance may be available for the property if the property is damaged by a flood in a federally declared disaster.

The Act does not affect Section 102(b) of the Flood Disaster Protection Act of 1973, which provides that the Comptroller of the Currency shall by regulation direct national banks not to make any loans secured by improved real estate or a mobile home located or to be located in a flood hazard area "in which flood insurance has been made available under (the National Flood Insurance Act of 1968)" unless the building or mobile home and any personal property securing such loan is covered by federal flood insurance. Thus, when federal flood insurance is available for a community in a designated flood hazard area (i.e., when a community is participating in the National Flood Insurance Program), a national bank still cannot make loans secured by improved real estate or mobile homes located or to be located in the community unless the property securing the loan is covered by flood insurance.

Revised 12 CFR Part 22 is being published in full because several portions of the regulation have been redrafted to achieve language simplification. The only substantive change is a technical one designed to conform 12 CFR Part 22 with existing statutory authority. Therefore, the Comptroller for good cause finds that the procedures prescribed by 5 U.S.C. 553 relating to notice, public procedure, and deferred effective date are unnecessary and would serve no useful purpose.

DRAFTING INFORMATION

The principal drafter of this document is William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency.

ADOPTION OF AMENDMENT

The Comptroller hereby revises 12 CFR Part 22 in its entirety to read as follows:

Sec.

AUTHORITY: Secs. 102(b), 202(b) and 205(b) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, and sec. 703 of the Housing and Community Development Act of 1977, Pub. L. 95-128.

§ 22.0 Authority and scope.

This part is issued by the Comptroller of the Currency pursuant to sections 102(b), 202(b) and 205(b) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, and section 703 of the Housing and Community Development Act of 1977, Pub. L. 95-128. It applies to certain loans secured by improved real estate made by banks in areas determined by the Secretary of Housing and Urban Development to be areas having special flood hazards.

§ 22.1 Definitions.

(a) The term "bank" means a national banking association or a bank located in the District of Columbia and subject to the supervision of the Comptroller of the Currency.

(b) The term "loan" means any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards.

(c) The term "community" means a state or a political subdivision thereof which has building code jurisdiction over a particular area having special flood hazards.

(d) The phrase "participating community" means a community which has complied with the requirements for participating in the National Flood Insurance Program as set forth in § 1909.22 of the regulations of the Federal Insurance Administration of the Department of Housing and Urban Development (24 CFR 1909.22) and in which flood insurance is currently being sold.

(e) The phrase "nonparticipating community" means a community which has jurisdiction over an area having special flood hazards and which is not participating in the National Flood Insurance Program.

§ 22.2 Requirement to purchase flood insurance in participating communities.

No bank shall make, increase, extend, or renew any loan as defined in § 22.1(b) in a participating community where flood insurance is available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for its entire term by flood insurance. The amount of that insurance must be at least equal to the lesser of the outstanding principal balance of the loan or the maximum limit of coverage available for the particular type of property under the Act.

§ 22.3 Exemption.

Notwithstanding the provision of § 22.2, flood insurance shall not be required on any State-owned property that is covered under an adequate policy of self-insurance satisfactory to the Secretary of Housing and Urban Development who shall publish and periodically revise the list of States falling within the exemption provided by this section.

§ 22.4 Notice of special flood hazards and of availability of federal disaster relief assistance.

(a) In making, increasing, extending, or renewing any loan as defined in § 22.1(b), each bank shall mail or deliver a written notice to the borrower stating (1) that the property securing the loan is in a flood hazard area (or in lieu of this notification, a bank may obtain satisfactory written assurance

from a seller or lessor that such seller of lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in such an area) and (2) whether Federal disaster relief assistance may be available in the event of damage to the property caused by flooding in a federally declared disaster. Each bank shall require the borrower, prior to closing, to acknowledge in writing that the borrower realizes that the property securing the loan is in a flood hazard area and that the borrower has received the notice regarding Federal disaster relief assistance.

(b) A bank which provides written notice containing the language presented in the Appendix to this regulation within the time limits prescribed above will comply with the notice requirements of paragraph (a) of this section.

§ 22.5 Records of compliance.

For all loans secured by improved real estate or a mobile home, each bank shall maintain sufficient records to indicate the method used in determining whether such loans fall within the provisions of this regulation.

APPENDIX—SAMPLE NOTICES TO BORROWER

(1) NOTICE TO BORROWER OF SPECIAL FLOOD HAZARD AREA

Notice is hereby given to _____ that the improved real estate or mobile home described in the attached instrument is or will be located in an area designated by the Secretary of the Department of Housing and Urban Development as a special flood hazard area. This area is delineated on _____'s Flood Insurance Rate Map (FIRM) or, if the FIRM is unavailable, on the Flood Hazard Boundary Map (FHBM). This area has a 1 percent chance of being flooded within any given year. The risk of exceeding the 1 percent chance increases with time periods longer than one year. For example, during the life of a 30 year mortgage, a structure located in a special flood hazard area has a 26 percent chance of being flooded.

(2) NOTICE TO BORROWER ABOUT FEDERAL DISASTER RELIEF ASSISTANCE

(a) *Notice is Participating Communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is now participating in the National Flood Insurance Program. In the event such property is damaged by flooding in a federally declared disaster, Federal disaster relief assistance may be available. However, such assistance will be unavailable if the community has been identified for at least one year as a flood hazard area and is not participating in the National Flood Insurance Program at the time the assistance would be approved. This assistance, usually in the form of a loan with a favorable interest rate, may be available for damages incurred in excess of your flood insurance.

(b) *Notice in Nonparticipating Communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is not participating in the National Flood Insurance Program. This means that such property is not eligible for Federal flood insurance. In the event the property is damaged by flooding in a federally declared disaster, Federal disaster relief assistance will be unavailable if the community has been identified for at least one year as a flood hazard area. Such assistance may be available only if, at the time the assistance would be approved, the community is participating in the National Flood Insurance Program or has been identified as a flood hazard area for less than one year.

Dated: February 13, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

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