

THURSDAY, FEBRUARY 23, 1978



highlights

SUNSHINE ACT MEETINGS 7518

RUNAWAY YOUTH PROGRAM

HEW/HDSO proposes to implement the Runaway Youth Act, and announces open competition for grants (2 documents) (Parts VI and VII of this issue) 7600, 7606

TEACHER CORPS

HEW/OE implements regulations governing grants to institutions of higher education, local educational agencies, and State educational agencies to develop and operate projects (Part II of this issue) 7524
HEW/OE announces closing date of 4-3-78 for receipt of applications for new grants 7477

COASTAL ENERGY IMPACT PROGRAM

Commerce/NOAA issues rule describing administrative procedures which will provide grants and credit assistance to coastal States and communities; effective 3-27-78 (Part IV of this issue) 7546

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Commerce/ITA issues export monitoring report for the weeks of 1-6 and 1-13-78 (2 documents) 7456, 7464

AIR PROGRAMS

EPA adopts standards of performance for kraft pulp mills; effective 2-24-78 (Part V of this issue) 7568
EPA announces availability of draft guideline document for control of total reduced sulfur emissions from existing kraft pulp mills; comments by 4-25-78 (Part V of this issue) 7597

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CUMENE FROM ITALY AND THE NETHERLANDS

Treasury initiates antidumping investigations; effective 2-23-78 (2 documents) 7497

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

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4639, 5529, 5545, 5852, 5854,	
6260, 7245, 7448	
20	7448
301	5854, 6812

28 CFR

0	6228
2	4977
16	4978

PROPOSED RULES:

2	5011
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29 CFR

6	6944
522	5816
525	5818
1910	5916
1952	5819
2200	4604

30 CFR

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

PROPOSED RULES:

270	4264
837	7305

31 CFR

PROPOSED RULES:

223	6812
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32 CFR

65	4856
209	5372
842	7315
880	6766
888g	4605
985	6767
1802	6229

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32 CFR—Continued

PROPOSED RULES:

806b	6813
1810	5389

33 CFR

117	6769, 6770
221	4978

PROPOSED RULES:

80	6200
90	6200
95	6200
117	4439, 4440, 6814-6816
161	6906
209	6633

36 CFR

7	6229
254	5821

PROPOSED RULES:

7	6261
313	5545
322	5545
327	5545

37 CFR

PROPOSED RULES:

Ch. III	6262, 6263
2	4441

38 CFR

3	4423
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PROPOSED RULES:

3	5856
21	5549, 6722, 6969

39 CFR

111	4988, 7317
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PROPOSED RULES:

111	6111, 6263, 6972
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40 CFR

35	7426
60	7568
52	4257, 4611, 6945
60	6770
61	6771
86	4552, 4553
142	5372
162	5782, 5788
428	6229
761	7150

PROPOSED RULES:

35	5390
52	4267, 4268, 4442, 6265-6267
58	4872
141	5756
162	5857, 6973
228	5391
250	4366
257	4942
413	6560
600	6267, 6817

41 CFR

1-3	7318
1-5	7318
1-7	7318
1-9	4424
1-16	6945
3-16	6771
8-1	6091
Ch. 101	5373
101-11	4998
101-30	4998
101-39	7206

PROPOSED RULES:

114-50	5391
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42 CFR

50	4570, 4832
51c	5352
56	5352
110	6020
Ch. IV	6605
405	4428, 5822, 5823
449	4571, 4833, 5823
450	4861
463	7400
481	5373

PROPOSED RULES:

57	4784, 4790
121	6272

43 CFR

4	5514
17	4259

45 CFR

168	6230
172	7524
206	6949
228	4581, 4843

PROPOSED RULES:

185	4639
1351	7600
1601	4269

46 CFR

1	4431
5	4431, 6778
252	4857
280	4260
528	7319

PROPOSED RULES:

283	4269
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47 CFR

73	4611-4616, 5000, 5515, 6605-6607, 7208, 7427
78	4616
81	5377
83	4260, 6092
89	5831, 6784, 7432
91	4260, 6784, 7434

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93	6785, 7435
95	7435
97	7319, 7320

PROPOSED RULES:

67	4646, 5011
73	4647, 6111, 6112, 6113, 6633-6636, 7329, 7330
76	5012
78	7334
89	6822
91	6272, 6822
93	6822
95	6822
97	7332

49 CFR

1	5515, 5834
173	6786
177	4858
179	7436
195	6786
209	7437
233	7437
510	5516
571	4859, 4860, 6093
1003	6789
1011	7438
1033	4431-4433, 4617, 5834, 6789, 6951, 7324, 7325
1109	5835
1125	4261
1130	6789
1134	6789
1241	4617
1249	4617
1250	4617
1251	4617
3036	5836

PROPOSED RULES:

172	7449
393	6274, 6637
399	5397
571	7451
1100	5857

50 CFR

17	4618, 6230
26	5517, 6790, 6951
32	6790
33	4433, 5520, 6791, 6952
215	5520
216	5521
260	6952
651	6094
652	6952, 7208

PROPOSED RULES:

17	4872
20	6275
611	5398

rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Navel Orange Regulation 432]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 24—March 2, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.*—Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market through out the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

The committee met on February 21, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges remains generally firm, although there is some weakness in the sales of choice fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.732 Navel Orange Regulation 432.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 24, 1978, through March 2, 1978, are established as follows:

- (1) District 1: 1,001,000 cartons;
 - (2) District 2: 299,000 cartons;
 - (3) District 3: unlimited movement.
- (b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: February 22, 1978.

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

[FR Doc. 78-5014- Filed 2-22-78, 11:33 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1800—ADMINISTRATIVE PROVISIONS

Subpart C—Delegations of Authority

Priority of Federal Law and Titles of State Office Staffs and Their Authorities

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding the priority of Federal law and also regarding the titles of State Office Staffs, and their authorities. This action is necessary because the titles of certain State Office positions and the authorities delegated to them have been changed due to reorganizations and administrative decisions. The intended effect of this action is to inform the public of the correct titles and authorities of FmHA State Office officials and to provide that loan instruments be construed and enforced in accordance with applicable Federal law.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph H. Linsley, Chief, Directives Management Branch, phone 202-447-4057.

SUPPLEMENTARY INFORMATION: Sections 1800.22 and 1800.23 of Subpart C, Part 1800, Chapter XVIII, Title 7, Code of Federal Regulations, are amended and § 1800.26 is added. This amendment is set forth to clarify the titles of Farmers Home Administration State Office officials and their authorities. Since these sections were last revised administrative decisions and Agency reorganizations have changed the titles and authorities of certain positions. This amendment brings these titles and authorities into a current status and also makes an editorial change. A new section is added to provide that Federal law controls FmHA loan instruments. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding

ing the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are being published as a final rule and not for prior rule-making since the effect of the action is merely to inform the public of current internal position titles and authorities of approving officials and to reiterate the applicability of Federal law over Agency instruments, and as such does not constitute a substantive change. Thus publication as a prior rule is unnecessary.

Therefore, §§ 1800.22 and 1800.23 are amended and § 1800.26 is added and reads as follows:

§ 1800.22 National Office Staff and State Directors.

(k) [Deleted and Reserved]

(q) Execute proofs of loss on insurance contracts and endorse without recourse loss payment drafts and checks.

§ 1800.23 State Office Staff and County Office Employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, for and on behalf of, and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (l) to (s), both inclusive, of § 1800.22: Chief, Farmers Programs/Specialist; Chief, Rural Housing/Specialist; Chief, Community Programs/Specialist; Chief, Business and Industry/Specialist; Property Management Specialist; and State Supervisor; each District Director, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence of disability of any such official or employee, the person acting in his position.

§ 1800.26 Applicable law.

(a) Loans made by FmHA are authorized and executed pursuant to public laws adopted by Congress to achieve national purposes of the U.S. Government.

(b) All loan and security instruments in which FmHA is involved will be construed and enforced in accordance with applicable Federal law.

(c) In order to expedite the processing of loans by FmHA the application of local procedures, especially for recordation and notification purposes,

may be utilized to the fullest extent feasible. However, the use of local procedures shall not be deemed or construed to be any waiver by FmHA of any Federal immunity for any local control, limitation, penalty, or liability.

(d) Any person, corporation, or organization that applies for and receives any benefit or assistance from FmHA, or that offers any assurance or security upon which FmHA relies for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

((7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301); sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

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

Dated: February 15, 1978.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.
[FR Doc. 78-4786 Filed 2-22-78; 8:45 am]

[6705-01]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 614—LOAN POLICIES AND OPERATIONS

PART 615—FUNDING AND FISCAL AFFAIRS
LOAN POLICIES AND OPERATIONS AND
FUNDING OPERATIONS

Miscellaneous Amendments

AGENCY: Farm Credit Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, took final action to amend its regulations pertaining to the loan policies and operations of the institutions of the Farm Credit System, and the System's funding operations. The changes to the regulations covering loan policies and operations are technical and are being made for clarification purposes only. These changes will have no impact on the operations of the Farm Credit institutions. The regulations on funding operations are being amended to provide for the issuance of consolidated Farm Credit bonds in book-entry form only as of January 1, 1978.

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578, 202-755-2181.

SUPPLEMENTARY INFORMATION:

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations which (1) clarify that lending limits specified in the regulations shall continue to apply to the Federal land banks, Federal intermediate credit banks, and banks for cooperatives even though they sign the Systemwide loss sharing agreements, which are being developed; (2) better define how a Farm Credit bank or association is to compute its lending limit where guarantors are involved; and (3) specify that, effective January 1, 1978, the consolidated bonds of each of the three banking groups, that is, the Federal land banks, the Federal intermediate credit banks, and the banks for cooperatives, which, prior to January 1, 1978, were issued in both definitive and book-entry form, will be issued only in book-entry form. The only funding instrument to be issued in definitive form will be consolidated Systemwide notes issued under the Discount Note Program. This approach is in line with security issuance systems of other agencies and the current trend toward book-entry handling of government securities.

By notice published in the FEDERAL REGISTER on December 15, 1977 (42 FR 63179), interested persons were afforded the opportunity to file written comments or suggestions on these proposed regulations. Ten responses each were received on §§ 614.4350 and 615.5450. All were either in favor of or had no objection to the proposed regulations. Of the 11 responses received on § 614.4360, 8 were in favor of the proposed regulations as written. Two responses suggested a need for clarifying subsections (b) and (c). As a result, subsection (b) was rewritten, and the term "principal maker" substituted for "original maker." Subsection (c) was rewritten to clarify that the regulations permit "those parties authorized to enter in loss sharing agreements" to enter into guaranty agreements. All responses received were considered in arriving at the final regulations. As changed, the proposed regulations were adopted by the Federal Farm Credit Board.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 614.4350, 614.4360 and 615.5450 as follows:

§ 614.4350 General.

No Farm Credit bank or association shall make a loan, advance or commit-

ment which will result in any one borrower being obligated to such bank or association in excess of limits stated herein. When these limitations are approached, banks or associations should consider the feasibility of arranging participation in large loans with other banks or associations to properly serve the credit needs of deserving large borrowers.

§ 614.4360 Computation of obligation for lending limit determination.

(a) Participation loans shall be included in the computation by a bank or association only to the extent of the amount of participation which that bank or association holds.

(b) The obligation of an individual or legal entity shall be the total unpaid principal of indebtedness to the bank or association for which the individual or entity is liable as a borrower, as a result of being guarantor, endorser or maker on loans to other individuals or legal entities, or as a result of drafts, accounts, contracts, or purchases owed. Exemption from this computation may be permitted if the lending bank or association can, after a thorough credit evaluation of the principal maker of the endorsed or guaranteed obligation, certify in writing that the principal maker can reasonably be depended upon for repayment of the guaranteed or endorsed obligation.

(c) A loan partially or fully guaranteed by a Farm Credit institution, pursuant to the provision of § 614.4345 on guaranty agreements, shall be included in the computation by the guarantor bank or association to the extent of the amount of guaranty and excluded to a like extent by the originating bank or association.

§ 615.5450 Consolidated bonds.

(a) The 12 Federal land banks will issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form in denominations of \$1,000 or multiples thereof. Consolidated bonds dated before January 1, 1978 will continue to be available in both definitive form in denominations of \$1,000, \$5,000, \$10,000, \$50,000, \$100,000, and \$500,000, or in book-entry form in denominations of \$1,000 or multiples thereof.

(b) The 12 Federal intermediate credit banks will issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form in denominations of \$5,000 or multiples thereof. Consolidated bonds dated before January 1, 1978, will continue to be available in both definitive form in denominations of \$5,000, \$10,000, \$50,000, \$100,000, and \$500,000, or in book-entry form in denominations of \$5,000 or multiples thereof.

(c) The 13 banks for cooperatives will issue consolidated bonds, dated on

or after January 1, 1978, only in book-entry form in denominations of \$5,000 or multiples thereof. Consolidated bonds dated before January 1, 1978, will continue to be available in both definitive form in denominations of \$5,000, \$10,000, \$50,000, \$100,000, and \$500,000, or in book-entry form in denominations of \$5,000 or multiples thereof.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621)

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc. 78-4789 Filed 2-22-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-WE-33-AD; Amdt. 39-3143]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331-1, -2, -3, -5, -6, and TSE331-3 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which establishes service life limits of new turbine wheels based upon engine operating cycles. This AD also requires a service life limit and an inspection interval in terms of operating hours for all turbine wheels presently operating in AiResearch TPE331-1, -2, -3, -5, and -6 turboprop and TSE331-3 turboshaft engines. This AD is needed because thermal fatigue cracks originating in the rivet holes of Part No. 895539-1 turbine wheel rim have resulted in three recent failures of a segment of the rim followed by rapid destruction and in one case separation of the turbine assembly. Compliance with this AD will reduce the probability of this type wheel failure.

EFFECTIVE DATE: March 24, 1978.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: The applicable Service Bulletin TPE/TSE331-72-0019, Revision 5, dated February 15, 1978, or later FAA approved revisions, may be obtained from:

AiResearch Mfg. Co. of Arizona,
P.O. Box 5217, Phoenix, Ariz. 85010,
Telephone: 602-267-3011.

Also, a copy of this service bulletin amendment may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA, Western Region, 15,000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION:

On October 17, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to AiResearch TPE331-1, -2, -3, -5, -6, turboprop and TSE331-3 turboshaft engines (42 FR 55474). This AD establishes service life limits in terms of operating cycles for all turbine wheels introduced into service in the subject engines in the future and a service life limit of 4250 operating hours for all turbine wheels currently in service. Furthermore, the AD imposes an operating time interval for inspecting for rivet hole cracks those wheels which are currently operating to the 4250 hour time limit. The proposal was prompted by three instances of separation of a portion of the rim on integrally cast third-stage turbine wheels, P/N 895539-1, a significant number of turbine wheels removed from service and rejected for thermal fatigue cracks, and the submittal by AiResearch of life limit data and analysis for all turbine wheels used in the subject engines.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the notice of proposed rulemaking.

In response to the proposal the engine manufacturer recommended that the wheel cycle lives be published in and controlled by an FAA approved revision to Service Bulletin TPE/TSE331-72-0019 and that this bulletin be referenced in the AD. The FAA concurs with this suggestion and has advised the manufacturer regarding this decision.

One commenter contends that the turbine wheel cycle life limits proposed are unduly restrictive considering the service history of each wheel. The FAA has carefully considered all available service history together with a low cycle fatigue analysis presented by the manufacturer and does not agree that cycle life limits are unduly restrictive.

Several comments were received from commuter air carrier operators who cumulate a relatively high number of cycles per engine operating hour contending that they would be penalized by the proposed cycle life

limits, especially when considering the Part No. 895539-1 turbine wheel life of 2400 cycles. In consideration of this comment the FAA has found no high cycle operator who currently has or is expected to have new zero-time turbine wheels, Part No. 895539-1, on the anticipated effective date of this AD.

Furthermore, Paragraph (a) of this AD contains a provision to allow for cumulation of a greater number of cycles if an operator can show that his engines experience a less severe thermal cycle. However, at the closing date for comments to this proposal, neither adequate substantiation to justify a count of less than one cycle for the less severe thermal cycle nor any proposal for effectively monitoring these cycles in actual operation had been received by the FAA.

DRAFTING INFORMATION

The principal authors of this document are William C. Moring, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend section 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

AIRRESEARCH MANUFACTURING CO. OF ARIZONA

Applies to AirResearch Engine Model TSE331-3 and TPE331-1, -2, -3, -5, and -6 Series Engines.

Compliance is required as indicated unless already accomplished.

To establish turbine wheel life limits based upon operating cycles in lieu of operating hours on TPE/TSE331 turbine wheels, and to inspect such turbine wheels for thermal fatigue cracks originating at the rivet holes in order to reduce the possibility of rapid destruction of the engine turbine resulting from separation of a portion of the turbine wheel rim, accomplish the following:

(a) As of the effective date of this AD, paragraph 2.A of AirResearch Service Bulletin TPE/TSE331-72-0019, Revision 5, dated February 5, 1978, or later FAA approved revisions, establishes the service life limits in cycles of new (zero-time) turbine wheels introduced into service after the effective date of this AD. Turbine wheels specified in this bulleting may not be operated in service in excess of these service life limits except as otherwise may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: Formerly, turbine wheel life limits were published in AirResearch Service Bulletin TPE/TSE331-72-0019, Revision 4, dated December 6, 1976, as 4250 operating hours.

The initial life limits in cycles of new (zero-time) wheels published in Service Bulletin TPE/TSE331-72-0019, Revision 5, are as follows:

(1) First stage turbine wheel, Part Number 867569-1, is revised from 4250 operating hours to 4900 operating cycles.

(2) Second stage turbine wheel, Part Number 868272-1, is revised from 4250 operating hours to 4900 operating cycles.

(3) Third stage turbine wheel, Part Number 868630-1, is revised from 4250 operating hours to 5400 operating cycles.

(4) Third stage turbine wheel, Part Number 895539-1, is revised from 4250 operating hours to 2400 operating cycles.

NOTE: For purposes of this AD, except as otherwise may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, an operating cycle is defined as any operating sequence involving an engine start, aircraft takeoff and landing, followed by engine shutdown and one cycle shall be counted for each such operational sequence.

(b) Turbine wheels part numbers 895539-1, 868630-1, 868272-1, and 867569-1, which have operated in service prior to the effective date of this AD, may be continued in service to their current life limit of 4250 operating hours provided they are inspected at intervals as described in Paragraph (c) and (d) of this AD.

(c) Turbine wheels continuing in service to the current life limit of 4250 operating hours as provided in Paragraph (b) of this AD which have accumulated fewer than 1700 operating hours on or after the effective date of this AD must be inspected in accordance with the existing FAA approved maintenance manual for the applicable TPE/TSE 331 engine or later FAA approved revision to that manual before accumulating 1800 operating hours unless previously accomplished within the preceding 1800 operating hours and at intervals not to exceed 1800 operating hours in service thereafter. All wheels found to have crack indications by the procedure specified above must be replaced.

(d) Turbine wheels which have accumulated 1700 or more operating hours in service without being inspected since new or since last inspected in accordance with the procedure specified in Paragraph (c) of this AD, and which are continuing in service to the life limit of 4250 operating hours as provided in Paragraph (b) of this AD, must be inspected in accordance with such procedure within 100 operating hours after the effective date of this AD and at intervals not to exceed 1800 operating hours in service thereafter. All wheels found to have crack indications by the procedure specified in Paragraph (c) of this AD must be replaced.

(e) Turbine wheels now in service which have current life limits of 4250 operating hours referred to in Paragraph (b) of this AD may be continued in service to the operating cycle life limit established by Paragraph (a) of this AD, provided the number of operating cycles for that turbine wheel can be determined from the aircraft and/or engine log books based on the operating cycle definition in Paragraph (a) of this AD.

If the total number of cycles cannot be determined from the log books, those operating hours for which cycles are unknown may be converted to cycles on the basis of 1.5 cycles per hour.

Turbine wheels which are operated to cycle life limits as provided by Paragraph (a) are not required by this AD to have the interim life inspections required by Paragraphs (c) and (d) of this AD.

(f) Equivalent procedures and/or limits may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(g) Special flight permits may be issued per FAR 21.197 and 21.199 to authorize operation of aircraft to a base where these inspections or modifications required by this AD may be performed.

This amendment becomes effective March 24, 1978.

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

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

Issued in Los Angeles, Calif. on February 10, 1978.

HERMAN C. BLISS,
Acting Director,
FAA Western Region.

[FR Doc. 78-4658 Filed 2-22-78; 8:45 am]

[4910-13]

[Docket No. 78-NW-4-AD; Amdt. 39-3144]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Several instances of cracks in the floor beams of Boeing 747's have been reported. This Amendment requires inspection of the cabin floor support beams in the vicinity of the body gear wheel well, and repair if necessary. The cracked floor beams may cause seat tracks to fail which in turn would degrade the seat restraint system. This amendment is issued to prevent floor support failures.

EFFECTIVE DATE: February 23, 1978.

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

FOR FURTHER INFORMATION, CONTACT:

Iven Connolly, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: Several instances of floor beam cracks have been reported. In one instance, the entire floor beam had failed through the web and both upper and

lower caps. The seat track constitutes the upper beam cap for the longitudinal beams in the body landing gear wheel well area. In one instance, the lower pressure deck was found with a 4-inch long crack. The cracked beams reportedly resulted in increased floor flexibility and loose seats.

Failure of the floor support structure could result in cabin depressurization and unrestrained passenger seats. This directive is issued to prevent such floor support failures.

DRAFTING INFORMATION

The principal authors of this document are Iven Connally, Engineering and Manufacturing Branch, and Richard Salwen, Acting Regional Counsel, Northwest Region.

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

ADOPTION OF THE AMENDMENT

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

BOEING

Applies to Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-53-2176 with more than 6,000 landings. Compliance required as indicated. To prevent floor beam failures accomplish the following:

A. Within 100 landings after the effective date of this AD, unless already accomplished, visually inspect the floor structure from fuselage station 1420 to 1460 for cracks as described in Boeing Service Bulletin 747-53-2176 or later FAA approved revisions.

B. If no cracks are found, repeat the above visual inspection at intervals not to exceed 1200 flights.

C. If no more than one beam is found cracked and the crack is less than 3 inches in the beam web, it is permissible to stop drill the crack and visually inspect the crack at intervals not to exceed 50 landings for evidence of further crack progression. Such cracks must be permanently repaired in accordance with D or E within 1200 landings.

D. If cracks exceed 3 inches in the beam web, repair before further flight in accordance with the Structural Repair Manual, or Boeing Service Bulletin 747-53-2176 or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, ANW-210.

Following repair, inspections per paragraph B shall continue until the modifications per paragraph E are accomplished.

E. Modification of the beams in accordance with the terminating action procedures prescribed in Boeing Service Bulletin 747-53-2176 or later FAA approved revision, or procedures approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action under the provisions of this AD.

F. For purposes of complying with this AD subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

G. Aircraft may be ferried unpressurized to a base for maintenance in accordance with Section 21.197 and 21.199 of the Federal Aviation Regulations.

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

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

This amendment becomes effective February 23, 1978.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A107.

Issued in Seattle, Wash., on February 13, 1978.

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

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

[FR Doc. 78-4657 Filed 2-22-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-06; Amdt. 39-3134]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corp. Model G-1159 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive which requires that all Grumman American Model G-1159 airplanes having part number 1159SC-L202-11 or -13 side brace/actuators in the landing gear assemblies be removed, inspected, and replaced, if necessary, with units known to be airworthy. One Model G-1159 airplane experienced difficulty in extending the landing gear which was

determined to be due to a fault in the locking segments within the actuators. Failure of one of the segments could result in the inability to cycle the landing gear.

EFFECTIVE DATE: February 3, 1978. Compliance as required in the body of the A. D.

ADDRESSES: Grumman American Aviation Corporation Customer Bulletin No. 261 may be obtained from Grumman American Aviation Corp., P.O. Box 2206, Savannah, Ga. 31402, 912-964-3000. A copy of the customer bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

George Carver, Systems Engineering Section, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, 404-763-7781.

SUPPLEMENTARY INFORMATION: There has been a report of a Model G-1159 airplane having difficulty in extending one main landing gear to the down and locked position. The problem has been determined to be due to one or more faulty lock segments within the side brace/actuating cylinders which were not properly machined and polished. These segments have a tendency to gall the cylinder walls which can be extensive enough to prevent full travel of the cylinder, resulting in landing gear extension difficulties. Actuator part numbers 1159SC-L202-11 and -13 are suspected to contain these faulty lock segments.

Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires the removal, inspection and replacement, if necessary, of these actuators. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are George Carver, Flight Standards Division, and Keith May, Office of the Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

ADOPTION OF THE AMENDMENT

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

GRUMMAN AMERICAN AVIATION CORP.

Applies to Grumman American Aviation Corporation Model G-1159 airplanes, all serial numbers certificated in all categories.

COMPLIANCE: Compliance is required as indicated. To prevent possible main landing gear failures, accomplish the following:

(A) Inspect the main landing gear prior to the next flight after the effective date of this A. D. to determine if part number 1159SC-L202-11 or 1159SC-L202-13 side brace/actuating cylinders are installed.

(B) Within the next ten landing gear operating cycles after the effective date of this A. D., replace all P/N 1159SC-L202-13 actuators with modified units identified as 1159SC-L202-13A in accordance with Grumman American Aviation Corporation Mandatory Customer Bulletin No. 261 dated January 27, 1978.

(C) Within the next 100 landing gear operating cycles after the effective date of this A. D., inspect all P/N 1159SC-L202-11 actuators in accordance with Grumman American Mandatory Customer Bulletin No. 261 dated January 27, 1978, and if found defective, replace with modified units identified as 1159SC-L202-11A or -13A.

(D) Remove from the aircraft any 1159SC-L202-11A or 1159SC-L202-13A actuator upon accumulating more than 500 actuator cycles and replace with an allowable actuator having less than 500 cycles.

(E) An alternate method of compliance with paragraphs (B), (C), or (D) of this A. D. may be used if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective February 3, 1978.

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

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

Issued in East Point, Ga., January 27, 1978.

GEORGE R. LA CAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-4627 Filed 2-22-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 853-61]

PART 35—STATE AND LOCAL ASSISTANCE

Subpart D—Reimbursement Grants

EXTENSION OF ELIGIBILITY DATES

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This amendment to the State and Local Assistance Construction Grant Reimbursement Regulations implements the amendment to section 206(a) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) contained in section 29 of the Clean Water Act of 1977 (Pub. L. 95-217). The amendment to section 206(a) extends the period of eligibility for reimbursement to include the period from July 1, 1972 to June 30, 1973. Applications for assistance must be submitted by the statutory deadline date of March 27, 1978, which is ninety (90) days after the enactment of the Clean Water Act of 1977.

DATES: Effective date: February 23, 1978; comments may be made on or before March 16, 1978.

ADDRESS: Comments should be sent in triplicate, if possible, to: Mr. Alexander J. Greene, Director, Grants Administration Division, Attention: PM-216-P Subpart D Reimbursement, Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Albert L. Pelmoter, Municipal Construction Division (WH-547), Environmental Protection Agency, 401 M Street SW., Room E 1211 A, Washington, D.C. 20460, 202-426-8902.

SUPPLEMENTAL INFORMATION: Eligibility for reimbursement of State or local funds under this amendment is limited to wastewater treatment facilities for which a Federal grant was awarded under section 8 of Pub. L. 84-660 and construction was initiated after June 30, 1972, but before July 1, 1973.

Congress has resolved the prior controversy as to the definition of the term "initiation of construction" as used in Title II of the Federal Water Pollution Control Act, as amended. The EPA definition of this term was put into question in the case of *Dobbs v. Costle*, No. 75-4444 (5th Circuit, September 21, 1977). However, Congress, in enacting the amendment to section 206, clarified the issue before the Court and reaffirmed the EPA definition of the term "initiation of construction" (see 40 CFR 35.875 and 35.905-4). Accordingly, EPA found it unnecessary to recommend to the Department of Justice that a petition for certiorari be filed in the *Dobbs* case.

In order to implement the extended eligibility period, substantive changes are required throughout Subpart D. In addition, changes have been made to simplify language and to eliminate provisions no longer applicable. Applicable provisions of the previously promulgated regulations (39 FR 3678,

January 29, 1974, and 39 FR 40855, November 21, 1974) will remain in effect for applications which were due January 31, 1974.

Payments from monies previously appropriated have been allocated pursuant to statutory provision and are not available for payment of claims for the newly eligible projects (i.e., those on which construction was initiated after June 30, 1972, but before July 1, 1973). Neither have funds been appropriated specifically to permit grants to be awarded for newly eligible projects. If funds are made available, allocation will be made as provided by law and grants will be made to newly eligible projects on a pro rata basis to reimburse State or local funds until full reimbursement has been accomplished.

These regulations are effective immediately to permit eligible municipalities to apply for reimbursement grants by March 27, 1978, the deadline established in the Clean Water Act of 1977. The Agency, therefore, finds that public notice and comment prior to the promulgation of final rules would be impracticable and contrary to the public interest. In accordance with 40 CFR 30.125 comments on all grant regulations may be submitted on a continuous basis. However, in order to be considered prior to the statutory application deadline, comments on these regulations must be submitted, in triplicate, if possible, to the address and within the time shown above.

Accordingly, 40 CFR Part 35 Subpart D is revised in its entirety to read as follows:

Subpart D—Reimbursement Grants

Sec.	Purpose.
35.850	Project eligibility.
35.855	Eligible and ineligible costs.
35.860	Applications.
35.865	Grant amount.
35.870	Initiation of construction.
35.875	Disputes.

AUTHORITY: Sec. 206, Federal Water Pollution Control Act Amendments of 1972, as amended by Pub. L. 93-207 and section 29 of Pub. L. 95-217.

Subpart D—Reimbursement Grants

§ 35.850 Purpose.

(a) This subpart governs funding under section 206(a) of the Federal Water Pollution Control Act, as amended, for publicly owned sewage treatment works on which construction was initiated after June 30, 1972, but before July 1, 1973, which was authorized by Pub. L. 95-217, December 27, 1977.

(b) Funding under section 206 for publicly owned sewage treatment works on which construction was initiated after June 30, 1956 but before July 1, 1972, and for which applications were due January 31, 1974, is

governed by the applicable provisions of the previously promulgated Subpart D regulations (39 FR 3678, January 29, 1974 and 39 FR 49355, November 21, 1974).

§ 35.855 Project eligibility.

Grants maybe made for reimbursement of State or local funds used for public sewage treatment works projects on which construction was initiated after June 30, 1972, but before July 1, 1973, and for which a grant was awarded under section 8 of Pub. L. 84-660.

§ 35.860 Eligible and ineligible costs.

(a) Eligible costs of construction include costs of preliminary planning to determine the economic and engineering feasibility of treatment works; the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(b) Ineligible costs include collector sewer lines and land acquisition.

§ 35.865 Applications.

(a) An application for a grant must be received by the appropriate Regional Administrator on or before March 27, 1978.

(b) An application for reimbursement shall be made in writing (if mailed, a return receipt should be requested) and shall contain the following information:

- (1) Brief description of project.
- (2) Total actual or estimated eligible cost of project as of March 27, 1978.
- (3) Total amount of Pub. L. 84-660 funds and any other Federal assistance received to date.
- (4) Amount of additional Federal financial assistance requested under section 206 of the Act.
- (5) The dates (actual or estimated) of initiation and completion of construction.
- (6) Evidence of approval by State agency.

(c) The applicant must furnish such other information as may be required for determination of eligibility for and amount of reimbursement under this subpart.

§ 35.870 Grant amount.

(a) For a project described in § 35.855, the grant amount shall not exceed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under Pub. L. 84-660 (as amended) for the project, and 50 percent of the allowable costs of the project (or 55 per-

cent of the costs where the Administrator determines that project construction was undertaken in conformity with a comprehensive metropolitan treatment plan). However, reimbursement for project costs from all Federal grant sources may not exceed 80 percent of the costs of the project.

(b) A reimbursement grant will be rounded to the nearest hundred dollars. Reimbursement grants will not be awarded to projects entitled to reimbursement of less than \$1,000.

§ 35.875 Initiation of construction.

The phrase "initiation of construction," as used in this subpart, means the issuance to a construction contractor of a notice to proceed, or, if no such notice is required, the execution of a construction contract.

§ 35.880 Disputes.

Determinations by the Regional Administrator concerning applicant eligibility, the amount to which an applicant is entitled, or allowability of costs shall be final and conclusive unless appealed within 30 days in accordance with the "Disputes" article (Article 8) of the EPA General Grant Conditions (Appendix A to Part 30 of this subchapter). (See also Subpart J to Part 30 of this subchapter.)

Dated: February 16, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-4854 Filed 2-22-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21115; FCC 78-93]

PART 73—RADIO BROADCAST SERVICES

Providing a Changed Method of Determining "Top 50 Markets" to Which Commission's Television Prime Time Access Rule Applies in Any Given Year

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Report and Order was issued amending the Federal Communications Commission's "prime time access rule" to change the method by which the "top 50 markets" are determined for the purpose of applying that rule in any given year. The basic arrangement provided in the new rule, to be effective in September 1980, provides that the top 50 markets will be determined for a 3-year period on the basis of average-quarter hour prime time audiences for all stations in the market, as determined by an average of the audience data as shown by Arbi-

tron February audience survey "sweeps" approximately 2½ and 3½ years before the September effective date (the September 1980 list will be based on the average of February 1977 and February 1978 sweeps). Until fall 1980, the provisions of the present rule will apply, with the 1978-79 listing based on Arbitron November 1977 market ranking (excluding "Syracuse-Elmira" because it is no longer a single market, and including Salt Lake City), and the 1979-80 list will be based on the Arbitron November 1978 market ranking. The rule change is designed to give more certainty and stability in station operation, by providing more advance notice and a longer period within or outside of the rule. The proceeding followed a petition for waiver filed by a Toledo station; the waiver was denied but rulemaking was begun to explore the problem.

EFFECTIVE DATE: April 3, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John H. Bass, Jr., Broadcast Bureau, 202-632-6339.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

Adopted: February 8, 1978.

Released: February 23, 1978.

In the matter of effect of changes in TV market rank on applicability of prime time access rule § 73.658(k), request of station WTOL-TV, Toledo, Ohio, for temporary waiver of prime time access rule, BC Docket No. 21115.

1. This proceeding was begun by Memorandum Opinion and Order and Notice of Proposed Rule Making (hereinafter "Notice"), FCC 77-115, adopted February 10, 1977.¹ It involves the question of how the television "top 50 markets" should be determined, for the purpose of applying each year the prime time access rule (PTAR), § 73.658(k) of the Commission's Rules. The problem involved is that of a few markets and the stations in them—such as Toledo, Ohio and Station WTOL-TV, mentioned in the caption above—which are around 50th in rank and therefore are sometimes within and sometimes outside of the "top 50" group to which the rule applies. It is claimed that the resulting uncertainty, as to whether "off-network" programming may or may not be used during the "access hour" each evening without counting toward the rule's 3-hour limitation, makes intelligent program planning difficult; and that therefore there is need for more sta-

¹ Released February 18, 1977; 42 FR 10860 (February 24, 1977), see 42 FR 18287, Apr. 6, 1977.

bility, both as to longer advance notice as to whether the rule will apply, and a longer period either within or outside of the group of markets covered by the rule.²

BACKGROUND

2. In our February 10, 1977 action, we denied a petition by WTOL-TV for waiver of the rule, which would apply to it because Toledo reentered the top 50 market group for 1977-78 after an absence of 3 years. However, while denying the petition, we recognized the problem and proposed a change in the method by which the 50 markets, covered by the rule each year, are determined.

3. As discussed more fully in the Notice, under Note 1 to § 73.658(k) and present arrangements relating to it, the 50 markets, to which the rule applies each television year, are listed by the Commission in a notice issued early each calendar year, to apply for the 12 months starting the following September. The Commission's listing is based on the Arbitron (American Research Bureau) ranking of markets in order of average prime-time audiences (all stations combined), contained in its annual Television Markets and Rankings Guide usually issued in November; this, in turn, under present Arbitron practice is based on audience data obtained in the previous February-March "sweep", which is published by Arbitron early in April. Thus, the list which becomes effective for PTAR purposes in September is published by the Commission 7 or 8 months before, based on published Arbitron rankings more than 9 months before that September, which in turn are based on audience data available in April some 17 months before that September. However, WTOL-TV's claim was that this is not sufficient; before the data which would govern 1977-78 were available in April 1976, it had made heavy financial commitments for some popular off-network program series, including Mary Tyler Moore, to use in access time starting in September 1977; and if the rule applies to it, it could not do so. It was urged that the very high prices which must be paid for such properties (more than \$200,000 for one

series) necessitate their being played in prime "access time" to be economically feasible, and necessitate purchase for a large number of runs over periods of several years. It was also asserted that the same intense competitive demand situation which results in such prices also requires a station to commit itself far in advance for such material if it wishes to acquire it. Station WTOL-TV's petition and the Notice also noted the fairly frequent changes of status of some markets in relation to the rule, with 9 markets having been under the rule during some but not all of the years since 1970, and Toledo and two other markets having changed status three or four times during this period. It was further noted that the difference in size of markets at around the 50 level is small, averaging less than 4,500 homes between 50th and 51st over the years since 1970.

4. The Notice proposed to deal with the "stability" problem by greatly increasing the amount of advance notice given stations with respect to the applicability of the rule. The proposal was to apply the list issued by Arbitron in one particular November to the television year starting in September of the third year after that, e.g., the Arbitron ranking published in November 1977 would go into effect for the television year beginning in September 1980, giving some 34 months advance notice. Arrangements for the "transitional period" before fall 1980 were discussed; it was proposed to apply the November 1977 list to 1978-79 and 1979-80, although comments were invited on whether, instead, the list applying in 1977-78 should simply be continued. It was not proposed to have a given ranking list apply to more than 1 year, although comments were invited on the point; the view was expressed that this might tend to further the purchase of off-network material at the expense of new programming. Suggestions as to alternatives, including retention of the status quo, were also invited.

COMMENTS FILED

5. Initial or reply comments were filed herein by American Broadcasting Companies, Inc. (ABC), Assistant Professor Herbert A. Terry of Indiana University, and by 10 licensees of stations in markets which have at various times been within and outside of the PTAR group. The stations include three in Norfolk-Portsmouth-Newport News-Hampton, Va. (WAVY-TV, WTAR-TV and WVEC-TV); two in Toledo (WSPD-TV and petitioner WTOL-TV); two in Wilkes-Barre/Scranton, Pa. (WBRE-TV and WDAU-TV); and one each in Salt Lake City (KTVX), Syracuse-Elmira, N.Y.

(WHEN-TV), and Greensboro/Winston-Salem/High Point, N.C. (WXII).³

6. Of the two parties first mentioned, ABC asserts that, while the Commission's proposal is to be favored as lessening uncertainty, it does not do away with the instability inherent in an annually changing list making stations subject to the rule in 1 year but not the next. This, assertedly, makes long-range planning impossible, and discourages both investment in expensive off-network programming to be used if the rule does not apply, and investment in innovative new programming to be used if the rule does govern and which takes time to develop. It is urged that the Commission consider having the rule apply to the same stations for a longer period, such as 5 years, or even a permanent list such as that contained in § 76.51 of the cable rules. Professor Terry, on the other hand, claims that the long-term contracts for off-network material, which give rise to the present problem, should themselves be prohibited, as inconsistent with the Communications Act and Commission policies in that they tie stations to a particular body of programming for a long time and thus impair the independent exercise of licensee program judgment, just as would station affiliation agreements with networks if they were permitted to run for longer than 2 years. He urges that contracts for syndicated material be limited to 2-year terms.⁴

7. The comments of the 10 individual licensee parties can be summarized very briefly as follows. Five parties urge the importance of stability over a period longer than 1 year, important in advance planning and in deciding whether to invest heavily in off-network material, particularly when, as often under present very competitive and high-cost conditions, it is necessary to purchase such material for multiple runs over a period of 5 years

² The licensees of these stations are respectively, WAVY Television, Inc., WTAR Radio-TV Corp., Peninsula Broadcasting Corp., Storer Broadcasting Co., Cosmos Broadcasting Corp., WBRE-TV, Inc., Scranton Broadcasters, Inc., United Television, Inc., Meredith Corp., and Multimedia, Inc.

³ It is also claimed that this would benefit stations economically since they would not have to pay money for later runs of material which occur years in the future.

⁴ While Mr. Terry's objective appears to apply to all "access period" material, his actual proposed rule would apply only to the stations in the few markets involved here, which "swing" vis-a-vis the rule. His proposed rule would define "off-network programming" to exclude off-network material contracted for when the station was outside of the rule and if the contract is for no more than 2 years. Thus, it would leave untouched the great majority of PTAR markets which do not change position.

² In general, the rule limits network-owned and affiliated stations in top 50 markets to no more than 3 hours of network and off-network programs each evening during prime time (7-11 p.m. E.T., etc.). In practice under the rule, the national networks provide only that amount of prime-time programming which their regular major-market affiliates may carry; therefore it makes little difference, with respect to network programming, whether or not a given station falls under the rule. The question really involved is whether a particular station may or may not carry off-network programs during access time without their counting toward the permissible 3 hours.

or even longer.* If the station, having made such an arrangement, suddenly comes under the rule, it will have to move the program to another time, with lesser audience and much lower rates not large enough for such expensive product.* The licensee of WAVY-TV (Norfolk), urging that a permanent listing be adopted, claims that there is no significant difference in audience size among markets around the 50 mark; therefore the "disruptive annual revision" (which under the Commission's proposal would be deferred but would still remain) has no public-interest justification. Meredith Corporation, licensee of WTVH, Syracuse, carries this argument further, urging that there is no reason to include "marginal" markets—those, including Syracuse-Elmira, which enter and leave the top 50 from time to time—since they do not contribute significant numbers of homes even in the aggregate (six "marginal" markets for 1977-78 total some 1,669,000 prime time homes, only 5.2 percent of more than 30 million prime time homes in the top 50 markets).† Therefore, when with 7,000 fewer prime time homes the market would have been outside the top 50 entirely, there is no reason to impose here the hardship of PTAR, which requires WTVH to spend \$90,000 more per year for programming than it would otherwise.

8. The licensees of two Wilkes-Barre/Scranton market stations urge that that market should be excluded because of the high cable penetration—50 percent or more—with the cable systems carrying off-network programs during access time from independent New York and Philadelphia stations, programs much more attractive to viewers than the new material to which the local stations are limited in competing with them. The result, assertedly, is that the latter are at an unfair and serious competitive disadvantage, able to afford only the cheapest "access" material and still losing money on the time period and thus making no contribution either to the

public or to the development of significant non-network material.* Meredith advances the same argument as to Syracuse-Elmira (32 percent penetration), and also urges another specific claim: the market should not be included because the Syracuse stations do not serve Elmira (except one of them through its Elmira satellite), and yet without Elmira and its audience the market is not in the top 50. (See WENY-TV, 59 FCC 2d 1409 (July 1976), in which waiver of PTAR was granted to the regular Elmira station, inter alia because it does not serve Syracuse nor do the Syracuse stations serve Elmira).* Peninsula Broadcasting Corp. (Norfolk market) supports the status quo except for having the ranking based on more than one audience sweep to avoid errors; it claims that the Commission's proposal would base the ranking on non-current information.

9. The Notice suggested that a guaranteed period of more than 1 year might be harmful to PTAR objectives by encouraging the purchase of off-network rather than new material. Storer Broadcasting Co. mentions that as its reasons for supporting the Commission's proposal without further changes; on the other hand, WAVY-TV asserts that it is debatable whether potential PTAR applicability is much deterrence if there is really competitive demand for an off-network program, and, in any event, the coverage of the rule should not be expanded by this kind of "in terrorem" consideration.

10. Comments concerning effective day. Storer Broadcasting Co. is the only party commenting in response to the Notice's questions concerning the effective date of any new rule arrangement, and what transition-period procedures should be adopted. It urges that it has had to make adjustments in its Toledo station's operation to meet the reapplicability of the rule, and should not now have to make another change in the immediate future. The listing now in effect (based on Arbitron's November 1976 ranking, re-

flecting February 1976 data) should continue in 1978-79 and 1979-80, with the Commission's proposal effective starting in fall 1980.

DISCUSSION AND CONCLUSIONS

11. Arrangements adopted. Upon careful consideration of the foregoing material and other pertinent material discussed below, we reach the following conclusions, for reasons discussed later herein:

(a) The basic arrangements. The basic arrangement adopted herein, to apply to the broadcast year starting in fall 1980 and later years, is as follows:

(1) The group of "top 50" markets subject to the rule will change only every 3 years; thus, the first list under the new arrangement will apply for 1980-81, 1981-82 and 1982-83; and the next list will apply for 1983-84, 1984-85 and 1985-86.

(2) The top 50 group for each 3-year period will be based on the average of the data shown in two Arbitron February-March audience "sweeps", those occurring roughly 2½ and 3½ years before the September start of the 3-year period. For the period beginning in September 1980, the list will be based on the average of February 1977 and February 1978 sweep data. As at present, the ranking will be based on average quarter-hour prime time audiences (TV households) for all stations in the market combined. However, since the ranking will represent an average of 2 years' February sweeps, it will not necessarily be the same as Arbitron's ranking for any 1 year as set forth in its November Television Markets and Rankings Guide. Rather, the list will be issued by the Commission in the spring (e.g., spring 1978) as soon as the data from the last of the two sweeps are available.

(b) Interim arrangements until fall 1980. Until fall 1980, the present rule will generally apply, i.e., for this coming broadcast year, 1978-79, the markets subject to PTAR will be the top 50 in average prime time audience as listed in the November 1977 Arbitron Television Markets and Rankings Guide, except that "Syracuse-Elmira" (listed as No. 48) will be omitted, and Salt Lake City, listed as No. 51, will be included (see paragraph 23, below).† For the following year, 1979-80, the group will be the top 50 as listed in the November 1978 Arbitron publication (which will be determinable earlier for those able to use Arbitron February 1978 sweep data).

12. The need for the full 50 markets. As mentioned above, some parties

*ABC suggests that the uncertainty may also be disadvantageous in the reverse direction—stations may be unwilling to invest in innovative "access" programming efforts, which take time to develop, if there is a chance they will be operating soon in a non-PTAR market.

†The Notice suggested that contracts with suppliers might be modified if the rule unexpectedly becomes effective in a given market. WAVY-TV disputes this possibility, asserting that, in its experience, suppliers are unwilling to make allowances for such contingencies.

‡Multimedia, Inc. (Greensboro market) makes a similar argument; to be successful, a syndicated program needs to reach 60 percent of the nation's TV homes, and numerically this is reached by the 40th market (with, of course, additional TV homes in lower-ranked markets).

*These parties advanced two alternative proposals: either bar importation of access off-network programs on cable systems during access time in the top 50 markets, or lift the off-network requirement for the local stations in situations such as Wilkes-Barre/Scranton. They regard the first as more "pro-PTAR", encouraging to the maximum the use of new material; but they regard the second as preferable in encouraging competition and diversity of programming.

†It might be noted that Meredith states that it has no problem with the present rule in respects complained of by WTOL-TV; it has no objection to the Commission's proposal as such although it is inclined to question a period of "lead time" as long as 34 months.

‡In 1978-79, two markets previously under the rule but not this year, Norfolk-Portsmouth-Newport News-Hampton (Va.), and Greensboro/Winston-Salem/High Point (N.C.), will return; and Toledo will drop out, along with "Syracuse-Elmira" as discussed below.

assert that the objectives of PTAR do not require that stations in the full 50 markets always be subject to the rule, but that "marginal" markets can be excluded, and freed from an unnecessary financial burden in buying access programming, without harm to the rule's objectives. We do not agree. While the contribution to the success of an access program afforded by a Toledo station, or a Greensboro station, may not be great, nonetheless it cannot be concluded that the reduction of the potential market by this much is a matter of no significance. As mentioned in the Notice (par. 9), this would represent the loss of roughly 250,000 homes in potential audience for each market dropping out, or over 500,000 if two such markets were excluded, and we cannot conclude this to be immaterial. The prime time access rule has had its problems over the years of its existence, including the absence of desirable stability; and we do not believe it appropriate to contribute to further instability by providing for a number of markets less than those to which the rule has hitherto applied. Therefore, in our view the arrangement to be adopted herein must provide for 50 markets in all years.

13. *Applying a ranking to more than 1 year, and length of advance notice.* While it is important to have the rule applicable to 50 of the top markets, for the short term it does not matter significantly, at around the 50 level, exactly which markets are in or out. As pointed out in the Notice (par. 5) and above, the differences in average prime-time audience among these markets are small, usually no more than a few thousand homes, and not enough to be material here. Therefore, while some parties argue to the contrary, it is not important that the very latest data be used to determine, for any given year, which market is 50th and to be included, and which is 51st and to be left out. Two conclusions follow from this observation: (1) As proposed in the Notice, it is appropriate to increase stability and planning capability by providing for longer advance notice than that given under present arrangements, rather than using the latest available data and giving shorter notice; and (2) considerations of "currency", by themselves, do not afford any reason to limit the applicability of a particular ranking to 1 year.

14. However, there are limits to which a ranking several years old may appropriately be used for a particular year. For example, if the top 50 market group subject to PTAR has been "frozen" permanently on the basis of the 50 markets first covered by the rule in 1971-72, there would have been permanently excluded two markets which have increased substantially in size, and risen in rank, during the 1970's until they are now

between 30 and 40. These are San Diego and Orlando-Daytona Beach. A permanent list, similar to that in § 76.51 of the cable rules, is inappropriate here, since it might, in time, work to deprive the rule and its objectives of the support afforded by the availability of prime time in important markets like those mentioned. It could also result eventually in imposing the restrictions of the rule, and whatever burdens these entail, on stations in the wrong markets. Therefore this suggestion by some parties must be rejected. For similar reasons, we believe the 5-year period suggested by some parties is too long. While we recognize the need for increased stability and planning capability, and recognize that popular off-network programs are now sometimes bought for 5 years or even longer, these concepts can be accommodated only up to a certain point if we are to further the rule's objectives in an appropriate manner. Three years appears an appropriate period, reflecting a suitable balance between stations' need for certainty and stability on the one hand, and, on the other, the obvious desirability of having the list of PTAR markets reflect fairly current conditions as long as it is in effect.

15. The Notice (par. 11) mentioned another reason for not proposing a period of more than 1 year: That it might encourage the purchase of off-network rather than new material. Some parties claimed this argument to be without merit (par. 9, above), and on further consideration we agree, at least as to the provision of a 3-year rather than a 1-year period. Bearing in mind the fact that the material at issue here (footnote 2, above) is basically not network but off-network programming—whose presentation represents the free exercise of licensee judgment—we do not consider it appropriate to limit the period of each ranking's applicability just to make investment in off-network product somewhat risky from an economic standpoint. We conclude it to be sufficient that new "access" material is guaranteed 50 top markets in any year, without acting to provide access to a few additional markets simply through uncertainty.

16. As to advance notice, the Notice herein proposed nearly 3 years, from one November Arbitron ranking to September of the third year following. There was some criticism of this as too long, and we have concluded that the period of notice should be slightly shorter—from spring of 1 year to September of the second year following, e.g., from April 1978 to September 1980. The April 1978 listing will represent an average of the February 1978 and February 1977 sweeps, as mentioned above. The problems of WTOL-TV, the petitioner herein, stemmed

from agreements made during and after May 1975, concerning material barred from access time starting in September 1977, and these would be avoided under the arrangement mentioned. We conclude that the period adopted is a reasonable balance between station need for advance commitment and planning, and having the PTAR list reflect fairly current conditions.

17. *Use of data from more than one survey.* Some parties urge that more than one sweep should be used in the ranking determination, in order to minimize the effect of unusual weather or other anomalies. This appears to be a good suggestion, and the long-term arrangement herein provides for the use of the results of two February Arbitron sweeps, averaging the audience shown in each of the two. This should be sufficient to eliminate undesirable anomalies, of which Toledo's inclusion in 1977-78 appears to be an example (Toledo was in the top 50 in Arbitron's February 1976 sweep, but not in February 1975 or February 1977, nor in any other February or October sweep since 1973).

18. *Other arguments.* As noted in par. 8, above, two licensees in the Wilkes-Barre/Scranton market, as well as one in the Syracuse market, along with other arguments, urge that their markets should be exempted at least from the "off-network" restriction, because of high cable penetration, with the cable systems bringing in off-network programs during access time from independent stations in New York City and elsewhere. As far as the present proceeding is concerned, we do not consider this argument to have substance. Conceivably, there is some merit in this contention, but this is an extremely complex subject, one not suitable for exploration in a proceeding aimed essentially at working out a more suitable general mechanism for periodic determination of the "top 50" markets, and not at exploring the particular circumstances of individual markets. For example, in addition to various degrees of cable penetration of a market, the extent to which the outside signals carried bring in off-network programs during access time, etc., we would have to take into account the substantial degree of off-air penetration of some markets by outside signals, sometimes including independent stations, e.g., Baltimore by Washington and vice versa, Dayton by Cincinnati, Toledo by Detroit, etc. To grant the relief requested for the

"If a list had been issued in spring 1977 on this basis, and using Toledo as an example, the list would reflect the audience figures shown in the 1976 February sweep, 269,000, and those shown in the 1977 February sweep, 252,000, resulting in an average of 260,500.

reason mentioned would be well beyond the scope of this proceeding. We have refused to act on the basis of this argument before when it was advanced by the Wilkes-Barre licensee in the context of waiver for a particular off-network program (WBRE-TV, Inc., 48 FCC 2d 208 (1974)) and we adhere to this position. That licensee, in its reply comments here, indicated that a rulemaking petition raising this question specifically would be filed shortly; further consideration of this issue must await such a filing.

19. Another argument advanced in the case of the "Syracuse-Elmira" market is that it should be excluded because the Syracuse stations do not serve Elmira, except for one having a satellite there. We cannot accept this as a basic concept warranting exclusion, for one reason because non-coverage by a station of part of a market area is by no means uncommon where the market stations have transmitters in different locations. In at least two PTAR markets where one of the network affiliates has to be located away from the principal city to meet mileage-separation requirements (Grand Rapids-Kalamazoo-Battle Creek (Mich.) and Tampa-St. Petersburg (Fla.)), the degree of non-coverage is likely as great as, or greater than, that involved here. The same is true to a lesser extent of other PTAR markets, particularly "hyphenated" ones. Thus this concept must be rejected as such, although for other reasons "Syracuse-Elmira" is not included in the PTAR group for this coming year.

20. We also note the argument by Professor Terry (par. 6 above), that long-term contracts for off-network programs should be discouraged or barred rather than made easier, just as network affiliation agreements are barred for periods more than 2 years. Here, again, such a concept—which would represent a sweeping departure from present common practices—is not appropriate for consideration in this limited proceeding. As noted in footnote 4, above, Mr. Terry's specific proposal would affect only the few "swing" markets and thus deal with only a very small portion of any problem which may exist. If any consideration is to be given to this subject, it must be in a proceeding more specifically targeted at it, in which the whole matter may be explored.

21. In sum, the rule changes adopted herein are designed to provide stations in markets around the 50 mark with the opportunity for more planning and greater stability in their operations, by increasing the period of advance notice that the rule will or will not apply and increasing the period during which a given market will or will not be under the rule. We have gone as far in these respects as proper attention to the objectives of the rule

permits, in our judgment. We have also acted to decrease the significance of anomalous circumstances or statistical variations by providing that the ranking will be based on two surveys rather than one. For reasons mentioned above, we are of the view that the rule must continue to apply at all times in 50 markets, and that it is not appropriate to consider in this proceeding certain arguments as to why specific markets should be excluded. We believe that, as revised herein, the rule will better serve the public interest.

22. *Interim arrangements until fall 1980.* Pending the effectiveness of the basic plan mentioned in fall 1980, we are leaving in effect the arrangements provided by the present rule: for this coming broadcast year, 1978-79, the top 50 markets will be the top 50 listed in the November 1977 Arbitron "Television Markets and Rankings Guide," except that "Syracuse-Elmira" will not be included and Salt Lake City (listed 51st) will be included; and for 1979-80 the group will be that listed in Arbitron's November 1978 publication, based on February 1978 sweep data. While the only comment specifically on this subject (that of WSPD-TV, Toledo) urged that the 1976-77 list be continued to avoid another disruptive change, we do not believe that it is fair or appropriate to retain in longer effect a listing designed to apply only for 1 year, until the whole new arrangement can become effective in fall 1980. Until then, the present system should prevail, especially since Toledo's 1976 inclusion was somewhat anomalous.

23. *Omission of "Syracuse-Elmira" for 1978-79.* In the November 1977 Arbitron "Television Markets and Rankings Guide", the ranking of markets by average prime-time or daily audience include "Syracuse-Elmira", which is listed as tied for 48th and 49th in prime-time audience with the Norfolk market, each having 271,000 homes. This corresponds to the February 1977 sweep results. However, elsewhere in this publication Syracuse and Elmira are listed as separate markets, each with its own Area of Dominant Influence (ADI). A note at the beginning of the book states that the two are now treated as separate markets (a return to the listing before 1974; see WENY-TV, 59 FCC 2d 1409 (1976)). Without the additional audience attributable to the Elmira ABC-affiliated station, Syracuse is not among the top 50.¹⁴ Therefore, it will be excluded for this coming year. Its status for the future will of course depend on the February 1978 sweep. To complete the 50 market group for 1978-79, the Salt Lake City market, listed by Arbitron as 51st in the November 1977 ranking, will be included.

¹⁴The February 1977 sweep results show the three Syracuse network-affiliated sta-

24. In view of the foregoing: *It is ordered*, That, effective April 3, 1978, Note 1 following § 73.658(k) of the Commission's rules is amended, as set forth below. Authority for this amendment is contained in 4(i) and 303 (g), (i), and (r) of the Communications Act of 1934, as amended.

25. *It is further ordered*, That this proceeding, Docket 21115, is terminated.

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

FEDERAL COMMUNICATIONS
COMMISSION,¹⁵

WILLIAM J. TRICARICO,
Secretary.

Effective April 3, 1978, Note 1 following § 73.658(k) of the Commission's Rules is amended to read as follows:

§ 73.658 Affiliation agreements and network program practices; territorial exclusivity in non-network program arrangements.

• • • • •
(k) • • •

NOTE 1.—The top 50 markets to which this paragraph applies are the 50 largest markets in terms of average prime time audience for all stations in the market. For broadcast years before fall 1980, the 50 markets are the largest 50 as listed in the Arbitron publication "Television Markets and Rankings Guide," generally published in November, which will apply for the broadcast year starting the following fall, except that, for 1978-79, "Syracuse-Elmira" will not be included and the Salt Lake City market will be included. For broadcast years starting in the fall of 1980 and thereafter, the 50 largest markets to which this paragraph applies will be determined at 3-year intervals, on the basis of the average of two Arbitron February-March audience surveys occurring roughly 2 1/2 years and roughly 3 1/2 years before the start of the 3-year period. The 50 markets to which this paragraph will apply for 3 years from fall 1980 to fall 1983 will be determined by an average of the prime time audience figures (all market stations combined) contained in the reports of Arbitron February/March 1977 and February/March 1978 audience surveys. Shortly after the results of the 1978 survey are available the Commission will issue a list of the 50 largest markets to which this paragraph will apply from fall 1980 to fall 1983. The same procedure will take place, on the basis of February/March 1980 and 1981 sur-

veys (plus an Elmira satellite of one of them) as having a total average prime time audience of 247,000 homes, and the public station with 5,000, a total of 252,000 (the ABC-affiliated Elmira station added 19,000 to make the 271,000 mentioned). 252,000 is less than the 257,000 homes shown for Salt Lake City (249,000 for the three network-affiliated stations).

¹⁵Commissioner Lee absent.

veys, for the 3-year period from fall 1983 to fall 1986.

[FR Doc. 78-4753 Filed 2-22-78; 8:45 am]

[6712-01]

[Docket No. 21399]

PART 89—PUBLIC SAFETY RADIO SERVICES

One-Way Paging Operations in the Special Emergency Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata to Report and Order, Docket No. 21399.

SUMMARY: In the Report and Order in Docket 21399, limitation (25) in § 89.525(f), the phrase "on a secondary basis" was inadvertently omitted. This errata corrects that discrepancy.

EFFECTIVE DATE: March 20, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Richard Taube, Safety and Special Radio Services Bureau, 632-6497.

SUPPLEMENTARY INFORMATION:

Released: February 16, 1978.

In the matter of amendment of Part 89 of the Commission's rules and regulations concerning one-way paging operations in the Special Emergency Radio Service, Docket 21399.

1. In the appendix to the Report and Order in this proceeding adopted on January 31, 1978, and released on February 8, 1978, (FCC 78-69), and published at 43 FR 5831, February 10, 1978 limitation (25) in § 89.525(f) on page 5833 should have read as follows: (f) * * *

(25) A licensee regularly conducting two-way communication operations on this frequency may, on a secondary basis, also transmit one-way alerting signals to ambulance and rescue squad personnel.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-4817 Filed 2-22-78; 8:45 am]

[6712-01]

[Docket No. 21137; FCC 78-75]

VARIOUS PRIVATE LAND MOBILE RADIO SERVICES

Use of Automatic Morse Code Identification Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The rules provide for the optional use of automatic Morse Code identification equipment in the private land mobile radio services governed by the Commission's rules and regulations (General Mobile Radio Service only).

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

James E. McNally, Jr., Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, Federal Communications Commission, Room 5120, Washington, D.C. 20554, 202-632-6497.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: February 8, 1978.

Released: February 23, 1978.

In the matter of amendment of Parts 89, 91, 93, and 95 of the Commission's rules and regulations to permit the use of the automatic Morse Code identification equipment, Docket No. 21137.

1. On March 4, 1977, the Commission adopted a notice of proposed rulemaking in the above-entitled matter which was published in the FEDERAL REGISTER (42 FR 14124) on March 15, 1977. This action was prompted by numerous requests for permission to use automatic Morse Code identification equipment in the various private land mobile radio services. Since the time frame for the resolution of Docket No. 20351¹ was (and still is) rather uncertain, we felt we should accede to the desires of our licensees for optional use of automatically transmitted Morse Code. We included the Personal Radio Services in this proceeding in the hope that the novelty of such automatic station identification might be attractive and, at least to a small degree, alleviate the lack of station identification problem in these services. Twenty-one comments and two reply comments were received. A list of participants is given in Appendix A below.

2. The comments from representatives of the Citizens Band Radio Service were very negative. The Citizens Radio Federation of Virginia, Inc., the U.S. Citizen Radio Council, Inc., as well as most of the individuals filing comments, expressed the belief that at

25 words per minute² only dedicated radio amateurs or commercial radio telegraph operators would be capable of readily identifying stations. They also argued that the use of Morse Code opens the door for fraudulent identification³ and moves the Citizens Band Radio Service closer to a "commercial service it never was intended to be." Lastly, they express the opinion that the proposal takes on the appearance of "special interest legislation" which will not benefit most Citizens Band Radio Service licensees.⁴

3. Royce Electronics, a distributor of Citizens Band radio equipment, argued that Morse Code would not be very practical in the Citizens Radio Service because the required transmission time would be at least 4 seconds—about twice as long as it takes for voice identification. Thus, in its opinion, the use of Morse code would be spectrally inefficient and could contribute to channel congestion. Additionally, Royce points out that the cost of filtering out the Morse Code in a Citizens Radio Station receiver could be substantial. Lastly, Royce suggests that the question of automatic transmitter identification be revisited in a Further Notice of Proposed Rulemaking in Docket No. 20351, and that any system proposed provide the capability of selective calling.

4. SBE, Inc., another supplier of Citizens Band Radio equipment, expressed the view that since the proposed rules do not make automatic Morse Code identification mandatory, there will be a definite lack of market penetration. It was suggested that the average "CBER" will not view automatic Morse Code identification as a time or money saving device; but rather, as something that will have no real effect on his day-to-day operation except to cause nagging interruptions of transmissions. The programming problem⁵ could also be frightening, warned SBE, particularly if the system were made mandatory. Many radios are sold by mail, and the purchasers of such units would be left completely on their own as to the programming of their call sign. Also, it is by no means evident that licensees would be capable of knowing what code to program or how to verify that it has been done properly. Any sort of "check program" device could be expensive.

5. Commenting along more technical lines, SBE observes that Morse Code is

¹25 words per minute was the sending rate proposed in the Notice.

²Fraudulent identification could be aggravated through the use of Morse Code if the use of an incorrect call sign were possible because voice identification techniques would not apply.

³This statement is intended as a reference to the public safety licensees who are most in favor of this proposal.

⁴That is, the encoding of the transmitter with the proper call sign after purchase.

¹Docket No. 20351, released by the Commission on February 13, 1975, proposed regulations implementing a system for the automatic identification of station transmissions. See also 42 FR 25881, May 20, 1978.

²By "automatic" or "automatically" we mean that it is machine-generated and sent at predetermined or "programmed" intervals.

one of the rarest codes encountered in today's digital technology. It is complex, has no synchronizing subcodes or characters, and is not error cognizant or corrective.⁷ In short, SBE argues, Morse Code is an antique in an age of microprocessors. Additional complications would arise in implementing and maintaining the desired 40 percent modulation level with the automatic modulation limiting circuitry in use in Citizens Band Radio equipment today.⁸ In conclusion, SBE requests that the Citizens Band Radio Service be exempted from this proceeding, and suggests that the Commission pursue Docket 20351.

6. Other comments, such as those of Fanon-Courier, Inc., also argued that the Citizens Radio Service be exempted.

7. After consideration of the foregoing comments, we are inclined to agree that the use of automatic Morse Code in the Citizens Band Radio Service would not be desirable. Accordingly, we have not provided for the use of automatic Morse Code in the Citizens Radio Service in the rules set forth in the Appendix. However, because the General Mobile Radio Service is very similar to the other private land mobile radio services in the manner of its day-to-day operation, we have decided to allow the use of Morse Code there for purposes of automatic station identification.⁹

8. Comments from representatives of the other private land mobile radio services were generally favorable, although several suggestions were made concerning modifications thought to enhance the proposed system.

9. The Arizona Department of Public Safety, The American Petroleum Institute (API) and the Special Industrial Radio Service Association (SIRSA), for example, favored increasing the Morse Code transmission rate from the proposed 25 words-per-minute rate to 40-45 words-per-minute in order to minimize the annoyance factor. It was argued that since most people cannot "copy" 25 words-per-minute anyway, little is lost by in-

creasing the rate as requested. When it becomes necessary to identify a station, all the licensee need do is to tape the Morse Code identification at a high speed (such as 7½ i.p.s.) and play the tape back at a lower speed (such as 1½ i.p.s.) which would render it more understandable.

10. At first glance, the idea of substantially increasing the Morse Code transmission rate appears very attractive. However, in view of the fact that in recent years we have seen a proliferation of fixed-speed cassette recorders at the expense of multi-speed reel-to-reel recorders, reduction of a high speed transmission rate could be a most inconvenient, if not impossible task. This, plus the well-recognized difficulty in copying transmissions at 40 words-per-minute (particularly in the presence of voice), requires that we limit the maximum permissible sending rate to 25 words-per-minute.

11. For similar reasons, we deny the request by API that licensees in the Petroleum Radio Service be permitted to use 300 band ASCII for station identification. It is true that in Docket 20777, the Commission has proposed allowing licensees in the Amateur Radio Service to transmit station identification via ASCII; but virtually all enforcement monitoring in that Service is done from monitoring stations at fixed locations. Monitoring of stations in the private land mobile services, however, is done largely from mobile enforcement vans. At the present time, and for the foreseeable future, only the monitoring stations will be equipped with the "eight to five level" converters required to make ASCII readable on the Commission's teletype machinery. Aside from this practical difficulty, we are reluctant to authorize widespread use of station identification methods which could prejudice the outcome of Docket 20351 (ATIS).

12. Various problems were raised with respect to our proposal to require that a 750 Hz (± 10 Hz) tone be used in the transmission of the automatic Morse Code identification. The Arizona Department of Public Safety expressed its belief that the 10 Hz tolerance was too tight and probably beyond the capability of resistive-capacitive oscillator circuits. The Utilities Telecommunications Council (UTC) indicated that because 750 Hz is not a standard Electronic Industries Association tone signalling frequency, there would be some difficulty in obtaining notch filters. The Land Mobile Section of the EIA indicated that 750 Hz is a tone used in many radio paging systems, and thus could result in the "falsing" of such systems. Mr. Robert L. Bingham pointed out that 750 Hz falls almost in the middle of the average male's speech spectrum (600-800 Hz) and that any notching out of a

frequency in that area would lead to degradation of the received signal. In view of these comments, we have decided to withdraw our proposal to "notch out" the Morse Code identification signal. Rather, we have decided to provide some flexibility in the design of automatic Morse Code identification equipment by allowing the use of any tone frequency between 400 and 2000 Hz. This will facilitate the resolution of any interference problem resulting from "falsing" of paging and other types of non-voice signalling systems.

13. Several parties filing comments considered our use of the term, "percent modulation" inappropriate for FM stations, and suggested that we express the desired modulation either in terms of "deviation" (i.e., the absolute value of the instantaneous deviation from the assigned frequency) or "dB below the maximum permissible modulation." It is our feeling that the term "percent modulation" is applicable to FM transmitters in a very real sense, even though the specification of what comprises 100 percent modulation may be arbitrary. In a typical case where 100 percent modulation equates to a deviation of ± 5 kHz, 40 percent modulation would obviously be 2 kHz. If the maximum permissible deviation were something less than 5 kHz, the deviation associated with 40 percent modulation would be correspondingly reduced. For the sake of simplicity, we have decided to continue to specify the degree of modulation in terms of percentage, rather than to attempt to specify the frequency deviation applicable to each type of narrow-band FM system.

14. Our proposed figure of 40 percent modulation was generally supported in the comments, although there were several statements made to the effect that it might be slightly high, and would possibly be more appropriate if it were reduced to about 20 percent. Our past experience with stations in the Amateur Radio Service indicates that if the identification signal is to be clearly legible in the presence of voice, the modulation must be maintained in the vicinity of 40 percent. We therefore intend to retain our initially-proposed standard.

15. Lastly, Mr. Robert Bingham points out that if the Morse Code identification is transmitted only on the half hour for stations in the Public Safety Radio Services, it would seem that where a frequency is shared by two or more licensees it may not be possible to relate the transmitted call sign with the verbal transmissions of the related station.¹⁰ We can only state that in our experience this has

⁷This point is well taken if widespread use of automatic decoding equipment was anticipated. In fact, however, most of the interpretation will probably be done by the Commission's enforcement personnel "manually".

⁸SBE points out that post-limiter injection of the Morse Code would reduce the level of voice modulation to an unacceptable degree; and that it would be difficult to maintain the required Morse Code modulation level (40 percent) if it is injected in a premodulation limiting stage.

⁹We are doing this largely in the absence of comments requesting that the General Mobile Radio Service be exempted along with the Citizens Band Radio Service.

¹⁰This, of course, refers to the case where station identification and voice transmission do not occur simultaneously.

not been a problem. Generally there are other corroborating factors present which usually help to establish identification (e.g., signal strength and exact operating frequency). Nevertheless, should such a problem develop, the Commission may re-open this proceeding with a view of requiring more frequent automatic station identification.

16. Finally, in revising the Appendix to reflect several of the recommendations made in the comments, we have concluded that some tolerance should also be allowed in the Morse Code sending rate. We have, accordingly, made provision for the use of any sending rate between 20 and 25 words per minute.

17. In view of the foregoing, the Commission has decided to withdraw its proposal to allow the use of automatic Morse Code identification in the Citizens Radio Service. In the General Mobile Radio Service, however, and in the other private land mobile radio services administered under Parts 89, 91, and 93 of our rules, automatic Morse Code may be used for station identification in accordance with the rules set forth below.

18. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective March 24, 1978, Parts 89, 91, 93, and 95 of the Commission's rules and regulations are amended as set forth below.

(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.

APPENDIX A

Parties filing comments and reply comments in Docket 21137:

COMMENTS

Aerospace & Flight Test Radio Coordination Council
American Petroleum Institute
Arizona Department of Public Safety
Arthur D. Little, Inc.
Bingham, Robert L.
Citizens Radio Federation of Virginia, Inc.
Denver Fire Reporter & Protective Company
Drake, Marilyn J.
Electronic Industries Association (Land Mobile Section)
Forest Industries Telecommunications
International Municipal Signal Association
Mead, Gloria
Mullins, Edward W.
National Association of Broadcasters
Royce Electronics
SBE, Inc.
Special Industrial Radio Service Association
Texas Personal Radio Planning Group
U.S. Citizen Radio Council, Inc.
Utilities Telecommunications Council

REPLY COMMENTS

Electronic Industries Association (Land Mobile Section)
Fanon-Courier, Inc.

PART 89—PUBLIC SAFETY RADIO SERVICES

I. Part 89 of the Commission's rules and regulations is amended as follows:

1. In § 89.105, paragraph (a) and paragraph (d)(5) are amended to read as follows:

§ 89.105 Types of emission.

(a) Except as provided in paragraphs (c), (d), (e) and (f) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices, the function of which is limited to automatic station identification in accordance with § 89.153(i), establishing or maintaining voice communications or to actuate emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

(d) ***

(5) Required station identification for non-voice operations must be made by either A2, A3, F2 or F3 emission and may be given by the base station for a base-mobile system.

2. In § 89.121, paragraph (d) is amended to read as follows:

§ 89.121 Provisions relating to scrambling devices and digital voice modulation.

(d) Station identification shall be transmitted in the unscrambled analog mode (clear voice or automatic Morse Code) in accordance with the provisions of § 89.153.

3. A new paragraph (j) is added to § 89.153:

§ 89.153 Station identification.

(j) Automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent $\pm$ 10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz $\pm$ 800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

4. In § 89.163, paragraph (b) is amended as follows:

§ 89.163 Operator requirements.

(b) Operation during the course of normal rendition of service-radiotelegraph. (1) A station utilizing International Morse Code solely for automatic identification purposes may be operated in accordance with the provisions of any other applicable paragraph of this section.

(2) Except as provided in subparagraph (1) of this paragraph, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station when transmitting radiotelegraphy by any type of the Morse Code.

PART 91—INDUSTRIAL RADIO SERVICES

B. Part 91 of the Commission's rules and regulations is amended as follows:

1. In § 91.103, paragraph (a) and paragraph (b)(5) are amended to read as follows:

§ 91.103 Types of emission.

(a) Except as provided in paragraphs (b) and (c) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices, the function of which is limited to automatic station identification in accordance with § 91.152(i), or establishing or maintaining communications between stations.

(b) ***

(5) Required station identification for non-voice operations must be made by either A2, A3, F2 or F3 emission and may be given by the base station for a base-mobile system.

2. Section 91.121 is amended to read as follows:

§91.121 Provisions relating to the use of scrambling devices.

Analog scrambling techniques may be employed at any station authorized the use of A3 or F3 emission, provided that station identification is transmitted in the unscrambled mode (clear voice or automatic Morse Code) in accordance with the provisions of §91.152.

3. A new paragraph (i) is added to §91.152:

§91.152 Station identification.

(1) Automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent ± 10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz ± 800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

4. In §91.154, paragraph (b) is amended as follows:

§91.154 Operator requirements.

(b) Except as provided in subparagraph (1) of this paragraph, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(1) A station utilizing International Morse Code solely for automatic identification purposes may be operated in

accordance with the provisions of any other applicable paragraph of this section.

PART 93—LAND TRANSPORT RADIO SERVICES

C. Part 93 of the Commission's rules and regulations is amended as follows:
1. In §93.103, paragraph (a) and paragraph (b)(5) are amended to read as follows:

§93.103 Types of emission.

(a) Except as provided in paragraphs (b) and (c) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices, the function of which is limited to automatic station identification in accordance with §93.152(f) or establishing or maintaining communications between stations.

(b) . . .

(5) Required station identification for non-voice operations must be made by either A2, A3, F2 or F3 emission and may be given by the base station for a base-mobile system.

2. Section 93.121 is amended to read as follows:

§93.121 Provisions relating to the use of scrambling devices.

Analog scrambling techniques may be employed at any station authorized the use of A3 or F3 emission: *Provided*, That station identification is transmitted in the unscrambled mode (clear voice or automatic Morse Code) in accordance with the provisions of §93.152.

3. A new paragraph (f) is added to §93.152:

§93.152 Station identification.

(f) Automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent ± 10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz ± 800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

4. In §93.154, paragraph (b) is amended as follows:

§93.154 Operator requirements.

(b) Except as provided in subparagraph (1) of this paragraph, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(1) A station utilizing International Morse Code solely for automatic station identification purposes may be operated in accordance with the provisions of any other applicable paragraph of this section.

PART 95—CITIZENS RADIO SERVICE

D. Part 95 of the Commission's rules and regulations is amended as follows:

1. In §95.59, paragraph (a) is amended to read as follows:

§95.59 Emission types authorized.

(a) Transmitters used at stations in this service will normally be authorized to transmit radiotelephony only. Radiotelephony includes the use of A2 or F2 emission for the purpose of transmitting station identification in International Morse Code.

2. In §95.71, paragraph (e) is deleted and paragraphs (a), (b), (c), and (d) are amended to read as follows:

§95.71 Station identification.

(a) Except as provided in paragraph (c) of this section, all communications shall be identified by the call sign of the transmitting station during each series of transmissions but at least at intervals not to exceed 15 minutes during a continuous exchange of communications.

(b) Except as provided in paragraph (d) of this section, the call sign shall be clearly transmitted in the English language. A phonetic alphabet may be used as an aid for identification. A unit designator or special identifier may be used in addition to, but not instead of, the station call sign.

(c) A station need not identify its transmission if:

(1) The station automatically retransmits another station which identifies properly; or,

(2) The station is not being used for telephony emissions.

(d) In lieu of the station identification required by paragraph (b) of this section, automatically activated equipment may be used to transmit station identification in International Morse Code, pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacture-provided signal input terminal and shall be adjusted to produce 40 percent $\pm$ 10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 Hz $\pm$ 800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should delayed or periodic activation of automatic Morse Code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will inhibit automatic station identification at times when such co-channel communications are in progress.

[FR Doc. 78-4781 Filed 2-22-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-38; Amdt. 179-21]

PART 179—SPECIFICATIONS FOR TANK CARS

Certain Couplers for Use of Tank Cars Built After January 1, 1971; Approval

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This rule provides for certain couplers approved by the Fed-

eral Railroad Administrator for use on tank cars built after January 1, 1971. The amendments adopted herein are based on requests received from the Committee on Tank Cars of the Railway Progress Institute (RPI), the Union Carbide Corp., E. I. du Pont de Nemours & Co., and the AAR to expand the list of approved couplers because a large number of existing tank cars are now equipped with AAR approved E shelf and F shelf couplers which currently are not approved by the Administrator.

EFFECTIVE DATE: These regulations become effective on February 23, 1978.

ADDRESSES: All material pertinent to this proceeding are available for examination during regular business hours in Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration, 202-426-2748.

SUPPLEMENTARY INFORMATION: On September 15, 1977, the Materials Transportation Bureau (the Bureau) published Amendment Nos. 173-108 and 179-19 (Docket HM-144; 42 FR 46306). These amendments require, as pertinent here, that all DOT classes 112 and 114 tank cars be equipped with special couplers capable of resisting vertical disengagements. Under 179.105-6(d), the E top and bottom shelf couplers and F top shelf couplers as approved by the Administrator were listed for installation without verification testing under 179.105-6(c).

Under amended 179.105-6(d), E top and bottom shelf couplers designated by the Association of American Railroads' (AAR) Catalog Nos. SE67BHT, SE67BHTe, SE68BHT or SE68BHTe and F top shelf couplers designated by the AAR Catalog Nos. SF73AHT, SF73AHTe, SF79CHT or SF79CHTe are listed for installation on DOT classes 112 and 114 tank cars.

On November 22, 1977, the Bureau issued Amendment No. 179-20 (Docket No. HM-38; published in the FEDERAL REGISTER on December 5, 1977; 42 FR 61465) to permit, under 179.14, the use of certain couplers on tank cars built after January 1, 1971.

Under amended 179.14, F type couplers designated by AAR Catalog Nos. F70CHT, F70CHTe, F73AHT, F73AHTe, F79CHT and F79CHTe, E top and bottom shelf couplers Nos. SE67BHT, SE67BHTe, SE68BHT and SE68BHTe, and F top shelf couplers Nos. SF73AHT, SF73AHTe, SF79CHT, and SF79CHTe are approved by the Administrator for use on tank cars built after January 1, 1971.

The F type couplers listed in amended 179.14 are of the same design as those couplers now listed in 179.14(a)(2) except the AAR Catalog Nos. have been changed due to upgraded materials. These F type couplers and the E top bottom shelf couplers listed in amended 179.14 are those couplers with various shank lengths which have been installed in existing tank cars in order to negotiate sharp curves in some of the older chemical plants. Since these E top and bottom shelf couplers and F top shelf couplers have been installed on existing DOT classes 112 and 114 tank cars and the shelf couplers provide an acceptable coupler restraint system to reduce coupler overriding and resulting head punctures, denting and car damage, they have been listed in amended 179.105-6.

The amendments adopted herein are based on requests received from the Committee on Tank Cars of the Railway Progress Institute (RPI), the Union Carbide Corp., E. I. du Pont de Nemours & Co., and the AAR to expand the list of approved couplers because a large number of existing tank cars are now equipped with AAR approved E shelf and F shelf couplers which currently are not approved by the Administrator.

It is the Bureau's opinion that the approval of these requested couplers adopted herein will have minimal economic impact. Since the currently approved E and F couplers will continue as alternative approved couplers, no economic hardship will result from issuance of this approval. Moreover, the use of shelf couplers is anticipated to reduce coupler overriding and resulting tank head punctures, denting, and car damage, thereby promoting safety.

Since this amendment merely provides an alternate method of compliance with an existing regulation and does not impose a burden on regulated persons, I find that notice and public procedure thereon are unnecessary and that it may be made effective on less than 30 days' notice.

Primary drafters of this document are William F. Black, Office of Safety of the Federal Railroad Administration, and George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Directorate.

In consideration of the foregoing, Part 179 of Title 49, Code of Federal Regulations, is amended as follows:

1. In 179.14, paragraphs (a)(4) and (a)(5) are added to read as follows:

§ 179.14 Tank car couplers.

(a) * * *

(4) Effective January 1, 1978, couplers designated by the Association of American Railroads' Catalog Nos. F70CHT, F70CHTe, F73AHT, F73AHTe, F79CHT, and F79CHTe, which have modified shanks and solid

butt ends, but do not have pin bearing blocks, are approved.

(5) Effective January 1, 1978, couplers designated by the Association of American Railroads' Catalog Nos. SE67BHT, SE67BHTE, SE68BHT, SE68BHTE, SF73AHT, SF73AHTE, SF79CHT, and SF79CHTE are approved.

2. In § 179.105-6, paragraphs (d)(1) and (d)(2) are revised to read as follows:

§ 179.105-6 Coupler vertical restraint system.

(d) * * *

(1) E top and bottom shelf couplers designated by the Association of American Railroads' Catalog Nos. SE60CHT, SE60CHTE, SE67BHT, SE67BHTE, SE68BHT or SE68BHTE; or

(2) F top shelf couplers designated by the Association of American Railroads' Catalog Nos. SF70CHT, SF70CHTE, SF73AHT, SF73AHTE, SF79CHT or SF79CHTE.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e))

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 or an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

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

L. D. SANTMAN,
Acting Director, Materials
Transportation Bureau.

[FR Doc. 78-4600 Filed 2-22-78; 8:45 am]

[4910-06]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

Civil Penalty Schedule; Conforming Amendment

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule provides a statement of agency policy for the implementation of certain amendments to railroad safety statutes effected by the Federal Railroad Safety Authorization Act of 1976 (1976 Authorization Act). That Act changed the penalty sections of the Safety Appliance Acts,

the Locomotive Inspection Act, and the Signal Inspection Act to provide that violations would be subject to a penalty between \$250 and \$2,500. In this document FRA states the specific penalties which it will seek to collect pursuant to the administrative collection procedures established under the Federal Claims Collection Act and the implementing regulations. Penalties of \$1,000, \$2,000, or \$2,500 will be sought according to the severity of the claim. In addition to the penalty schedule, this rule includes a conforming amendment to the signal systems reporting requirements.

EFFECTIVE DATE: Since the 1976 Authorization Act became effective on July 8, 1976, and violators of the acts amended by the 1976 Authorization Act have been subject to the increased penalty sanctions since that date, FRA will seek to impose penalties in the amounts specified in this document for all violations of those acts which occurred on or after July 8, 1976.

FOR FURTHER INFORMATION CONTACT:

J. Thomas Furphy, Assistant Chief Counsel, Enforcement Division, Office of Chief Counsel, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, 202-426-8285.

SUPPLEMENTARY INFORMATION: On July 8, 1976, the Federal Railroad Safety Authorization Act of 1976 (1976 Authorization Act) (Pub. L. 94-348, 90 Stat. 817 et seq.) was signed into law. Among other matters, the 1976 Authorization Act increased significantly the penalties applicable to three railroad safety statutes administered and enforced by the Federal Railroad Administration (FRA). The 1976 Authorization Act amendments were as follows:

(1) Section 6 of the Act of March 2, 1893 (45 U.S.C. 6), was amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than \$250 and not more than \$2,500."

(2) Section 4 of the Act of April 14, 1910 (45 U.S.C. 13), was amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than \$250 and not more than \$2,500."

These two acts are commonly referred to as the Safety Appliance Acts (45 U.S.C. 1-16, as amended). All further references in this rule to the Safety Appliance Acts will include both of the above-described amendments.

(3) Section 9 of the Act of February 17, 1911 (45 U.S.C. 34), commonly referred to as the Locomotive Inspection Act, was amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than \$250 and not more than \$2,500."

(4) Section 25(h) of the Interstate Commerce Act (49 U.S.C. 26(h)), commonly referred to as the Signal Inspection Act, was amended by striking out "\$100 for each such violation" and inserting in lieu thereof "not less than \$250 and not more than \$2,500" for each such violation.

The duties and responsibilities for carrying out each of these acts have been delegated by the Secretary of Transportation to the Federal Railroad Administrator (49 CFR 1.49 (c) (1), (3), (5), and (g)).

The 1976 amendments were intended by Congress to improve railroad safety, particularly in light of the yearly increase in the number of train accidents since the passage of the Federal Railroad Safety Act of 1970 (1970 Safety Act) (45 U.S.C. 421, 431-441), as amended. The House Committee on Interstate and Foreign Commerce, in reporting on H.R. 11804, which became the 1976 Authorization Act, stated that it " * * * remains hopeful that the railroad industry will become convinced that railroad safety is cost beneficial * * * " (H.R. Rep. No. 94-1166, 94th Cong., 2d Sess. § 9 (1976)). Through these amendments Congress increased penalties under some of the older railroad statutes, making them identical in amount with penalties under section 209 of the 1970 Safety Act.

FRA shares the concern expressed by Congress about the annual increase in the number of train accidents. The agency is particularly troubled because of the increased numbers of violations of all railroad safety requirements which are being discovered by FRA and participating State field inspectors. The agency has handled more claims and collected more monetary settlements in the past fiscal year than at any other time in the agency's existence. Regrettably, however, these increased activities by FRA have not been met with a corresponding decrease in the number of train accidents. While FRA is well aware of the financial conditions which face the nation's railroads, FRA can not evade the clear direction of Congress to vigorously enforce the rail safety statutes and regulations. Indeed, the requirements of the acts amended by the 1976 Authorization Act have been in effect for many years. The industry has been well aware of these requirements and has had more than ample opportunity to adopt effective inspection, testing and repair programs necessary to ensure compliance with the requirements of these acts.

This document reflects a policy decision by FRA with respect to monetary penalties which FRA will strive to collect for violations of the amended acts or regulations under the administrative procedures established by the Federal Claims Collection Act (FCCA)

(31 U.S.C. 951-953) and the implementing regulations (4 CFR Parts 101-105). The Federal Railroad Administrator has been delegated all functions, powers and duties under the FCAA with respect to claims arising out of the activities of, or referred to, FRA. 49 CFR 89.1.

This document is being published to provide notice to those railroads subject to the provisions of the above-described acts of the specific penalty amount which FRA will strive to collect from any railroad for violating the provisions of the previously named laws and those regulations adopted thereunder. In making this determination, FRA has carefully considered the seriousness of noncompliance by a railroad with the provisions of these acts or regulations.

Pursuant to that review and utilizing the agency's expertise in administering and enforcing these acts, FRA will seek the maximum penalty of \$2,500 in those instances where: (1) Death or serious injury results from noncompliance with the requirements of the amended acts or regulations, or (2) where noncompliance with the particular requirements of the acts has reached a level which indicates a serious lack of adequate safety procedures on behalf of a railroad, such as failure of a railroad to perform initial terminal air brake inspections fully and adequately. FRA will further seek a penalty of \$2,000 in those instances where a particular violation is shown to result from the knowing and willful failure of the railroad, its officers or agents to comply with the requirements of these acts. For all other violations FRA will seek a penalty of \$1,000.

All penalties will be sought under procedures established by the FCCA and the implementing regulations. The informal settlement procedures followed by FRA in previous actions involving collection of civil penalties will be utilized in attempting to settle such claims. In no event, however, will a claim under the amended acts be compromised for less than \$250, in accordance with section 3(c) of the 1976 Authorization Act.

FRA will continuously monitor the effect of such penalties on railroad safety and will revise them as needed to promote compliance with these railroad safety statutes and regulations.

This statement of policy is issued in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), notice and public procedures regarding this rule being unnecessary.

Finally, FRA is also issuing an amendment to 49 CFR 233.11 to bring that section into conformity with the amendment to the penalty section of the Signal Inspection Act contained in the 1976 Authorization Act. Since this

regulatory amendment is merely conforming in nature and does not impose any additional burden on any person, notice and public proceeding upon it are not required.

The primary drafter of this document was Thomas C. Barbour of the Office of Chief Counsel, Federal Railroad Administration.

In consideration of the foregoing, Chapter II of 49 CFR is amended as follows:

(a) Part 209 is amended by adding a new Appendix A to the Part as follows:

APPENDIX A—CIVIL PENALTY, STATEMENT OF AGENCY POLICY

In seeking to collect claims due the United States arising out of alleged violations of the Safety Appliance Acts (45 U.S.C. 1-16, as amended), the Locomotive Inspection Act (45 U.S.C. 22-34, as amended) and the Signal Inspection Act (49 U.S.C. 26) and utilizing the procedures established by the Federal Claims Collection Act (31 U.S.C. 951-953) and the implementing regulations (4 CFR Parts 101-105), the Federal Railroad Administration (FRA) will follow these guidelines:

(1) For violations of the above-described acts which result in death or serious injury, or where violations have reached a level indicating a serious lack of adequate safety procedures on behalf of a railroad, such as failure of a railroad to perform an initial terminal air brake inspection fully and adequately, the FRA will seek the imposition of the maximum penalty of \$2,500.

(2) For violations of the above-described acts which result from the knowing and willful failure of a carrier, its officers or agents to comply with the requirements of those acts, the FRA will seek a penalty of \$2,000.

(3) For all other violations of the above-described acts, the FRA will seek a penalty of \$1,000.

(4) Each day a violation of the Signal Inspection Act continues is a separate offense.

(Sec. 6, 27 Stat. 532 (45 U.S.C. 6), as amended by sec. 3(a), Pub. L. 94-348, 90 Stat. 818; sec. 4, 36 Stat. 299 (45 U.S.C. 13), as amended by sec. 3(b), Pub. L. 94-348, 90 Stat. 818; sec. 9, 36 Stat. 916 (45 U.S.C. 34), as amended by sec. 3(c), Pub. L. 94-348, 90 Stat. 818; sec. 25(h), 41 Stat. 498 (49 U.S.C. 26(h)), as amended by sec. 3(d), Pub. L. 94-348, 90 Stat. 818; § 1.49 (c) (1), (3), (5), and (g), § 89.1(b), regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (c), (1), (3), (5), and (g), and 89.1(b).)

(b) Section 233.11 of Part 233 is amended to read as follows:

§ 233.11 Civil penalty.

A carrier that fails or refuses to file reports as required by this part is liable to a civil penalty of not less than \$250 and not more than \$2,500 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 26. Each day a failure or refusal continues is a separate offense.

(Sec. 25(h), 41 Stat. 498 (49 U.S.C. 26(h)), as amended by sec. 3(d), Pub. L. 94-348, 90 Stat. 818; § 1.49(g), regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).)

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

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-4801 Filed 2-22-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1011—COMMISSION ORGANIZATION: DELEGATION OF AUTHORITY

Miscellaneous Amendments

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: By a Notice published in the FEDERAL REGISTER on January 6, 1978 (43 FR 1091), the Chairman of the Interstate Commerce Commission delegated certain authority to specify Commission employees to act in certain matters assigned to the Chairman. The accompanying changes in these rules provide for a minor change in the delegation of authority to dismiss complaints or applications at the request of applicants, and also add a new provision delegating to the director of the Commission's Bureau of Economics the authority to grant or deny access to waybills and statistics reported under orders of the Commission.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

George M. Chandler, phone 202-275-1912.

Section 1011.7 of Title 49 of the Code of Federal Regulations is amended by revising paragraph (d) and by adding a new paragraph (f) to read as follows:

§ 1011.7 Delegations of authority by the Chairman of the Interstate Commerce Commission.

* * *

(d) Except as provided in Rule 66(a) of the general rules of practice, 49 CFR 1100.66(a), authority to dismiss complaints at the request of the complainant, or applications at the request of applicants, is delegated to the Director of the Office of Proceedings and the Chief Administrative Law Judge of the Commission.

* * *

(f) Authority to grant or deny access to waybills and to statistics reported under orders of the Commission is del-

egated to the Director of the Bureau of Economics of the Commission.

These delegations of authority are made under the authority contained in section 2 of the Reorganization Plan No. 1 of 1969, 5 U.S.C. Appendix (38 Stat. 59); and 49 CFR 1011.5(a) (1), (2), (4), and (5).

By the Commission, A. Daniel O'Neal, Chairman.

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

FEBRUARY 15, 1978.

[FR Doc. 78-4831 Filed 2-22-78; 8:45 am]

proposed rules

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

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y; Docket No. R-0145]

NONBANKING ACTIVITIES

Application to Engage in the Sale of Money Orders and Similar Instruments, Travelers Checks, U.S. Savings Bonds, and Consumer Financial Management Courses, and of Possible Rulemaking With Respect Thereto

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of application and proposed rule.

SUMMARY: In conjunction with its consideration of an application by Citicorp, New York, N.Y., the Board may consider a proposed rule that would permit bank holding companies to engage, directly or indirectly, in the sale of money orders and similar instruments, travelers checks, U.S. Savings Bonds, and consumer-oriented financial management courses and instructional material, subject to Board approval of specific proposals.

DATE: Comments must be received by March 14, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R-0145.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel, 202-452-3274, or James McAfee, Senior Attorney, 202-452-3707, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

(1) *Notice of application.* Citicorp has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) for permission to engage in the sale of money orders and similar instruments, travelers checks, U.S. savings bonds, and consumer-oriented financial management courses and instructional material. These activities, which the Board has not previously found to be closely related to banking, would be performed by Citicorp

Person-to-Person Financial Centers, subsidiaries of Nationwide Financial Services Corp. (a subsidiary of Citicorp) at eight existing offices in Utah. Notice of the application was published November 10, 1977, in the Ogden Standard-Examiner, The Daily Herald, and The Salt Lake Tribune, newspapers circulated in Ogden, Provo, and Salt Lake City, Utah, respectively, and the application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

(2) *Possible rulemaking.* In connection with its consideration of Citicorp's application, the Board, although not required to do so, may also consider whether § 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)) should be amended to add the activities proposed by Citicorp to those permissible generally for bank holding companies under section 4(c)(8) of the Bank Holding Company Act. A proposed text of such an amendment, the chief effect of which would be to permit bank holding companies to engage de novo in these activities in normal cases upon 45-days' notice to the public and to the appropriate Federal Reserve Bank, is set forth at the end of this notice.

(3) *Submission of comments.* To aid the Board in its consideration both of Citicorp's application and related rulemaking, interested persons may express their views on the questions whether the proposed activities, or any of them, are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether consummation of Citicorp's proposal, or whether performance of the proposed activities generally by an affiliate of a bank holding company, can "reasonably be expected to produce benefits to the public, such as greater convenience, increase competition, or gains in efficiency, that outweigh possible adverse effects, such as under concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on these questions 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.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Gov-

ernors of the Federal Reserve System, Washington, D.C. 20551, not later than March 14, 1978. All material submitted should include the docket number R-0145. Such information will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(4) *Authority.* This action is proposed pursuant to the Board's authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)).

Section 225.4(a)(5)(iv) of the Board's Regulation Y (12 CFR 225.4(a)(5)(iv)) would be amended and section 225.4 of the Board's Regulation Y (12 CFR 225.4(a)) would also be amended by adding the following new paragraph (13) immediately following § 225.4(a)(12):

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be closely related to banking or managing or controlling banks as to be a proper incident thereto:

(5) Acting as investment or financial adviser to the extent of * * *

(iv) Furnishing general economic information and advice, consumer-oriented financial management courses and instructional material, general economic statistical forecasting services and industry studies;

* This is to be contrasted with "management consulting" which the Board views as including, but not limited to, the provision of analysis or advice as to a firm's (i) purchasing operations, such as inventory control, sources of supply, and cost minimization subject to constraints; (ii) production operations, such as quality control, work measurement, product methods, scheduling shifts, time and motion studies, and safety standards; (iii) marketing operations, such as market testing, advertising programs, market development, packaging, and brand development; (iv) planning operations, such as demand and cost projections, plant location, program planning, corporate acquisitions and mergers and determination of long-term and short-term goals; (v) personnel operations, such as recruitment, training, incentive programs, employee compensation, and management-personnel relations; (vi) internal operations, such as taxes, corporate organization, budgeting systems, budget control, data processing systems

(Continued)

(13) the sale at retail of money orders and other variable denominated instruments, travelers checks, and U.S. savings bonds.

Board of Governors of the Federal Reserve System, February 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-4820 Filed 2-22-78; 8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 344]

RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Notice of Proposed Rulemaking

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is proposing a new Part 344 (12 CFR) to require that insured State nonmember banks who effect certain securities transactions for customers provide confirmations of and maintain records with respect to such transactions. Commentators are also invited to consider whether and to what extent regulations should be promulgated which would: (1) Expressly recognize the duty of State nonmember banks to obtain the best execution of securities transactions which they effect for customers, (2) establish competency and testing requirements for bank employees engaged in effecting securities transactions for customers. Similar proposals have been published for comment by the Comptroller of the Currency and the Board of Governors of the Federal Reserve System.

DATES: Comments must be received on or before March 31, 1978.

ADDRESS: Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. All written comments will be made available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

(Continued)

evaluation, and efficiency evaluation; or (vii) research operations, such as product development, basic research, and product design and innovation. The Board has determined that "management consulting" is not an activity that is so closely related to banking or managing or controlling banks as to be a proper incident thereto.

Gerald J. Gervino, Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4422.

SUPPLEMENTARY INFORMATION:

On June 30, 1977, the Securities and Exchange Commission (SEC) published its final report on Bank Securities Activities (the final report), pursuant to its mandate under section 11A(e) of the Securities Exchange Act of 1934. The final report includes a recommendation to Congress that the Federal banking agencies be mandated to issue and enforce specific rules and regulations governing the conduct of banks in effecting transactions in securities for the accounts of others. This recommendation would require that such rules and regulations should cover all aspects of this activity, including personnel competency standards, recordkeeping requirements, and confirmation requirements. This proposal is responsive, in part, to the recommendations of the SEC final report.

An essential element of bank fiduciary activities is the purchase and sale of securities for accounts under management in a trust department, and also for bank customers generally. Because of the growth of these activities, improved supervision is necessary to ensure that banks perform these activities in accordance with the highest standards, in order to protect the public interest. Accordingly, the FDIC proposes to require insured State nonmember banks to establish and maintain uniform procedures to facilitate effective supervision by banks and their supervisory personnel and to assist in protecting the interests of these bank customers.

This proposal would require specific written procedures in connection with effecting securities transactions for customers and the maintenance of certain records with respect to such transactions. As proposed, the recordkeeping requirements would apply to all securities transactions by the bank for customers, but the confirmation requirements would not apply to transactions in U.S. Government obligations, federal agency obligations and obligations of States and municipalities. Insured State nonmember banks that are municipal securities dealers are already required to comply with comparable rules of the Municipal Securities Rulemaking Board with respect to transactions in municipal securities.

Generally, confirmation of securities transactions would be required to be furnished to customers within 5 business days. In the case of accounts for which the bank exercises investment discretion, collective investment funds and periodic plans administered by the bank, monthly, quarterly or annual statement of transactions and certain

other information would be required. Further, bank personnel engaged in effecting securities transactions would be required to advise the bank of their personal transactions in securities, wherever effected.

The FDIC is considering the necessity for regulation in two additional areas addressed in the SEC final report. The final report observed that under traditional agency principles banks, like brokers, have a duty to obtain the best terms for their customers. No specific regulation applicable to insured State nonmember banks articulates this duty in a manner similar to that imposed upon broker/dealers and there is uncertainty as to the degree to which this principle of "best execution" is applicable to banks. The FDIC would appreciate receiving the views of interested parties as to: (a) The need for such a regulation, and (b) the appropriate scope and content of an implementing regulation.

The SEC final report also recommended that bank employees engaged in effecting transactions in securities for others should be subject to competency and testing requirements regarding securities laws and operations of securities markets, as are brokerage personnel similarly engaged, and that banks be required to adopt specific supervisory procedures with respect to these activities. The FDIC invites comment with respect to: (a) The scope and content of competency and testing standards, (b) the scope and content of such regulation, with particular regard to types of personnel who should be subject to competency and testing standards.

The FDIC proposes to add a new Part 344 to its regulations as set forth below:

PART 344—RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Sec.

- 344.1 Scope of part.
- 344.2 Definitions.
- 344.3 Recordkeeping.
- 344.4 Form of confirmations.
- 344.5 Time of confirmation.
- 344.6 Securities trading policies and procedures.
- 344.7 Compliance with Municipal Securities Rulemaking Board rules.

AUTHORITY: 12 U.S.C. 1817, 1818, 1819.

§ 344.1 Scope of part.

This part is issued by the Federal Deposit Insurance Corporation ("FDIC") and applies to banks which are organized under State law, are insured by the FDIC and are not members of the Federal Reserve System ("bank").

§ 344.2 Definitions.

For purposes of this part:

(a) "Customer" shall mean any person including any trust, estate, fi-

duciary account holder, guardianship, committee, or similar person for which a bank effects or participates in effecting the purchase or sale of securities, but shall not include a broker, dealer, dealer bank, or issuer of the securities which are the subject of the transactions;

(b) "Time of transaction" means the time of execution of the customer's order, to the extent feasible;

(c) "Periodic plan" means any written authorization for a bank acting as agent to purchase or sell for a customer a specific security or securities, in specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commission or charges to be paid by the customer in connection therewith or the manner of calculating them;

(d) "Collective investment fund" means funds held by a bank as fiduciary and, consistent with local law, invested collectively; (A) In a common trust fund maintained by such bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian, or (B) in a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus, or similar trusts which are exempt from Federal income taxation under the Internal Revenue Code;

(e) "Security" means any interest or instrument commonly known as a "security", whether in the nature of debt or equity, including any stock, bond, note, debenture, evidence of indebtedness, or any participation in or right to subscribe to or purchase any of the foregoing. The term "security" does not include: (A) A deposit as defined in section 3(f) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(f), (B) a loan participation, (C) a letter of credit or other form of bank indebtedness incurred in the ordinary course of business, (D) currency, or (E) any note, draft, bill of exchange, or bankers acceptance which has a maturity at the time of issuance of not exceeding 9 months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited.

(f) A bank shall be deemed to exercise "investment discretion" with respect to an account if, directly or indirectly, the bank: (A) Is authorized to determine what securities or other property shall be purchased or sold by or for the account, or (B) makes decisions as to what securities or other property shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

§ 344.3 Recordkeeping.

Every bank effecting securities transactions for customers shall maintain the following records with respect to such transactions for 6 years:

(a) "Blotters" or other records of original entry, containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate, bond, or note number), all receipts and disbursements of cash with respect to transactions in securities, and all other debits and credits pertaining to transactions in securities. The records of original entry shall also show the account for which each such transaction was effected, the description of the securities, the unit and aggregate purchase or sale price (if any), the trade date and the name or other designation of the person from whom purchased or received or to whom sold or delivered;

(b) Account records for each customer which shall reflect all purchases and sales of securities, all receipts and deliveries of securities, and all receipts and disbursements of cash with respect to transactions in securities for such account and all other debits and credits pertaining to transactions in securities. Account records of bank employees shall be so designated as to be readily identifiable from those records relating to other customers of the bank but need not be segregated;

(c) A separate memorandum (order ticket) of each order to purchase or sell securities, (whether executed or canceled), which shall include:

(1) The account for which the transaction was effected;

(2) Whether the transaction was a market order, limit order, or subject to special instructions;

(3) The time the order was received by the bank employee responsible for effecting the transaction;

(4) The time the order was executed or canceled;

(5) The price at which the order was executed; and

(6) The broker/dealer utilized and the market in which the transaction occurred; and

(d) A record of all broker/dealers used by the bank to effect securities transactions.

§ 344.4 Form of confirmations.

Every bank effecting securities transactions for a customer shall furnish to such customer as to all such transactions, written notification disclosing:

(a) The name, address, and telephone number of the bank;

(b) The name of the customer;

(c) The capacity in which the bank effected the transaction;

(d) The name of the person from whom the security was purchased, to whom it was sold, or the fact that such information will be furnished within a reasonable time upon written request of such customer;

(e) The source and amount of any remuneration received or to be re-

ceived by the bank from the customer or any other source in connection with the transaction, unless remuneration is determined pursuant to a written agreement otherwise than on a transactional basis;

(f) The amount of any remuneration received or to be received, directly or indirectly, by any broker from such customer in connection with the transaction; and

(g) The date and time of the transaction (or the fact that the time of the transaction will be furnished, within a reasonable time, upon written request of such customer) and the identity, price and number of shares or units (or principal amount in the case of debt securities) of such security purchased or sold by such a customer;

Provided, however, That the requirements of this § 344.4 shall not be applicable to transactions in: (1) Securities issued or guaranteed as to principal or interest by the United States; (2) Federal agency obligations; or (3) municipal securities as defined in section 3(a)(29) of the Securities Exchange Act of 1934.

§ 344.5 Time of confirmation.

A bank which effects securities transactions for a customer shall furnish to such customer the written notification described in § 344.4 within 5 business days from the date of the transaction, unless the transaction is effected with respect to:

(a) Accounts, except collective investment funds, for which the bank exercises investment discretion, in which instance the bank, within 5 business days after the end of each month in which a transaction occurred, shall furnish a written statement disclosing with respect to each transaction effected during the month the information required in § 344.4. This statement shall also include information concerning any dividend or distribution credited to or reinvested for such customer. The bank shall furnish the written statement to the person having power to terminate the account or, if there is no such person, to the ascertained beneficiaries of those accounts or their legal representatives;

(b) A collective investment fund, in which instance the bank shall at least annually furnish the customer a copy of a financial report of the fund, or provide notice that a copy of such report is available and will be furnished upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. This report shall be based upon an audit. It shall contain:

(1) A list of investments in the fund showing the cost and current market value of each investment;

(2) A statement for the period since the previous report showing pur-

chases, with cost; sales, with profit or loss and any other investment changes; income and disbursements;

(3) An appropriate notation as to any investments in default; and

(4) The financial report may include a description of the fund's value on previous dates, as well as its income and disbursements during previous accounting periods; or

(c) A periodic plan, in which instance the bank shall furnish the customer within 5 business days after the end of each quarterly period in which a transaction occurred, a written statement disclosing with respect to each transaction effected during the period the information described in § 344.4. This statement shall include information concerning any dividend or distribution credited to, or reinvested for each customer. In addition, the bank shall furnish the information described in § 344.4 upon written request from the customer within 5 business days of receipt as to transactions during the present quarter, and within 15 business days of receipt as to transactions during previous quarters.

§ 344.6 Securities Trading policies and procedures.

Every bank effecting securities transactions for customers shall establish written policies and procedures providing:

(a) Assignment of responsibility for supervision of all officers or employees who trade in securities;

(b) For the fair and equitable allocation of securities and prices to accounts when orders for the same security are received and combined for execution at approximately the same time;

(c) For the crossing of buy and sell orders on a fair and equitable basis to the parties to the transaction; and

(d) That bank officers or employees whose duties include account management or effecting securities transactions for customers, or who supervise such activities, must promptly report to the bank all securities transactions made by them or in their behalf, either at the bank or elsewhere, in which they have a beneficial interest. These reports must be retained by the bank for 6 years.

§ 344.7 Compliance with Municipal Securities Rulemaking Board rules.

A bank that is in compliance with rules of the Municipal Securities Rulemaking Board with respect to transactions in municipal securities shall be considered to be in compliance with the requirements of this Part.

By order of the Board of Directors,
February 16, 1978.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-4841 Filed 2-22-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 78-SW-2]

AIRWORTHINESS DIRECTIVES

Bell Model 214B and 214B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to issue an Airworthiness Directive (AD) that would require installation of a tail fin and tail boom modification for the Bell Model 214B and 214B-1 helicopters to strengthen the tail fin and boom and to prevent possible failure of the tail fin and loss of control of the helicopter. This notice is being issued because of a tail fin on a Model 214 helicopter which failed as a result of a fatigue crack in the left side of the fin forward spar.

DATES: Comments must be received by March 21, 1978. Proposed effective date of the AD will be April 30, 1978.

ADDRESSES: Send comments on this proposal in triplicate to: Regional Counsel, Attn. Docket 78-SW-2, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. The applicable drawing may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101, or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration Southwest Region, P.O. Box 1689, Fort Worth, Tex. 76101.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex., telephone No. (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: The tail fin on a Bell Model 214B helicopter reportedly failed as a result of a fatigue crack in the left side of the fin forward spar after the tail boom had approximately 300 hours' time in service. The helicopter had been used in external cargo logging operations and allegedly had an unbalanced rotor system during a long flight prior to the logging operation. Failure of the tail fin may result in loss of control of the helicopter. Bell Helicopter Textron issued a message, dated April 11, 1977, requiring a repetitive inspection of the tail fin spar at 25-hour intervals for tail booms with 100 or more hours' total time in service. Bell subsequently

issued Service Bulletin No. 214-77-3, Revision A, dated November 30, 1977, requiring a daily inspection of the tail fin forward spar cap angles and spar web for cracks and loose rivets and requiring a 50-hour interval inspection of the tail fin lower web for cracks and loose rivets. The agency has not received any other reports of a cracked tail fin spar cap angle since the message, dated April 11, 1977, was issued. The FAA has approved the Bell tail fin and boom modification No. 214-961-151-1 that primarily replaces the aluminum spar cap angles with steel cap angles for the left side of both spars of the tail fin.

The agency believes tail fin spar cracks may possibly develop in other Bell Model 214B and 214B-1 helicopters used in "heavy lift" type of external cargo operations, as well as those used in general operations. The model 214B and 214B-1 differ only by their certificated maximum gross weight of 13,800 pounds and 12,500 pounds respectively.

Therefore, the proposed AD would require installation of the modification No. 214-961-151-1 on all Bell Model 214B and 214B-1 helicopters before July 30, 1978, to preclude possible failure of the tail fin by incorporating this significant design improvement.

Interested persons are invited to participate in the development of the final rule by submitting written or oral comments as they desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All comments will be recorded and considered by the Director before taking final action and the proposal may be changed as a result of the comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Tex. 76101.

DRAFTING INFORMATION

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76101.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BELL: Applies to Bell Model 214B and 214B-1 helicopters, S/N 28001 through 28024 and S/N 28032 through 28036, certificated in all categories.

Compliance required by July 30, 1978.

To improve the strength and fatigue resistance of the tail boom and fin and preclude possible failure of the fin, accomplish the following:

Modify the tail boom and fin in accordance with Bell Helicopter Textron Drawing No. 214-961-151 or in accordance with an equivalent means approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85.)

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

Issued in Fort Worth, Tex., on February 7, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-4660 Filed 2-22-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-NW-1]

FEDERAL AIRWAYS

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V-4 and V-287 via the Tatoosh, Wash., VORTAC which is to be commissioned at Lat. 48°17'59"N., Long. 124°37'38"W. These airways will be improved by using a VORTAC rather than the Neah Bay, Wash., NDB for air navigation.

DATES: Comments must be received on or before March 10, 1978.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 78-NW-1, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 10, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter a segment of V-4 and V-287 (an identical route) to extend from Tatoosh, Wash., to Port Angeles, Wash., rather than from Neah Bay, Wash., to Port Angeles. A VORTAC is installed near Tatoosh, Wash., at Lat. 48°17'59"N., Long. 124°37'38"W., to improve the air navigation system in the area of Neah Bay, Wash. The Tatoosh VORTAC is scheduled to be commissioned on May 18, 1978, at which time it is hoped that this proposal will become a rule.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) as follows:

1. In V-4 "From Neah Bay, Wash., RBN," is deleted and "From Tatoosh, Wash., via" is substituted therefor.

2. In V-287 "Neah Bay, Wash., RBN," is deleted and "Tatoosh, Wash." is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.65)

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

Issued in Washington, D.C. on February 15, 1978.

B. KEITH POTTS,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-4626 Filed 2-22-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-4]

TRANSITION AREAS

Proposed Designation of Winnemucca, Nev.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate 700 and 1,200 foot transition areas at Winnemucca, Nev., to provide protection for aircraft executing a new instrument approach procedure (NCB-A) to the Winnemucca Municipal Airport and establish transition routes between the nondirectional radio beacon (NDB) and adjacent VOR airways.

DATES: Comments must be received on or before March 23, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written date, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261. All communications received on or before March 23, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261, or by calling 213-536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division, and DeWitte T. Lawson, Jr., Esquire, Office of the Regional Counsel, Western Region.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Winnemucca, Nev., 700 foot and 1,200 foot transition areas. This action will provide additional controlled airspace to accommodate aircraft executing the NDB-A approach procedure to the Winnemucca Municipal Airport and for controlled airspace between adjacent VOR Airways 6 North and 113 and the Winnemucca NDB.

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

WINNEMUCCA, NEV.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Winnemucca Municipal Airport (latitude 40°53'50" N., longitude 117°48'07" W.) and within 9 miles west and 5 miles east of the Winnemucca NDB (latitude 40°53'50" N., longitude 117°48'20" W.) 342° bearing, ex-

tending from the 5 mile radius area to 11 miles north of the NDB; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 342° and 162° bearings extending from the NDB to southeast edge of V-113 and the north edge of V-6N.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

Issued in Los Angeles, California on February 9, 1978.

FRANK HAPPY,
Acting Director,
Western Region.

[FR Doc. 78-4659 Filed 2-22-78; 3:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 263]

[IEDR-345; Docket 31479; Dated: February 15, 1978]

PARTICIPATION OF AIR CARRIER ASSOCIATIONS IN BOARD PROCEEDINGS

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rulemaking would amend 14 CFR Part 263 to allow associations of air carriers to represent their members in Board proceedings on the basis of informal authorizations, which need not be provided to the Board except on request. The action is taken in response to a petition by the National Air Carriers Association. The Board is also proposing, on its own initiative, to amend the rule to apply only to associations of direct air carriers.

DATES: Comments by April 10, 1978. Reply comments by April 25, 1978. Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. Requests to be put on the Service List: March 6, 1978. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 31479, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aero-

navics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

RELAXATION OF ASSOCIATION REQUIREMENTS

14 CFR Part 263 provides that an air carrier association may not participate in Board proceedings to present the views of its members unless (1) its articles of association authorizing such participation are approved by the Board (§ 263.2) and (2) the Board, upon motion or its own initiative, grants leave to participate (§ 263.3). The Board will approve the articles of association and grant leave only if each carrier signs and submits a copy of a resolution authorizing the association's participation. This requirement can be satisfied by the filing of a power of attorney signed by an authorized officer of each carrier to be represented. Section 263.3(3) provides that, upon motion of any interested person or upon its own initiative, the Board can require the association to withdraw from the case because of significant divergence of interest or position among its members.

The National Air Carrier Association (NACA) filed a Petition for Rulemaking to amend Part 263 to relax the authorization requirements.¹ NACA would amend the rule to either permit an attorney representing a member air carrier to execute a power of attorney on behalf of his client, or allow an officer of the air carrier association to certify that he has communicated with an authorized official of each carrier to be represented, and that each carrier has knowledge of and consents to representation by the association in that proceeding. NACA also suggested, in a footnote, the elimination of the leave-to-participate requirement of § 263.3 where the association has filed a power of attorney or certification, subject to the Board's power in § 263.3(a)(3) to require it to withdraw from participation for reasons that appear later.

In support of its petition NACA argued that implementation of the

¹A similar petition by members of NACA was denied in 1971 (Petition for Rulemaking of Member Carriers of NACA, October 26, 1971, Docket 23939). The Board stated that it preferred participation by individual carriers to carrier participation by means of trade associations because "the expression of individual carriers views should be encouraged."

Part 263 requirements has imposed considerable burden and expense on it and its members. Obtaining the needed authorization requires not only the attention of a NACA corporate officer but substantial time for mailing. The fact that none of the member corporations are located in Washington has made it difficult to obtain the necessary powers of attorney on short notice.

Part 263 was originally intended to insure that where an air carrier association participated in a Board proceeding, the Board would have "access to, and the benefit of, the uninhibited expression of the candid views and positions of the individual air carriers." 24 FR 4882, adopted June 10, 1959, effective June 16, 1959.

Attempts by associations to coerce members to adhere to a unified view are objectionable on various grounds.² We have little or no evidence, however, that the questioned requirements of Part 263 are necessary to prevent the stifling or ignoring of individual carriers' views. Indeed, despite the policy underlying the existing rule, it has not been uncommon for the Board to encourage or facilitate in association's formulation of an industry view in rulemaking cases. Nothing in the Board's regulations or practice restricts the submission of opinion by an individual carrier, and any carrier disagreeing with the association's views can express its own opinions separately. Modification of Part 263 would also lessen paperwork for the Board and for private parties.

On considering the alternative procedures suggested by NACA, the Board has tentatively decided that formal filings such as certifications and powers of attorney are unnecessary in this area, considering the sanctions in Federal law and Board regulations (e.g., 14 CFR Part 300) that would apply to any misrepresentations in Board proceedings. An association will be held strictly to the requirements of this rule even in the absence of formal declarations in each case. The Board, therefore, is proposing by this notice that Part 263 be modified to require (1) that an association identify those members whom it is representing in a given proceeding, a.³ (2) that its identification of those members be based on specific authorizations with respect to the positions taken, which can be informal and need not be provided to the Board except on request.

²The preamble to Part 263, 24 FR 4882 (adopted June 10, 1959, effective June 16, 1959), states, "Attempts by air carrier associations to bring about a unified position of their members vis-a-vis other groups of air carriers or persons whose economic interest conflicts with that of association members appear prima facie to be contrary to anti-trust principles."

The Board is especially interested in receiving comments on the general desirability of having trade associations represent before it broad segments of the affected industries. Comments on this issue, including any antitrust implications, are specifically invited from other Federal agencies, including the Federal Trade Commission and the Antitrust Division of the Department of Justice.

APPLICATION LIMITED TO DIRECT AIR CARRIERS

The Board is proposing to amend Part 263 to limit its application to associations of direct air carriers, thus removing groups such as charter operators from the rule. An air carrier association is now defined in Part 263 as "an association composed entirely or in part of air carriers which are not exempted from the provisions of section 412 of the act in respect of relationships between one another."

The American Society of Travel Agents (ASTA), an association whose members sometimes act as tour operators (i.e., "indirect air carriers"), petitioned in September, 1976, for leave to intervene in a Board proceeding regarding an application for a foreign indirect air carrier permit.⁴ Judge Yoder concluded, in denying the petition, that as "an air carrier association" ASTA was required to meet the requirements of Part 263, and had not done so in filing the petition. ASTA's argument that Part 263 did not apply to associations of indirect air carriers was rejected by Judge Yoder in Order 76-9-71.

The Board took discretionary review of the denial and granted intervention. It relieved associations of indirect carriers of passengers from the requirements of Part 263 (Order 76-12-140) on an interim basis, but indicated that the general issue raised by ASTA's petition would be resolved in a context providing an opportunity for public comment.

The preamble to part 263 states that it was not intended to be applicable to "associations of pilots, aircraft owners, and airport operators, aircraft manufacturers, and chambers of commerce."⁵ Since it issued Part 263, the Board has adopted various charter regulations that have created a new class of "carriers" not originally contemplated in the regulation, i.e., charter operators who are indirect air carriers of passengers. Although technically they are "air carriers" included

³Tourist Enterprises Corporation "Orbis" d.b.a. Orbis Polish Travel Bureau, Inc. d.b.a. Pargiello Service, Inc., Docket 27914.

⁴24 FR 4883 (adopted June 10, 1959, effective June 16, 1959).

in the Part 263 use of the term, their functional relationship to air transportation is comparable to the types of organizations the Part 263 preamble specifically excluded from coverage.

Where a segment of an affected industry consists of many relatively small members, such as charter operators, the imposition of Part 263 requirements on the industry's association could make it much more difficult for the members to make their views known to the Board. The Board has therefore tentatively concluded that Part 263 should be amended so as to be made expressly inapplicable to these associations. When they participate in our proceedings we will not consider their views as the unified opinion of all their members, but as a convenient channel for some of them. Separate opinions of any interested member will, of course, be encouraged and given serious consideration by the Board in each proceeding.

NEW FORM OF REQUEST FOR COMMENTS

For this notice the Board is using a new form of request for comments, all of which is contained within the headings at the beginning of the notice. Our new form includes the statement: "Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable." This changes the previous form in two significant respects.

First is the explicit recognition that comments are received by the Docket Section after the close of the comment period that had been announced in the Notice of Proposed Rulemaking. In actual practice, the Board has routinely granted formal motions made by practitioners for leave to file tardy comments as "otherwise unauthorized documents," while informally accepting as "late-filed comments" letters and other written communications from the general public or interested members of Congress that are received by the Board, or any of its members or employees, during the course of a rulemaking proceeding. Our new form of request makes it clear that no formal motions need accompany post-deadline comments, thereby eliminating unnecessary effort both within and outside the Board.

The second change is the inclusion of the phrase "other relevant information." In its informal rulemaking proceedings the Board considers a wide range of information, including its own experience with the subject at issue, in addition to the comments received. To the extent practicable, relevant information is put into the docket and is discussed in the Board's explanations of its rulemaking actions on the subject.

In sum, the new form of request for comments gives notice that relevant

material received by the Board following its request for comments will be filed in the docket of the rulemaking and be considered by the Board. However, as stated material received after the Board's announced deadlines will be considered only to the extent that the circumstances of the case make it practicable to do so. Only persons submitting materials before the deadline have the assurance that the Board will not take any action in the rulemaking proceeding before it has had the opportunity to consider their comments.

PROPOSED RULE

Accordingly, it is proposed that Part 263 of the Economic Regulations (14 CFR Part 263) be revised as follows:

Part 263—Participation of Air Carrier Associations in Board Proceedings

Sec.

- 263.1 Definitions.
- 263.2 Approval of articles of association.
- 263.3 Participation.

AUTHORITY: Sec. 102, 204, 412, and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 770, and 778 (49 U.S.C. 1302, 1324, 1382, and 1481).

§ 263.1 Definitions.

For the purposes of this part: (a) "Air carrier association" means an association composed entirely or in part of direct air carriers that are not exempted from the provisions of section 412 of the Act in respect of relationships between one another.

(b) "Board proceeding" means any proceeding of the Board to which the Board's procedural regulations apply.

§ 263.2 Approval of articles of association.

An air carrier association created by agreement subject to approval under section 412 of the Act, its officers, or its employees may not participate in Board proceedings unless its articles of association contain provisions approved by the Board authorizing such participation.

§ 263.3 Participation.

(a) An air carrier association may participate in a Board proceeding only if—

(1) The issues substantially affect the property or financial interests of the association as opposed to an interest derivative from its members;

(2) The association acts as a conduit to the Board of factual information gathered from the members, as distinguished from presentation of opinions or positions on issues; or

(3) The association represents members that are identified in any documents filed with the Board, and that have specifically authorized the positions taken by the association in that proceeding. The specific authorizations may be informal and evidence of them shall be provided only upon request of the Board.

(b) Upon motion of any interested person or upon its own initiative, the Board may issue an order requiring an association to withdraw from a case on the ground of significant divergence of interest or position within the association.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4580 Filed 2-22-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 134]

COUNTRY OF ORIGIN MARKING

Withdrawal of Notice of Proposed Change of Position Relating to Country of Origin Marking of Radios, Stereo Systems, Television Sets, and Other Similar Consumer Electronic Products

FEBRUARY 14, 1978.

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Withdrawal of proposed change of position.

SUMMARY: This document withdraws a notice of proposed change of position relating to the country of origin marking of radios, stereo systems, television sets, and other similar consumer electronic products. The proposed change would have required that the country of origin be marked on the front, top, or sides of the products in a manner to ensure the visibility of the marking when the product is on display. The current practice is to permit these products to be marked on the back.

The Customs Service has determined that present marking practices fully comply with statutory requirements and adequately inform prospective purchasers of the country of origin of these products. Accordingly the notice of proposed change of position is withdrawn.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Andrew N. Bernstein, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5765.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 3, 1977, the Customs Service published a proposal in the *FEDERAL REGISTER* (42 FR 39227) to require that imported radios, stereo systems,

television sets, and similar consumer electronic products be marked with their country of origin on the front, top, or sides of the product in a manner which would ensure the visibility of the marking while on display. Current practice permits the country of origin to be marked on the back of these products. Interested persons were given until September 2, 1977, to submit comments. The date for receipt of comments was extended until October 3, 1977, by a notice published in the *FEDERAL REGISTER* on September 2, 1977 (42 FR 44246).

DISCUSSION OF COMMENTS

The comments which supported the proposed change welcomed it as a more effective method of indicating the country of origin of these products. Several commenters expressed the view that the proposal would give consumers greater freedom of choice by making them more aware of which products are American-made. Some commenters also suggested that the proposed requirement would promote the purchase of American-made goods, thereby stimulating the economy and creating additional jobs.

One commenter claimed that marking the country of origin on the back of a product fails to meet the requirement of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), that the marking be "in a conspicuous place," because the marking is not plainly visible to all purchasers.

The objection most often cited by those opposed to the change was that marking the country of origin in any of the contemplated locations would have a detrimental effect on the appearance of these products. Many commenters stated that the consumers view electronic products not only as a functional equipment, but as furniture as well, and that the physical appearance of the product is an important factor in the purchaser's choice.

A large number of commenters noted that the back or bottom of a product is a sufficiently conspicuous place in which to mark the country of origin. Several observed that other important information, such as product specifications, serial numbers, and the Underwriters' Laboratory seal of approval, appear on the back of each unit.

Moreover, a number of commenters noted that 19 U.S.C. 1304 has been interpreted, both by Customs and the courts, to require only that the country of origin be marked in a "conspicuous place," not necessarily "the most conspicuous place," and does not require that a product be marked in a manner so as to be visible while on display prior to sale. They suggested that the test for sufficiency of the marking is to be imposed at the time of importation, not the time of sale, and that if

PROPOSED RULES

products are displayed by retailers in a manner which appears to prevent the consumer from learning the country of origin, remedial action should be taken by another agency, such as the Federal Trade Commission, and not by Customs.

Several commenters suggested that most consumers are aware of the origin of electronic products which they contemplate buying and that, in any case, the country of origin is not a significant factor in most purchases. Moreover, they claimed persons interested in this information could ask a salesperson the country of origin or examine the product.

In addition, some commenters stated that the proposed change is discriminatory in that it singles out electronic products for special treatment, while disregarding numerous other types of products, such as apparel and automobiles. A number of commenters also expressed the opinion that it was unclear from the notice what products would be covered by the term "similar electronic products" and questioned whether microwave ovens, movie projectors, automobile tape decks, and calculators, for example, would be included.

Some commenters also suggested that the proposal would result in unreasonable cost increases because of the additional labeling required. A number of manufacturers pointed out that redesign and retooling would be costly and that these increased costs would be passed along to consumers in the form of higher prices.

Several commenters claimed that the proposed change would result in non-tariff trade barriers of the type which the General Agreement on Tariffs and Trade, to which the United States is a signatory, seeks to avoid. It also was suggested that the proposal would have a restrictive effect on imports, contrary to the spirit of the Multilateral Trade Negotiations to limit non-tariff barriers to trade.

WITHDRAWAL OF PROPOSAL

Because the Customs Service has concluded that present marking practices comply fully with statutory requirements and adequately inform prospective purchasers of the country of origin, and because of the possible adverse effects resulting from the adoption of the change, as detailed in the comments received, the notice is withdrawn.

DRAFTING INFORMATION

The principal author of this document was Robert Harris, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from

other offices of the Customs Service participated in its development.

LEONARD LEHMAN,
Assistant Commissioner
Regulations and Rulings.

[FR Doc. 78-4836 Filed 2-22-78; 8:45 am]

[4830-01]

Internal Revenue Service

[26 CFR Part 1]

[LR-154-76]

INCOME TAX

Investment Credit for Movie and Television
Films; Public Hearing on Proposed Regula-
tions

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Change of location of public
hearing on proposed regulations.

SUMMARY: This document provides
notice of a change of location of a
public hearing on proposed regula-
tions relating to investment credit for
movie and television films and tapes.

Date: The public hearing will be held
on March 1, 1978, beginning at 10 a.m.
as previously stated in the notice of
public hearing published in the *FEDER-
AL REGISTER* for Wednesday, December
21, 1977 (42 FR 63903).

ADDRESS: The public hearing will be
held in Room 3313, Internal Revenue
Building, 1111 Constitution Avenue
NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION
CONTACT:

George Bradley or Charles Hayden
of the Legislation and Regulations
Division, Office of the Chief Coun-
sel, Internal Revenue Service, 1111
Constitution Avenue NW., Washing-
ton, D.C. 20224, 202-566-3935, not a
toll-free call.

SUPPLEMENTARY INFORMATION:
By a notice appearing in the *FEDER-
AL REGISTER* for Wednesday, December
21, 1977 (42 FR 63903), it was an-
nounced, among other things, that a
public hearing on proposed regula-
tions relating to investment credit for
movie and television films and tapes
would be held on March 1, 1978, begin-
ning at 10 a.m. in the IRS Auditorium,
Seventh Floor, 7400 Corridor, Internal
Revenue Building, 1111 Constitution
Avenue NW., Washington, D.C. 20224.
The proposed regulations were pub-
lished in the *FEDERAL REGISTER* for
Tuesday, December 20, 1977 (42 FR
63791).

The room for the public hearing has
been changed, and it will be held in
Room 3313, Internal Revenue Build-
ing, 1111 Constitution Avenue NW.,
Washington, D.C. 20224.

In all other respects the details with
respect to the hearing will remain the
same.

ROBERT A. BLEY,
Director, Legislation
and Regulations Division.

[FR Doc. 78-4757 Filed 2-22-78; 8:45 am]

[4830-01]

[26 CFR Parts 1 and 20]

[LR-1-77]

GROUP-TERM LIFE INSURANCE

Extension of Comment Period

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Extension of time for com-
ments and requests for a public hear-
ing.

SUMMARY: This document provides
notice of an extension of time for sub-
mitting comments and requests for a
public hearing concerning the notice
of proposed rulemaking with respect
to group-term life insurance. The ex-
tended deadline for submission of com-
ments and requests for a public hear-
ing is March 23, 1978.

DATE: Written comments and re-
quests for a public hearing must be de-
livered or mailed by March 23, 1978.

ADDRESS: Send comments and re-
quests for a public hearing to: Com-
missioner of Internal Revenue, Atten-
tion: CC:LR:T (LR-1-77), Washington,
D.C. 20224.

FOR FURTHER INFORMATION
CONTACT:

John H. Parcell of the Legislation
and Regulations Division, Office of
Chief Counsel, Internal Revenue
Service, 1111 Constitution Avenue
NW., Washington, D.C. 20224,
CC:LR:T, 202-566-3287, not a toll-
free call.

SUPPLEMENTARY INFORMATION:
By a notice of proposed rulemaking
published in the *FEDERAL REGISTER* for
Thursday, January 5, 1978 (43 FR
976), comments and requests for a
public hearing with respect to the pro-
posed rules were to be delivered or
mailed to the Commissioner of Inter-
nal Revenue, Attention: CC:LR:T (LR-
1-77), Washington, D.C. 20224, by Feb-
ruary 21, 1978. The date by which
such comments or requests must be
delivered or mailed is hereby extended
to March 23, 1978.

ROBERT A. BLEY,
Director, Legislation
and Regulations Division.

[FR Doc. 78-4785 Filed 2-22-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 172]

[Docket No. HM-159]

HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS; FORBIDDEN MATERIALS

Advance Notice of Proposed Rulemaking

AGENCY: Materials transportation Bureau (MTB), DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice requests public comment on the proposal to add the names of materials to the Hazardous Materials Table (49 CFR 172.101) that are known to be too hazardous to be permitted in commercial transportation.

DATE: Comments must be received on or before June 22, 1978.

ADDRESS COMMENTS TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: This action is prompted by a serious explosion that occurred during the transportation of a chemical having properties which made it a forbidden explosive under the regulations governing the transportation of hazardous materials but which was not specifically listed by name in the Hazardous Materials Table. The chemical involved possessed properties which made it a forbidden explosive under the provisions of §§ 173.21, 173.51, and 173.86 of Title 49 CFR. The MTB believes that as a supplement to the basic performance standards describing the kinds of materials barred from transportation, the listing of specific materials known to have, or strongly suspected of having, chemical properties which would require that they be forbidden from transportation in commerce may be helpful in preventing similar accidents in the future.

The regulations now address forbidden materials in one or more of three different fashions: (1) By describing chemical properties which, if possessed by any given substance, make it a forbidden material; (2) by chemical name listings in the Hazardous Materials Table together with the notation "forbidden"; or (3) by chemical name

in separate textual provisions within the appropriate topical hazard classification portions of the regulations. The MTB believes that (2) and (3) should be consolidated and supplemented with the chemical names of as many materials as can be readily recognized to possess the chemical properties described in (1). As part of this notice, there are lists of those materials currently addressed in the text of the regulations but not in the Hazardous Materials Table and those not addressed by chemical name anywhere in the regulations but which are considered by MTB to meet the "forbidden" criteria in the regulations.

The primary drafters of this document are Charles W. Schultz, Technical Services Branch, Office of Hazardous Materials Operations, and Evan C. Braude, Office of the Chief Counsel, Research and Special Programs Directorate.

The materials shown in the appendices to this notice are grouped as follows:

List IA—Forbidden explosives presently in the Regulations by Name but not Specifically Listed in Section 172.101.

List IB—Forbidden materials presently in the Regulations by Name but not specifically Listed as Forbidden in Section 172.101.

List IIA—Forbidden Explosives not Presently in the Regulations or Hazardous Materials Table by Name.

List IIB—Forbidden Materials not Presently in the Regulations or Hazardous Materials Table by Name.

The principal sources used in compiling these lists are:

1. Title 49, Code of Federal Regulations (Parts 100 to 199), Revised as of December 31, 1976.

2. Compilation of Data on Organic Explosives, A. H. Blatt 1942, National Defense Research Committee of the Office of Scientific Research and Development.

3. The Chemistry of Powder and Explosives, Tenney L. Davis 1943, Angriff Press Hollywood, California.

4. Handbook of Chemistry and Physics 47th Edition 1966-1967, The Chemical Rubber Co., Cleveland, Ohio.

5. Laboratory reports on file with the Bureau of Explosives, Association of American Railroads.

The MTB is requesting comments on the following questions:

1. Should the Hazardous Materials Table be the consolidated central location for the listing of forbidden materials by chemical name or should that listing be placed in a separate section?

2. What, if any, additional materials should be identified in the regulations as forbidden?

3. Are there any materials listed in this notice which do not meet the regulatory criteria making it a forbidden material? If so, identify these materials and explain why they should not be considered forbidden materials.

In responding to Question No. 3, the MTB requests that any comments or specific materials include specific data. General comments, such as "I do not believe copper acetylide should be shown as a forbidden material," without supporting data, are not helpful.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

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

ALAN I. ROBERTS,
Director, Office of Hazardous
Materials Operations.

LIST IA—FORBIDDEN EXPLOSIVES PRESENTLY IN THE REGULATIONS BY NAME BUT NOT SPECIFICALLY LISTED IN SECTION 172.101

Diazodinitrophenol (dry) (49 CFR 193.70).
Fulminate of mercury (dry) (49 CFR 173.71).

Guanyl nitrosamino guanylidene hydrazine (dry) (49 CFR 173.72).

Lead azide (dry) (49 CFR 173.73).

Lead mononitrosorsinate (dry) (49 CFR 173.70).

Lead styphnate (dry) (49 CFR 173.74).

Nitromannite (dry) (49 CFR 173.75).

Pentaerythrite tetranitrate (dry) (49 CFR 173.77).

Shaped charges containing more than 8 ounces of explosives (49 CFR 173.53(h)).

Tetrazine (dry) (49 CFR 173.78).

Explosive compositions and fireworks that ignite spontaneously or undergo marked decomposition when subjected to a temperature of 75° C. for 48 consecutive hours. (49 CFR 173.51(a)(1).)

Explosives or fireworks containing an ammonium salt and a chlorate. (49 CFR 173.51(a)(2).)

Liquid explosives which can be exploded in Bureau of Explosives Impact apparatus under a drop of less than 10 inches. (49 CFR 173.53(f).)

Firecrackers, flash crackers, or salutes with explosive contents exceeding 12 grains. (49 CFR 173.51(a)(7).)

Firecrackers, salutes, etc., which on functioning, are liable to project or disperse metal, glass, or brittle plastic fragments. (49 CFR 173.51(a)(7).)

Fireworks containing an explosive and a detonator or blasting cap. (49 CFR 173.51(a)(8).)

Fireworks containing copper sulfate and a chlorate. (49 CFR 173.51(a)(9).)

Fireworks containing yellow or white phosphorous. (49 CFR 173.51(a)(10).)

Pest control bombs with explosive content of more than 18 grains. (49 CFR 173.51(a)(7).)

Toy torpedoes containing a cap composed of a mixture of red phosphorous and potassium chlorate exceeding an average of one-half (0.5) grains per cap. (49 CFR 173.51(a)(14).)

Toy torpedoes, the maximum outside dimension of which exceeds 1/8-inch, or toy torpedoes containing a mixture of potassium chlorate, black antimony and sulfur with an average weight of explosive composition exceeding four grains. (49 CFR 173.51(a)(13).)

LIST IB—FORBIDDEN MATERIALS PRESENTLY IN THE REGULATIONS BY NAME BUT NOT SPECIFICALLY LISTED AS FORBIDDEN IN SECTION 172.101

Acetyl benzoyl peroxide, solid, or in solution exceeding 40 percent by weight. (49 CFR 173.222.)
 Acetyl peroxide, solid, or in solution exceeding 25 percent by weight. (49 CFR 173.222.)
 Aluminum or magnesium dross, wet or hot. (49 CFR 173.173.)
 Coal briquettes, hot. (49 CFR 173.162(a)(3).)
 Monochloroacetone, unstabilized.
 Peracetic acid in excess of 40 percent concentration by weight. (49 CFR 173.223.)

LIST IIA—FORBIDDEN EXPLOSIVES NOT PRESENTLY IN REGULATIONS OR HAZARDOUS MATERIALS TABLE BY NAME

Acetylene (liquid).
 Acetylene silver nitrate.
 Ammonium azide.
 Ammonium bromate.
 Ammonium fulminate.
 Ammonium nitrite.
 Azauric acid (salt of), dry.
 Azidodithiocarbonic acid.
 Azidoethyl nitrate.
 Azido guanidine picrate, (dry).
 5-Azido-1-hydroxytetrazole.
 Azido hydroxy tetrazole (mercury & silver salts).
 3-Azido-1,2-propylene glycol dinitrate.
 Azotetrazole, (dry).
 Benoxidiazoles, (dry).
 Benzene diazonium chloride.
 Benzene diazonium nitrate (dry).
 Benzene trioxonide.
 Benzoyl azide.
 Biphenyl trioxonide.
 Bis (1-hydroxytetrazole), (dry).
 Bromide azide.
 Bromosilane.
 1,2,4-Butane triol trinitrate.
 Carbazide.
 Chlorine azide.
 Copper acetylde.
 Copper amine azine.
 Copper azide.
 Copper tetramine nitrate.
 Cyano methyl nitrate.
 Cyanurid triazide.
 Cyclo tetramethylene tetranitramine, (dry), (HMX).
 p-Diazidobenzene.
 1,2-Diazido ethane.
 1,3-Diazido propane.
 1,1-Diazoaminonaphthalene.
 Diazoamino tetrazole (dry).
 Diazodiphenylmethane.
 Diazonium nitrates, (dry).
 Diazonium perchlorates, (dry).
 Dibromoacetylene.
 Dichloroacetylene.
 N,N'-Dichlorazodicarbonamide (salts of), (dry).
 2,6-Dichloro-4-nitrophenol.
 Dicyclopentylidene peroxide.
 Diethanol Nitrosoamine dinitrate, (dry).
 Diethyl gold bromide.
 1,8-Dihydroxy-2,4,5,7-tetra-nitroanthraquinone (Chrysaminic acid).
 Didoacetylene.
 Dinotro-7,8-dimethylglycouril, (dry).
 1,3-Dinitro-5,5-dimethylhydantoin.
 1,3-Dinitro-4,5-dinitrosobenzene.
 1,1-Dinitroethane, (dry).
 1,2-Dinitroethane.
 Dinitroglycoluril.
 Dinitromethane.
 Dinitropropylene glycol.
 2,4-Dinitroresorcinol (heavy metal salts of), (dry).

4,6-Dinitroresorcinol (heavy metal salts of), (dry).
 3,5-Dinitrosalicylic Acid (lead salt), (dry).
 2,2'-Dinitrostilbene.
 2,4-Dinitrostilbene.
 2,4-Dinitro-1,3,5-trimethylbenzene.
 Dinitrosobenzylamide & salts of, (dry).
 1,4-Dinitro-1,1,4,4-tetramethylolbutanetetranitrate, (dry).
 Di(beta-nitroxyethyl)ammonium nitrate a,a'-Di(nitroxy)methylether.
 1,9-Dinitroxy-pentamethylene-2,4,6,8-tetramine, (dry).
 Ethanol amine dinitrate.
 Ethylene diamine diperchlorate.
 Ethylene glycol dinitrate.
 Ethyl perchlorate.
 FEFO (Chemical composition is security Classification).
 Fulminating gold.
 Fulminating mercury.
 Fulminating platinum.
 Fulminating silver.
 Fulminic acid.
 Galactan trinitrate.
 Glycerol-1,3-dinitrate.
 Glycerol monogluconate trinitrate.
 Glycerol monolactate trinitrate.
 Hexamethylene triperoxide diamine (dry).
 Hexamethylol benzene hexanitrate.
 Hexanitroazoxybenzene.
 2,4,6,2',4',6'-Hexanitro-3,3' dihydroxyazobenzene (dry).
 2,4,6,2',3',4'-Hexanitrodiphenylamine.
 2,4,6,3',4',6'-Hexanitrodiphenylether.
 N,N' (Hexanitrodiphenyl) ethylene dinitramine, (dry).
 Hexanitrodiphenyl urea.
 Hexanitroethane.
 Hexanitro oxanilide.
 Hydrazine azide.
 Hydrazine chlorate.
 Hydrazinedicarbonic acid diazide.
 Hydrazine perchlorate, (dry).
 Hydrazine selenate.
 Hydrazoic acid.
 Hydroxyl amine iodide.
 Hyponitrous acid.
 Idoxo and idoxy compounds, (dry).
 Initiating explosives, dry.
 Inositol Hexanitrate, (dry).
 Inulin trinitrate, (dry).
 Iodine azide, (dry).
 Iridium nitratopentamine iridium nitrate.
 Lead picrate, (dry).
 Loose mixtures of sulfur and a chlorate.
 Mannitan tetranitrate.
 Mercurous azide.
 Mercury acetylde.
 Mercury iodide aquabasic ammonobasic (Iodide of Million's base).
 Mercury nitride.
 Mercury oxycyanide.
 Metal salts of methyl nitramine, (dry).
 Methazoic acid.
 Methylamine dinitramine and dry salts thereof.
 Methylamine nitroform.
 Methylamine perchlorate, (dry).
 Methylene glycol dinitrate.
 a-Methylglucoside tetranitrate.
 a-Methylglycerol Trinitrate.
 Methyl nitrate.
 N-Methyl-N'-nitro-N-nitrosoguanidine.
 Methyl picric acid, (Heavy metal salts of).
 Methyl trimethylol methane trinitrate.
 Mixtures of phosphorous (either white or red) and a chlorate.
 Mixtures of antimony sulfide and a chlorate.
 Mixtures of arsenic sulfide and a chlorate.
 Naphthalene diazonide.
 Naphthyl amine perchlorate.

Nickel picrate.
 Nitrated paper (unstable).
 Nitrates of diazonium compounds.
 N-nitroaniline.
 m-Nitrobenzene diazonium perchlorate.
 6-Nitro-4-diazotoluene-3-sulfonic acid, (dry).
 Nitroethylene polymer.
 m-Nitroethyl nitrate.
 Nitrogen triiodide.
 Nitrogen triiodide monoamine.
 Nitroguanidine nitrate.
 1-Nitrohydantoin.
 N-Nitro-n-methylglycolamide nitrate.
 2-Nitro-2-methylpropanol nitrate.
 m-Nitrophenyldinitro methane.
 Nitrosugars, (dry).
 1,7-Octadiene-3,5-diene-1,8-dimethoxy-9-octadecynoic acid.
 Pentanitroaniline, (dry).
 m-Phenylenediaminedipercchlorate (dry).
 Potassium carbonyl.
 Pyridine perchlorate.
 Quebrachitol pentanitrate.
 Selenium nitride.
 Silver acetylde, (dry).
 Silver azide, (dry).
 Silver chlorite, (dry).
 Silver fulminate, (dry).
 Silver oxalate, (dry).
 Silver picrate, (dry).
 Sodium picryl peroxide.
 Sodium tetranitride.
 Sucrose octanitrate (dry).
 Tetra azidobenzenequinone.
 Tetra ethylammoniumperchlorate (dry).
 Tetra methylene diperoxide dicarbamide.
 Tetra nitro diglycerin.
 2,3,4,6-Tetranitrophenol.
 2,3,4,6-Tetranitrophenyl methyl nitramine.
 2,3,4,6-Tetranitrophenylnitramine.
 Tetra nitro resorcinol (dry).
 2,3,5,6-Tetranitrosobenzene (dry).
 2,3,5,6-Tetranitroso-1,4-dinitrobenzene.
 Tetrazolyl azide (dry).
 Triazenes.
 Triazoles, (dry).
 Trichloro methyl perchlorate.
 Triformoxime trinitrate.
 Trimethylene glycolidipercchlorate.
 Trimethylol nitro methane trinitrate.
 1,3,5-Trimethyl-2,4,6-trinitrobenzene.
 Trinitro acetic acid.
 Trinitroacetone.
 Trinitro amine cobalt.
 2,4,4-Trinitro-1,3-diazobenzene.
 Trinitro ethanol.
 Trinitroethyl nitrate.
 Trinitro methane.
 2,4,6-Trinitro-3-methyl nitraminoanisole.
 1,3,5-Trinitro naphthalene.
 2,4,6-Trinitrophenyl guanidine (dry).
 2,4,6-Trinitro phenyl nitramine.
 2,4,6-Trinitro phenyl trimethylol methyl-nitramine trinitrate (dry).
 2,4,6-Trinitro-1,3,5 triazidobenzene, (dry).
 Tri (beta-nitroxyethyl) ammonium nitrate.
 Tri nitrotetramine cobalt nitrate.
 Tris, Bis-Bifluoro aminodiethoxy propane (TVOPA).
 Vinyl nitrate polymer.
 p-Xylol diazide.

LIST IIB—FORBIDDEN MATERIALS NOT PRESENTLY IN REGULATIONS OR HAZARDOUS MATERIALS TABLE BY NAME

Acetyl acetone peroxide in excess of 40 percent concentrations by weight.
 Cetyl cyclo hexane sulfonyl peroxide: (a) Wetted with less than 12 percent water by weight, (b) solution exceeding 32 percent by weight.
 Ascaridole (organic peroxide).

2,2-Bis (4,4-ditertiary butylperoxy cyclohexyl) propane exceeding 42 percent by weight with inert solid.
 t-Butyl diphenylphthalate exceeding 55 percent by weight in solution.
 2,2-Bis(t-Butylperoxy) butane exceeding 55 percent by weight in solution.
 t-Butyl hydroperoxide exceeding 90 percent by weight in water.
 t-Butyl peracetate exceeding 76 percent by weight in solution.
 t-Butyl perisobutyrate exceeding 77 percent by weight in solution.
 n-Butyl peroxydicarbonate exceeding 52 percent by weight in solution.
 t-Butyl perneodeconate exceeding 77 percent by weight in solution.
 4-Bromo-1,2-dinitrobenzene (unstable at 59° C).
 1-Bromo-2-nitrobenzene (unstable at 59° C).
 Chlorine dioxide (not hydrate).
 Diacetone alcohol peroxides exceeding 57 percent by weight in solution.
 Dibenzyl peroxydicarbonate exceeding 87 percent by weight in water.
 2,4-Dichlorobenzoyl peroxide wet with water exceeding 75 percent by weight of peroxide.
 Diisopropyl benzene hydroperoxide exceeding 72 percent by weight in solution.
 Diethyl peroxy dicarbonate exceeding 27 percent by weight in solution.
 2,5-Dimethyl-2,5-dihydroperoxy hexane exceeding 82 percent by weight in water.
 Di (1-naphthyl) peroxide.
 Ethyl hydroperoxide (exp. above 100° C).
 Iso thiocyanic acid (polymerization hazard).
 Methyl ethyl ketone peroxide exceeding 60 percent by weight in solution.
 Methyl isobutyl ketone peroxide exceeding 62 percent by weight in solution.
 Propionyl peroxide exceeding 28 percent by weight in solution.

[FR Doc. 78-4834 Filed 2-22-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 78-05; Notice 11]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Notice of Proposed Increase in Headlamp Photometrics

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to four petitions for rulemaking, this notice proposes that the maximum allowable candlepower (cp) of motor vehicle headlighting systems be increased from 75,000 cp to 150,000 cp. It also proposes an identification code for headlamps.

DATES: Comments on this notice must be received on or before April 10, 1978. The amendment is proposed to be effective upon publication in the FEDERAL REGISTER.

ADDRESS: Comments must be submitted (preferably in ten copies in

writing) to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Bill Eason, Office of the Associate Administrator for Rulemaking, 202-426-2720, or Taylor Vinson, Office of Chief Counsel, 202-426-9511, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Federal Motor Vehicle Safety Standard No. 108 (49 CFR 571.108), Lamps, Reflective Devices and Associated Equipment, requires motor vehicles other than motorcycles to be equipped with a headlighting system that meets, among other specifications, minimum and maximum photometric output values specified by the Society of Automotive Engineers in SAE standard J579a, Sealed Beam Headlamp Units for Motor Vehicles, August 1965. Under this standard, the maximum candlepower (cp) of headlamps in operation on motor vehicles shall not exceed 75,000. The SAE revised its standard in December 1974 (J579c), one effect of which was to raise the system total output ceiling to 150,000 cp. Shortly thereafter NHTSA added paragraph S4.1.1.33 to Standard No. 108 to allow manufacturers to comply with J579c if they wished, provided that the ceiling imposed by J579a was not exceeded. NHTSA's amendment also imposed maximum design wattage limitations at 12.8 volts. These standards apply to traditional headlamp systems with circular lenses and to a newer system consisting of four lamps with rectangular lenses. When the SAE adopted Recommended Practice J1132 "142 mm x 200 mm Sealed Beam Headlamp Unit", in January 1976, establishing specifications for a two-lamp rectangular headlamp system, NHTSA added S4.1.1.34, effective November 1, 1976, allowing this system, without imposing additional candlepower output restrictions. The reason for this regulatory anomaly was NHTSA's intent to raise the candlepower ceiling on the three other headlighting systems within the near future and the desire not to impose a limitation on manufacturers of the newest system which would be in effect for only a relatively short time. NHTSA research has demonstrated that an increase in photometrics to a maximum of 150,000 cp will enhance seeing ability without any significant increase in glare from properly aimed headlights, but that photometric output exceeding 150,000 cp results in only a marginal increase in visibility with an increase in glare.

This rulemaking action affirmatively responds also to petitions by GTE Syl-

vania, Inc., General Motors Corp., Koito Manufacturing Co. Ltd., and General Electric Co.

General Motors indicated its belief that "the majority of lamps that will be used to provide the higher intensity light output will utilize a more efficient tungsten-halogen light source, thereby avoiding any increase in energy consumption." Further, the lamps will be compatible with the electrical systems of contemporary motor vehicles. The availability of sealed beam lamps with a halogen source will also offer an alternative to motorists who may wish higher intensity lamps without the defects inherent in lighting equipment that is unsealed and not susceptible to mechanical aiming, such lamps being illegal under the National Traffic and Motor Vehicle Safety Act for use on four-wheeled motor vehicles. Since the proposed amendment does not require compliance but allows manufacture of an optional type of headlamp, it is not considered to have an adverse economic impact.

In addition, NHTSA has tentatively concluded that establishment of a marking code to be embedded in the lens of each headlamp designed to comply with SAE J579c will enable the agency to determine with ease which set of SAE specifications apply to the headlamp, as well as enabling a consumer to replace original equipment headlamps with lamps of compatible photometric output. A marking system identifying headlamps as type "1A", etc. currently exists. The proposed code consists of three characters. The first is a number indicating the number of beams produced by the lamp, i.e., 1 or 2. The second character is a letter indicating whether the headlamp is a large or small rectangular or circular headlamp. The final character indicates the version, or requirements, of Standard No. 108 which apply to the lamp. For the present this will be "1", until requirements change to the extent that a new identification number is required, as it is anticipated that future headlighting systems may have different wattages, beam patterns and other characteristics and could not serve as replacements for J579c headlamps.

Types 1A, 2A, and 2B would retain their present nomenclature (plus the final digit), while 5 1/4 inch diameter (146 mm diameter) headlamps would be identified by the letter "C", and 7 inch diameter lamps (178 mm diameter) with the letter "D". Thus, a Type 2D1 headlamp would be the new identification for a Type 2 (7 inch) headlamp permitted a maximum candlepower output of 75,000. Above the code would be the letters "DOT" certifying compliance with requirements of Standard No. 108. The costs of lens mold changes is believed to be relative-

ly low. Manufacturers wishing to manufacture high intensity lamps will probably change lens molds anyway to provide other marking and to secure improved beam pattern control. Type 2B headlamps that currently are designed to conform to J579c would be allowed 1 year in which to change over their marking from "2B" to "2B1".

Other proposed changes include substituting SAE J571d for J571c and J580b for J580a as two of the referenced standards on headlamps. SAE J571d incorporates Figure 2 of present Standard No. 108 which would be deleted from the body of the standard under the proposal. SAE J580b differs from J580a primarily by the addition of a definition for "aiming screws", changes of the aiming adjustment test procedure, and the requirement of aim retention with specified applied forces.

Since the proposal creates no additional burden in allowing optional headlamps, it is proposed to become effective upon publication of the amendment in the FEDERAL REGISTER.

In consideration of the foregoing, it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, be amended as follows:

1. Paragraph S3, Definitions, would be amended by adding the following definition:

"Type 1" means a headlamp, with only an upper beam filament, whose identification code begins with the numeral "1".

"Type 2" means a headlamp, with both upper and lower beam filaments, whose identification code begins with the numeral "2".

2. S4.1.1.21 would be deleted.

3. Figure 2 would be deleted. Figure 3 would be revised to be "Figure 2" and the reference in S4.1.1.22 to "Figure 3" would be changed to "Figure 2".

4. A new paragraph S4.1.1.21 would be added to read:

S4.1.1.21 Except as noted in subparagraph (c), the lens of each headlamp designed to conform to SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicles*, December 1974, shall be marked with one of the following designations as appropriate:

(a) A lens for a rectangular headlamp (100 x 165 mm) incorporating an upper beam only shall be labeled as follows:

DOT
1A1

(b) A lens for a rectangular headlamp (100 x 165 mm) incorporating both an upper beam and a lower beam shall be labeled as follows:

DOT
2A1

(c) A lens for a rectangular headlamp (142 x 200 mm) incorporating both an upper beam and a lower beam, manufactured on or after [1 year after

publication of amendment in the FEDERAL REGISTER], shall be labeled as follows:

DOT
2B1

(d) A lens for a circular headlamp (146-mm diameter) incorporating an upper beam only shall be labeled as follows:

DOT
1C1

(e) A lens for a circular headlamp (146-mm diameter) incorporating both an upper and a lower beam shall be labeled as follows:

DOT
2C1

(f) A lens for a circular headlamp (178-mm diameter) incorporating both an upper beam shall be labeled as follows:

DOT
2D1

The lens of each Type 2B1 headlamp manufactured between [the date of publication of the amendment in the FEDERAL REGISTER] and [1 year after the date of publication of the amendment in the FEDERAL REGISTER] may be marked either "2B" or "2B1".

5. Paragraph S4.1.1.33 would be revised to read:

S4.1.1.33 At a voltage of 12.8 volts, the maximum design wattage for upper and lower beams on headlamps

designed to conform to SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicles*, December 1974 shall be as follows: 55 watts for upper beam on Type 1A1 and Type 1C1, 40 watts for upper beam and 65 watts for lower beam on Type 2A1 and Type 2C1, 70 watts for upper beam and 65 watts for lower beam on Type 2B1 and Type 2D1.

6. Paragraph S4.1.1.34 would be deleted.

7. A new paragraph S4.2.2 would be added to read:

S4.2.2 The words "Type 1 (5 1/4")", "Type 2 (5 1/4")", "Type 2 (7")", "Type 1A", "Type 2A", and "Type 2B" appearing in any SAE Standard or Recommended Practice referenced or sub-referenced in this standard shall also be read as setting forth requirements respectively for the following types of headlamps: 1C1, 2C1, 2D1, 1A1, 2A1, and 2B1.

8. Paragraph S5.1 would be revised to add the following at the end thereof:

The subreferenced Standards and Recommended Practices for headlamps designed to conform to SAE Standard J579c *Sealed Beam Headlamp Units*, December 1974, are those published in the 1977 edition of the SAE Handbook.

9. Table I would be revised to include the following, while retaining its existing provisions for headlamps.

TABLE I.—Required motor vehicle lighting equipment

MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES OF 80 OR MORE INCHES OVERALL WIDTH

Item	Multipurpose passenger vehicles, trucks, and buses	Trailers	Applicable SAE standard or recommended practice
Headlamps.....	2 white headlamps: Type 2B1 or type 2D1; or 4 white headlamps: 2 each type 1C1 and type 2C1, or type 1A1 and type 2A1.	None	J580b, February 1974; J579c, December 1974; J571d, June 1976; J1132, January 1976.

10. Table III would be revised as follows:

TABLE III.—Required motor vehicle lighting equipment

ALL PASSENGER CARS AND MOTORCYCLES, AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, OF LESS THAN 80 INCHES OVERALL WIDTH

Item	Passenger cars, multipurpose passenger vehicles, trucks, and buses	Trailers	Motorcycles	Applicable SAE standard or recommended practice
Headlamp	2 white headlamps: Type 2B1 or type 2D1; or 4 white headlamps: 2 each type 1C1 and type 2C1, or type 1A1 and type 2A1.	None		J580b, February 1974; J579c, December 1974; J571d, June 1976; J1132, January 1976. 1 white. J584, April 1964 and J566, January 1960.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is in-

tended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submit-

ted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed

after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommend-

ed that interested persons continue to examine the docket for new material.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on February 21, 1978.

ELWOOD T. DRIVER,
*Acting Associate Administrator
for Rulemaking.*

[FR Doc. 78-4905 Filed 2-21-78; 8:45 am]

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ton markets are large and underdeveloped; that there are serious inadequacies in the service provided by the incumbent monopolist; that new competitive service will reduce airport congestion at connecting hubs by diverting traffic from connecting to direct service; and that an award to Northwest, the "most efficient" certificated carrier, will induce lower fares, since fare levels are based on industry average costs.

Answers to Northwest's motion have been filed by Braniff Airways, Continental Air Lines, and Texas International Airlines (TXI). The Houston parties¹ filed an answer in support of Northwest. The San Antonio parties² filed a motion to consolidate their petition for improved service in the San Antonio-Twin Cities market in Docket 31385 with the Northwest application in Docket 30547.

Braniff, the authorized nonstop carrier in both the Twin Cities-Dallas/Fort Worth and Twin Cities-Houston markets, opposes the Northwest motion for hearing. Braniff asserts that the Northwest application offers no public service benefits sufficient to merit a hearing, and that Northwest's claim that it is the most efficient carrier and, therefore, should receive priority treatment of its application in order to lower industry average costs and thus fare levels, is misleading as a matter of fact and, even if accurate, not a proper standard for determining priority of hearing. Braniff also argues that the volume of traffic in these markets, when measured against the level of service which Braniff offers and intends to offer, is not sufficient to trigger priority treatment of the Northwest application.³

Continental, in its answer, does not oppose the Northwest motion but asks that the Board consider the motion with its own motion for hearing of its application in Docket 30614.

TXI supports Northwest's motion. The carrier also filed an application in Docket 31278 for authority between Twin Cities and Dallas/Fort Worth and Twin Cities and Houston, together with a motion to consolidate its application with the application of Northwest on Docket 30547.

¹The city of Houston, Tex., and the Houston Chamber of Commerce.

²The city of San Antonio and the Greater San Antonio Chamber of Commerce.

³Braniff filed a motion for leave to file an otherwise unauthorized document, accompanied by an amendment to its answer, which sets forth an October 1, 1977, inaugural date for its first nonstop service between Twin Cities and Houston. Braniff's information is relevant and the carrier has shown good cause why the information was not available at the time it filed its answer. Therefore, we will grant the motion.

APPLICATION OF CONTINENTAL AIR LINES

Continental Air Lines has filed an application and an amended application in Docket 30614 for amendment of its certificate of public convenience and necessity for Route 29 to add a new segment 5, Minneapolis/St. Paul-Kansas City, Mo.-Tulsa-Oklahoma City-Houston. More specifically, it seeks nonstop authority between Twin Cities-Kansas City, Kansas City-Oklahoma City, and Kansas City-Houston; one-stop authority via Kansas City⁴ between the Twin Cities, on the one hand, and Houston, Oklahoma City, and Tulsa, on the other;⁵ and restriction modifications on service between Houston-Tulsa/Oklahoma City, Tulsa-Kansas City, and Tulsa-Oklahoma City.⁶

In support of its motion, Continental states that these are large monopoly markets which suffer deficient service; that it would reduce basic fares by 10 percent with the introduction of its economy fare; and that its competitive service would be profitable without creating substantial diversion from the incumbent, Braniff.

Answers in support of the motion were filed by the city of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City, the Tulsa parties,⁷ the city of Houston, Tex., and the Houston Chamber of Commerce, and the Oklahoma City parties.⁸ The Minnesota Department of Transportation Division of Aeronautics and the Minneapolis-St. Paul Metropolitan Airport Commission support the motion only insofar as it seeks new and improved service between the Twin Cities and Kansas City and oppose the part of the motion applying to service between the Twin Cities and points in Oklahoma and Texas.

Braniff Airways answered in opposition to the motion. It states that the

⁴Continental proposes the addition of a new condition (25) requiring all flights on the new segment to serve Kansas City.

⁵Continental also proposes the amendment of condition (5) of route 29 to preclude turnaround service between Kansas City and Tulsa/Oklahoma City.

⁶Continental currently is restricted to long-haul flights serving Albuquerque or El Paso on its Kansas City-Tulsa route and to long-haul flights serving Portland or Seattle on its Houston-Tulsa/Oklahoma City route. Under the modifications, Continental would be precluded from operating turnaround service between Kansas City-Tulsa/Oklahoma City and it would be required to serve Kansas City on Houston-Tulsa, Houston-Oklahoma City, and Tulsa-Oklahoma City flights on the new segment 5. (See footnotes 4 and 5 above.)

⁷The city of Tulsa, Okla., the Tulsa Airport Authority and the Metropolitan Tulsa Chamber of Commerce.

⁸The city of Oklahoma City, Okla., the Oklahoma City Airport Trust, and the Oklahoma City Chamber of Commerce.

hearing request is very extensive; that Continental has distorted Braniff's service and that the service is not deficient; that several of the markets are very small; and that it would experience significant diversion.

THE BOARD'S DECISION

We have decided to institute the "Twin Cities-Kansas City-Oklahoma-Texas Route Proceeding," Docket 32126, to consider whether the public convenience and necessity require: (a) New nonstop service between the terminal point Minneapolis/St. Paul, the intermediate point Dallas/Ft. Worth, and the terminal point Houston; (b) new nonstop service between Kansas City and the Twin Cities and between Kansas City and Oklahoma City/Houston; (c) new one-stop service between Minneapolis/St. Paul, on the one hand, and Tulsa, Oklahoma City, and Houston, on the other; and (d) modifications of long-haul restrictions in Continental's certificate for route 29 to preclude Kansas City-Tulsa/Oklahoma City turnaround service instead of requiring Kansas City-Tulsa flights to serve specified beyond points, and to require Houston-Tulsa/Oklahoma City and Tulsa-Oklahoma City flights on segment 5 to serve Kansas City instead of Portland or Seattle.⁹ We have also decided to deny San Antonio's motion to consolidate its petition in Docket 31355 for improved Minneapolis authority with this proceeding. The San Antonio-Minneapolis market is very small, and no air carrier has expressed an interest in providing service.¹⁰

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 lower 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 the feasibility of various new price/quality options and the related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which

⁹We will not entertain competing applications for Houston-Tulsa Houston-Oklahoma City, Tulsa-Kansas City, and Tulsa-Oklahoma City authority. Continental is seeking only modifications of long-haul restrictions in these markets and not new authority. Thus, "Ashbacker" considerations do not apply.

¹⁰The market generated 1,729 true O&D plus interline connecting passengers in the year ended June 20, 1976. CAB O&D survey, tables 8 and 10.

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.

Accordingly, it is ordered, That: 1. Northwest Airlines' motion for hearing of its application in Docket 30547 be granted;

2. Continental Air Lines' motion for hearing of its application in Docket 30614 be granted;

3. The motion of Braniff Airways for leave to file an otherwise unauthorized document be granted;

4. A proceeding to be known as the "Twin Cities-Kansas City-Oklahoma-Texas Route Proceeding," Docket 32126, be instituted and set for hearing before an Administrative Law Judge of the Board at a time and place to be designated later;

5. The issues in this proceeding shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to provide new nonstop service between the terminal point Minneapolis/St. Paul, the intermediate point Dallas/Ft. Worth and the terminal point Houston; between Minneapolis/St. Paul and Kansas City; and between Kansas City and Oklahoma City; and between Kansas City and Houston;

(b) Do the public convenience and necessity require the certification of an air carrier or air carriers to provide one-stop service between Minneapolis/St. Paul and Tulsa/Oklahoma City/Houston?

(c) Do the public convenience and necessity require the modification of condition (5) of Continental's Route 29 to preclude Kansas City-Tulsa/Oklahoma City turnaround service instead of requiring Kansas City-Tulsa flights to serve specified beyond points, and the addition of a new condition (25) to require Houston-Tulsa/Oklahoma City and Tulsa-Oklahoma City flights on segment 5 to serve Kansas City?

(d) If the answers to (a) and/or (b) are in the affirmative, what terms, conditions, and/or limitations should be placed on the operation of such carrier(s)?

6. Any authority granted in this proceeding shall be subsidy-ineligible;

7. The motion to consolidate of Texas International Airlines be granted;

8. The motion of the San Antonio parties for consolidation be denied;

9. Continental Air Lines, Northwest Airlines, Texas International Airlines, and all other carriers filing applications in this proceeding shall file environmental evaluations pursuant to section 312.12 of the Board's procedural regulations within 30 days of the date of service of this order;

10. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed within 20 days of service of this order, and answers shall be filed within 15 days thereafter; and

11. The Houston parties, the Tulsa parties, the Oklahoma City parties, the city of Kansas City, Mo., the Greater Chamber of Commerce of Kansas City, the Minnesota Department of Transportation Division of Aeronautics and Minneapolis/St. Paul Metropolitan Airport Commission, Braniff Airways, Continental Air Lines, Northwest Airlines, and Texas International Airlines be made parties to the proceeding instituted by paragraph 4, above.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4824 Filed 2-22-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

EXPORT MONITORING FOR COAL AND COKE OF COAL

Week Ending January 6, 1978

Total bituminous coal exports for the week ending January 6, 1978, were 174,709 short tons, an increase from 128,822 short tons exported during the preceding week, but below the normal average weekly tonnage for January 1976, of 483,983 short tons. All coal exported during this reporting period was of metallurgical grade.

With this low level of export activity, only a small number of firms re-

"All Members concurred.

ported coal shipments during the week. A breakdown of these exports by volatility and area of destination is, therefore, withheld from this report to prevent disclosure of information deemed to be confidential pursuant to section 7(c) of the Export Administration Act of 1969, as amended. For the same reason, only the weighted average price of total metallurgical and total bituminous coal exports is shown in the accompanying tables.

The average price of coal exported this week was \$57.60 per short ton, slightly higher than the average price for total metallurgical coal exports reported in the preceding 4 weeks of the program. This increase in average price, from a range of \$52.68 to \$55.93 per short ton previously reported, reflects an increase in the relative proportion of higher quality coal exported, rather than an upward price movement for the same grade of metallurgical coal.

Exports of coke manufactured from coal were 4,466 short tons during the week. During the preceding 4 weeks of this export monitoring program, coke export volume ranged between 2,843 short tons and 9,624 short tons weekly. The average reported price for coke exported in the current week, including low value breeze coke, was \$126.44 per short ton. The reported high price for the week was \$137.79 per short ton, a figure representative of prime coke value. Since the reported high price of coke exported has not changed during the preceding 4 weeks, no upward price movement is discernible.

Domestic bituminous coal production for the week was 5,755,000 short tons, compared with 5,700,000 short tons produced in the preceding week and normal weekly average production of 11,627,000 and 9,520,000 short tons in January of 1976 and 1977, respectively. Total coal consumption for the week was 11,870,000 short tons. Adverse weather conditions probably account for this slight increase from the reported consumption of 11,398,000 short tons in the preceding week. Total bituminous coal stocks at the end of this week were estimated to be 146,306,000 short tons, a decrease of 6,495,000 short tons from the preceding week. These data indicate that 5,375,000 short tons of coal were received by domestic industry during the reporting period. No upward movement in domestic coal and coke prices was noted during the week.

TABLE 1

U.S. Exports of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 6, 1978

Commodity	Exports						
	Weekly Avg. Dec. 1975	Weekly Avg. Dec. 1976	Weekly Avg. Nov. 1/77	Week Ending 12/9/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	133,877***	199,136	96,895	- - - 4/	- - - 4/
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	n.a.	283,420	118,632	- - - 4/	- - - 4/
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	n.a.	47,055	176,827	- - - 4/	- - - 4/
Total Metallurgical Coal	n.a.	n.a.	889,121	550,459*	436,605**	521,109	128,822
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	351,669	59,500	-0-
Total Bituminous Coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of Coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

1/ 22% or less volatile matter
 2/ 31% or less and more than 22% volatile matter
 3/ More than 31% volatile matter
 4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility

** Includes 44,251 short tons of metallurgical grade coal not identified by volatility

*** Partial, in content tons

SOURCES: Office of Export Administration, and Bureau of the Census

Commodity	Jan/76 Average	Jan/77 Average	Week Ending 1/6/78
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	- - - /
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	- - - /
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	- - - 4/
Total Metallurgical Coal	n.a.	n.a.	174,709
Other Bituminous Coal	n.a.	n.a.	-0-
Total Bituminous Coal	834,857	483,983	174,709
Coke of Coal	12,326	20,514	4,466

1/ 22% or less volatile matter
 2/ 31% or less and more than 22% volatile matter
 3/ More than 31% volatile matter
 4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969,

SOURCES: Office of Export Administration, and Bureau of the Census

NOTICES

TABLE 2

Contracts for Export of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 6, 1978

Commodity	Contracts						Next Six Weeks	Total For 12 Weeks
	Week Ending 1/13/78	Week Ending 1/20/78	Week Ending 1/27/78	Week Ending 2/3/78	Week Ending 2/10/78	Week Ending 2/17/78		
Low Volatile 1/ Metallurgical Coal	152,923	112,420	130,340	135,420	152,420	112,424	717,524	1,593,471
Medium Volatile 2/ Metallurgical Coal	313,892	157,242	374,162	203,862	323,300	211,450	1,932,094	3,516,002
High Volatile 3/ Metallurgical Coal	96,410	86,110	68,020	53,210	36,710	36,710	279,831	657,001
Total Metallurgical Coal	563,225	355,772	572,522	392,492	512,430	360,584	3,009,449	5,766,474
Other Bituminous Coal	4/-	4/-	4/-	4/-	4/-	4/-	4/-	4/-
Total Bituminous Coal	5/-							
Coke of Coal	89,477	2,323	2,383	2,573	23,048	31,748	11,510	163,101

1/ 22% or less volatile matter

2/ 31% or less and more than 22% volatile matter

3/ More than 31% volatile matter

SOURCES: Office of Export Administration, and
Bureau of the Census

4/ Less than 100,000 tons. Due to a limited number
of firms reporting this data, precise figures have
been withheld to prevent disclosure of information
deemed to be confidential pursuant to Section 7 (c)
of the Export Administration Act of 1969, as amended.

5/ Data withheld to avoid disclosure of data withheld
above. See footnote 4.

TABLE 3

U.S. Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 6, 1978

Commodity and Area of Destination	Exports						
	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/9/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
Low Volatile 1/ Metallurgical Coal							
Asia			7,458	111,525	24,008	- - - 4/	- - - 4/
Europe			43,463	40,893	69,440	- - - 4/	- - - 4/
Western Hemisphere			82,956	46,718	2,647	- - - 4/	- - - 4/
TOTAL	n.a.	n.a.	133,877**	199,136	96,895	- - - 4/	- - - 4/
Medium Volatile 2/ Metallurgical Coal							
Asia				102,906	93,201	- - - 4/	- - - 4/
Europe				173,711	15,950	- - - 4/	- - - 4/
Western Hemisphere				6,803	9,383	- - - 4/	- - - 4/
TOTAL	n.a.	n.a.	n.a.	283,420	118,632	- - - 4/	- - - 4/
High Volatile 3/ Metallurgical Coal							
Asia				11,331	-0-	- - - 4/	- - - 4/
Europe				-0-	76,532	- - - 4/	- - - 4/
Western Hemisphere				35,724	100,295	- - - 4/	- - - 4/
TOTAL	n.a.	n.a.	n.a.	47,055	176,827	- - - 4/	- - - 4/
Total Metallurgical Coal							
Asia			377,151	225,762	118,099	134,389	- - - 4/
Europe			269,606	214,604	161,930	206,831	- - - 4/
Western Hemisphere			224,411	110,093*	112,325*	136,928	- - - 4/
TOTAL	n.a.	n.a.	889,125***	550,459*	436,605*	521,109	126,822

TABLE 3 (Continued)

U.S. Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 6, 1978

Exports

Commodity and
Area of DestinationWeek Ending
1/6/78Low Volatile 1/
Metallurgical Coal

Asia	---	4/
Europe	---	4/
Western Hemisphere	---	4/
TOTAL	---	4/

Medium Volatile 2/
Metallurgical Coal

Asia	---	4/
Europe	---	4/
Western Hemisphere	---	4/
TOTAL	---	4/

High Volatile 3/
Metallurgical Coal

Asia	---	4/
Europe	---	4/
Western Hemisphere	---	4/
TOTAL	---	4/

Total Metallurgical
Coal

Asia	---	4/
Europe	---	4/
Western Hemisphere	---	4/
TOTAL	---	4/

Exports

Commodity	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending 12/09/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	351,669	59,500	-- 0 --
Total Bituminous Coal	1,023,827	1,044,281	1,047,451	679,883	788,274	560,509	128,822
Coke of Coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

NOTICES

TABLE 3 (Continued)
U.S. Exports by Commodity and Area of Destination
(in short tons)
For Week Ending January 6, 1978

Exports	
Commodity	Week Ending 1/6/78
Other Bituminous Coal	-0-
Total Bituminous Coal	174,709
Coke of Coal	4,466

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

n.a. - not available

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 44,251 short tons of metallurgical grade coal not identified by volatility

** Partial, in content tons

*** Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.

**** Includes 42,961 short tons to destinations not listed above.

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 4
Anticipated Exports by Commodity and Area of Destination
(in short tons)
For Week Ending January 6, 1978

Commodity and Area of Destination	Contracts						Next Six Weeks	Total For 12 Weeks
	Week Ending 1/13/78	Week Ending 1/20/78	Week Ending 1/27/78	Week Ending 2/3/78	Week Ending 2/10/78	Week Ending 2/17/78		
Total Metallurgical Coal 1/								
Asia	191,376	162,559	269,349	178,279	213,259	213,262	1,561,395	2,789,480
Europe	336,462	157,826	267,786	123,726	265,076	113,226	1,243,484	2,507,586
Western Hemisphere	35,387	35,387	35,387	90,487	34,095	34,095	204,570	469,408
TOTAL	563,225	355,772	572,522	392,492	512,430	360,584	3,009,449	5,766,474
Other Bituminous Coal	2/ - - -	2/ - - -	2/ - - -	2/ - - -	2/ - - -	2/ - - -	2/ - - -	2/ - - -
Total Bituminous Coal	3/ - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
Coke of Coal	89,477	2,323	2,383	2,573	23,048	31,748	11,549	163,101

1/ Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

2/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

3/ Data withheld to avoid disclosure of data withheld above. See footnote 2.

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 5
Export Prices of Bituminous Coal and Coke of Coal
(in \$ per short ton)

Commodity	Jan/76 Average	Jan/77 Average	Nov/77 Average	Weighted Average	Week Ending January 6, 1977	
					High	Low
Low Volatile Metallurgical Coal 1/	n.a.	n.a.	n.a.	- - - - -	- - - - -	- 4/
Medium Volatile Metallurgical Coal 2/	n.a.	n.a.	n.a.	- - - - -	- - - - -	- 4/
High Volatile Metallurgical Coal 3/	n.a.	n.a.	n.a.	- - - - -	- - - - -	- 4/
Total Metallurgical Coal	n.a.	n.a.	53.84	57.60	- - - - -	- 4/
Other Bituminous Coal	n.a.	n.a.	35.01	-0-	-0-	-0-
Total Bituminous Coal	49.16	54.34	50.99	57.60	- - - - -	- 4/
Coke of Coal	61.22	45.25	79.70	126.44	137.79	55.00

1/ 22% or less volatile matter

2/ 31% or less and more than 22% volatile matter

3/ more than 31% volatile matter

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

TABLE 6
U.S. Trade in Bituminous Coal and Coke of Coal
(in Short Tons)

For Week Ending January 6, 1978

	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/09/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
<u>IMPORTS</u>							
Bituminous Coal 1/	20,097	21,452	31,158	n.a.	n.a.	n.a.	n.a.
Coke of Coal	20,774	28,903	41,267	n.a.	n.a.	n.a.	n.a.
<u>EXPORTS</u>							
Bituminous Coal 1/	1,023,827	1,044,281	1,047,451	679,883	748,274	580,609	128,822
Coke of Coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

1/ includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration, and
Bureau of the Census

NOTICES

TABLE 6 (Continued)

U.S. Trade in Bituminous Coal and Coke of Coal

(in short tons)

For Week Ending January 6, 1978

	Jan/76 Average	Jan/77 Average	Week Ending 1/6/78
<u>IMPORTS</u>			
Bituminous Coal <u>1/</u>	16,346	27,198	n.a.
Coke of Coal	3,483	5,987	n.a.
<u>EXPORTS</u>			
Bituminous Coal <u>1/</u>	834,857	483,983	174,709
Coke of Coal	12,326	20,514	4,466

1/ includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 7

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending January 7, 1978

	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending Dec. 10, 1977	Week Ending Dec. 17, 1977	Week Ending Dec. 24, 1977	Week Ending Dec. 31, 1977
Total Bituminous Coal Production**	12,019	12,593	14,798	9,100	5,080	5,515(R)	5,700
Consumption							
Metallurgical ***	1,519	1,568	NA	1,290	1,368	1,364	1,324
Other Bituminous							
Electric Utility	8,414	9,387	NA	9,228	9,550	9,398	8,928
General Industry	1,358	1,421	NA	1,330	1,252	1,163	1,146
Total Other	9,772	10,808	NA	10,558	10,802	10,561	10,074
Total Bituminous	11,291	12,376	NA	11,848	12,170	11,925	11,398
Bituminous Coal Stocks (End of Specified Periods)							
Metallurgical***	8,671	9,804	NA	15,084(R)	14,776	13,982	13,088
Other Bituminous							
Electric Utility	109,707	117,468	NA	146,171(R)	141,691	136,993	131,308
General Industry	8,504	6,900	NA	9,495	9,248	8,896	8,425
Total Other	118,211	124,368	NA	155,666	150,939	145,889	139,713
Total Bituminous	126,882	134,172	NA	170,750	165,715	159,871	152,801

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

** More detailed production data are not available.

*** More detailed data in terms of volatile content are not available.

(R) Revised.

Data Source: Department of Energy.

Table 7 (Continued)

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending January 7, 1978

	Jan. 1976 Weekly Avg.	Jan. 1977 Weekly Avg.	Week Ending Jan. 7, 1978	Week Ending Jan. 14, 1978	Week Ending Jan. 21, 1978	Week Ending Jan. 28, 1978	Week Ending Feb. 4, 1978
Total Bituminous Coal Production**	11,627	9,520	5,755				
Consumption							
Metallurgical***	1,505	1,428	1,291				
Other Bituminous							
Electric Utility	9,009	9,730	9,359				
General Industry	1,211	1,442	1,220				
Total Other	10,220	11,172	10,579				
Total Bituminous	11,725	12,600	11,870				
Bituminous Coal Stocks (End of Specified Periods)							
Metallurgical***	8,115	8,107	11,992				
Other Bituminous							
Electric Utility	104,456	103,883	126,268				
General Industry	6,425	5,960	8,046				
Total Other	110,881	109,843	134,314				
Total Bituminous	118,996	117,950	146,306				

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

** More detailed production data are not available.

*** More detailed data in terms of volatile content are not available.

(R) Revised.

Data Source: Department of Energy.

Table 8

Representative Domestic Bituminous Coal and Coke of Coal Prices
(\$/short tons FOB Mine or Coke Plant)

For Week Ending January 7, 1978

		Metallurgical Coal			Other Bituminous	Coke	
		Low Vol. (46.38)	Med. Vol.	High Vol. 29.28		Furnace	Foundry
December 1975	Spot	NA	NA	NA	17.37	NA	110/117
	Contract	NA	NA	NA	NA	NA	NA
December 1976	Spot	33/50	28/33	27/33	16.12	85/97	121/125
	Contract	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977	Spot	42/51	31/37	29/36	18.75	85/90	129/132.5
	Contract	43/50	40/43	31/38	18.81	NA	NA
Week Ending December 10, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 17, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 24, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 30, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending January 7, 1978	Spot	44/51	13/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA

Source: McGraw-Hill's "Coal Week."

Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

NA: Not Available.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.
[FR Doc. 78-4663 Filed 2-16-78; 12:24 pm]

[3510-25]**EXPORT MONITORING FOR COAL AND COKE
OF COAL****Week Ending January 13, 1978**

Total bituminous coal exports for the week ending January 13, 1978 were 311,331 short tons, a significant increase when compared with exports for the weeks ending January 6, 1978 and December 30, 1977 of 174,709 and 128,822 short tons, respectively. While the specific reason for this increase is not known at this time, data developed in subsequent weekly monitoring periods will be examined closely to determine whether a pattern of rising exports is emerging which will result in increased demand for limited domestic supplies of coal. The current increase in weekly exports may only be indicative of normal weekly export variation due to the fluctuating availability of

coal at dock and irregular shipping schedules.

All coal exported this week was of metallurgical grade. The average price of this coal was \$49.82 per short ton, while the high and low prices were \$68.64 and \$44.60 per short ton, respectively. No trend toward increased export prices is indicated from these data.

As in previous weeks, because of the limited number of shipments involved, detailed data on the volatility and destination of these exports is being withheld to prevent disclosure of information deemed to be confidential under section 7(c) of the Export Administration Act of 1969, as amended.

Exports of coke manufactured from coal were 5,062 short tons during the week compared with weekly exports ranging between 2,843 and 9,624 short tons during the 5 preceding weeks of the export monitoring program. The

average coke export price for this week was \$132.32 per short ton, with reported high and low prices of \$142.79 and \$115.25 per short ton, respectively.

Domestic coal production in the week ending January 13 was 5,140,000 short tons, a decrease from the 5,755,000 short tons produced during the preceding week. Total coal consumption for the week was 12,142,000 short tons, an increase from the 11,870,000 short tons consumed in the preceding week. Both the increase in consumption and the decrease in production are believed to be due to adverse weather conditions. Total coal stocks at the end of the week were 137,878,000 short tons, a decrease of 8,428,000 short tons from that reported at the end of the preceding week.

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

TABLE 1

U.S. Exports of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 13, 1978

Commodity	Exports						
	Weekly Avg. Dec. 1975	Weekly Avg. Dec. 1976	Weekly Avg. Nov. 1977	Week Ending 12/9/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	133,877***	199,136	96,895	- - - 4/	- - - - 4/
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	n.a.	283,420	118,632	- - - 4/	- - - - 4/
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	n.a.	47,055	176,827	- - - 4/	- - - - 4/
Total Metallurgical Coal	n.a.	n.a.	889,125	550,459*	436,605**	521,109	128,822
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	351,669	59,500	-0-
Total Bituminous Coal	1,022,877	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of Coal	16,646	7,287	33,179	3,922	9,624	2,843	3,222

1/ 22% or less volatile matter

2/ 31% or less and more than 22% volatile matter

3/ More than 31% volatile matter

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility

** Includes 44,251 short tons of metallurgical grade coal not identified by volatility

*** Partial, in content tons

SOURCES: Office of Export Administration, and Bureau of the Census

Commodity	Exports			
	Jan/76 Average	Jan/77 Average	Week Ending 1/6/78	Week Ending 1/13/78
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	- - - - 4/	- - - 4/
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	- - - - 4/	- - - 4/
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	- - - - 4/	- - - 4/
Total Metallurgical Coal	n.a.	n.a.	174,709	311,331
Other Bituminous Coal	n.a.	n.a.	-0-	-0-
Total Bituminous Coal	834,857	483,983	174,709	311,331
Coke of Coal	12,326	20,514	4,466	5,062

1/ 22% or less volatile matter

2/ 31% or less and more than 22% volatile matter

3/ More than 31% volatile matter

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility

** Includes 44,251 short tons of metallurgical grade coal not identified by volatility

*** Partial, in content tons

SOURCES: Office of Export Administration, and Bureau of the Census

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TABLE 2

Contracts for Export of Bituminous Coal and Coke of Coal
(in short tons)

For Week Ending January 13, 1978

Commodity	Contracts						Next Six Weeks	Total For 12 Weeks
	Week Ending 1/20/78	Week Ending 1/27/78	Week Ending 2/3/78	Week Ending 2/10/78	Week Ending 2/17/78	Week Ending 2/24/78		
Low Volatile 1/ Metallurgical Coal	136,482	108,802	109,922	90,882	130,886	113,886	1,001,208	1,692,064
Medium Volatile 2/ Metallurgical Coal	140,055	363,867	178,242	186,000	241,450	338,650	1,881,196	3,329,460
High Volatile 3/ Metallurgical Coal	86,410	112,460	62,910	36,710	56,710	36,710	300,311	692,221
Total Metallurgical Coal	362,947	585,129	351,074	313,592	429,246	489,246	3,182,715	5,713,745
Other Bituminous Coal	---	4/	---	4/	---	4/	---	4/
Total Bituminous Coal	5/	---	---	---	---	---	---	---
Coke of Coal	412,947	635,129	401,074	363,592	479,042	539,246	3,482,715	6,313,745

1/ 22% or less volatile matter
 2/ 31% or less and more than 22% volatile matter
 3/ More than 31% volatile matter

4/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

SOURCES: Office of Export Administration and
 Bureau of the Census

5/ Data withheld to avoid disclosure of data withheld above. See footnote 4.

TABLE 3

U.S. Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 13, 1978

Exports							
Commodity and Area of Destination	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/9/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
Low Volatile 1/ Metallurgical Coal							
Asia			7,458	111,525	24,808	- - - 4/	- - - 4/
Europe			43,463	40,893	69,440	- - - 4/	- - - 4/
Western Hemisphere			82,956	46,718	2,647	- - - 4/	- - - 4/
TOTAL	n.a.	n.a.	133,877**	199,136	96,895	- - - 4/	- - - 4/
Medium Volatile 2/ Metallurgical Coal							
Asia				102,906	93,291	- - - 4/	- - - 4/
Europe				173,711	15,956	- - - 4/	- - - 4/
Western Hemisphere				6,803	9,383	- - - 4/	- - - 4/
TOTAL	n.a.	n.a.	n.a.	283,420	118,632	- - - 4/	- - - 4/
High Volatile 3/ Metallurgical Coal							
Asia				11,331	-0-	- - - 4/	- - - 4/
Europe				-0-	76,532	- - - 4/	- - - 4/
Western Hemisphere				35,724	100,295	- - - 4/	- - - 4/
TOTAL	n.a.	n.a.	n.a.	47,055	176,827	- - - 4/	- - - 4/
Total Metallurgical Coal							
Asia			377,151	225,762	118,099	134,389	- - - 4/
Europe			269,606	214,604	161,930	206,832	- - - 4/
Western Hemisphere			224,411	110,093*	112,325*	136,928	- - - 4/
TOTAL	n.a.	n.a.	889,125***	550,459*	436,605*	521,109	128,822

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TABLE 3 (Continued)

U.S. Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 13, 1978

Exports		
Commodity and Area of Destination	Week Ending 1/6/78	Week Ending 1/13/78
<u>Low Volatile 1/ Metallurgical Coal</u>		
Asia	-- -- 4/	-- -- 4/
Europe	-- -- 4/	-- -- 4/
Western Hemisphere	-- -- 4/	-- -- 4/
TOTAL	-- -- 4/	-- -- 4/
<u>Medium Volatile 2/ Metallurgical Coal</u>		
Asia	-- -- 4/	-- -- 4/
Europe	-- -- 4/	-- -- 4/
Western Hemisphere	-- -- 4/	-- -- 4/
TOTAL	-- -- 4/	-- -- 4/
<u>High Volatile 3/ Metallurgical Coal</u>		
Asia	-- -- 4/	-- -- 4/
Europe	-- -- 4/	-- -- 4/
Western Hemisphere	-- -- 4/	-- -- 4/
TOTAL	-- -- 4/	-- -- 4/
<u>Total Metallurgical Coal</u>		
Asia	-- -- 4/	-- -- 4/
Europe	-- -- 4/	-- -- 4/
Western Hemisphere	-- -- 4/	-- -- 4/
TOTAL	174,709	311,331

Exports							
Commodity	Dec.1975 Weekly Avg.	Dec.1976 Weekly Avg.	Nov.1977 Weekly Avg.	Week Ending 12/09/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	351,669	59,500	-- 0 --
Total Bituminous Coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,509	128,82
Coke of Coal	16,646	7,287	33,179	3,922	9,624	2,847	3,92

TABLE 3 (Continued)
U.S. Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 13, 1978

Exports		
Commodity	Week Ending 1/6/78	Week Ending 1/13/78
Other Bituminous Coal	-0-	-0-
Total Bituminous Coal	174,709	311,331
Coke of Coal	4,466	5,062

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

n.a. - not available

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 44,251 short tons of metallurgical grade coal not identified by volatility
** Partial, in content tons
*** Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 4
Anticipated Exports by Commodity and Area of Destination
(in short tons)

For Week Ending January 13, 1978

Contracts								
Commodity and Area of Destination	Week Ending 1/20/78	Week Ending 1/27/78	Week Ending 2/3/78	Week Ending 2/10/78	Week Ending 2/17/78	Week Ending 2/24/78	Next Six Weeks	Total For 12 Weeks
Total Metallurgical Coal 1/								
Asia	129,734	326,641	147,361	37,421	241,721	264,125	1,697,442	2,894,445
Europe	197,826	223,101	113,226	192,076	153,226	191,026	1,280,703	2,351,184
Western Hemisphere	35,387	35,387	90,487	34,095	34,095	34,095	204,570	168,116
	362,947	585,129	351,074	313,592	429,042	489,246	3,182,715	5,713,745*
Other Bituminous Coal	2/	2/	2/	2/	2/	2/	2/	2/
Total Bituminous Coal	3/							
Coke of Coal	55,131	38,137	2,937	23,167	27,212	2,250	66,517	215,351

1/ Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 33,000 short tons to destinations not listed above.

2/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

3/ Data withheld to avoid disclosure of data withheld above. See footnote 2.

SOURCES: Office of Export Administration and Bureau of the Census

TABLE 5
Export Prices of Bituminous Coal and Coke of Coal
(in \$ per short ton)

Commodity	Jan/76 Average	Jan/77 Average	Nov/77 Average	Week Ending January 13, 1978		
				Weighted Average	High	Low
Low Volatile Metallurgical Coal <u>1/</u>	n.a.	n.a.	n.a.	- - - <u>4/</u>	- - - <u>4/</u>	- - <u>4/</u>
Medium Volatile Metallurgical Coal <u>2/</u>	n.a.	n.a.	n.a.	- - - <u>4/</u>	- - - <u>4/</u>	- - - <u>4/</u>
High Volatile Metallurgical Coal <u>3/</u>	n.a.	n.a.	n.a.	- - - <u>4/</u>	- - - <u>4/</u>	- - - <u>4/</u>
Total Metallurgical Coal	n.a.	n.a.	53.84	49.82	68.64	44.60
Other Bituminous Coal	n.a.	n.a.	35.01	-0-	-0-	-0-
Total Bituminous Coal	49.16	54.34	50.99	49.82	68.64	44.60
Coke of Coal	61.22	45.25	79.70	132.32	142.79	115.25

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ more than 31% volatile matter

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

TABLE 6
U.S. Trade in Bituminous Coal and Coke of Coal
(in Short Tons)

For Week Ending January 13, 1978

	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/09/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77
IMPORTS							
Bituminous Coal <u>1/</u>	20,097	21,452	31,158	n.a.	n.a.	n.a.	n.a.
Coke of Coal	20,774	28,903	41,267	n.a.	n.a.	n.a.	n.a.
EXPORTS							
Bituminous Coal <u>1/</u>	1,023,827	1,044,281	1,047,451	679,883	788,274	580,606	126,822
Coke of Coal	16,646	7,287	33,179	3,922	9,624	2,843	3,927

1/ includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration, and
Bureau of the Census

NOTICES

TABLE 6 (Continued)
 U.S. Trade in Bituminous Coal and Coke of Coal
 (in short tons)
 For Week Ending January 13, 1978

	Jan/76 Average	Jan/77 Average	Week Ending 1/6/78	Week Ending 1/13/78
<u>IMPORTS</u>				
Bituminous Coal 1/	16,346	27,198	n.a.	n.a.
Coke of Coal	3,483	5,987	n.a.	n.a.
<u>EXPORTS</u>				
Bituminous Coal 1/	834,857	483,983	174,709	311,331
Coke of Coal	12,326	20,514	4,466	5,062

1/ includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration and Bureau of the Census

Table 7

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
 For Week Ending January 14, 1978

	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending Dec. 10, 1977	Week Ending Dec. 17, 1977	Week Ending Dec. 24, 1977	Week Ending Dec. 31, 1977
Total Bituminous Coal Production**	12,019	12,593	14,798	9,100	5,080	5,515 (R)	5,700
Consumption							
Metallurgical ***	1,519	1,568	NA	1,290	1,368	1,364	1,324
Other Bituminous							
Electric Utility	8,414	9,387	NA	9,228	9,550	9,398	8,928
General Industry	1,358	1,421	NA	1,330	1,252	1,163	1,146
Total Other	9,772	10,808	NA	10,558	10,802	10,561	10,074
Total Bituminous	11,291	12,376	NA	11,848	12,170	11,925	11,398
Bituminous Coal Stocks (End of Specified Periods)							
Metallurgical***	8,671	9,804	NA	15,084 (R)	14,776	13,982	13,088
Other Bituminous							
Electric Utility	109,707	117,468	NA	146,171 (R)	141,691	136,993	131,308
General Industry	8,504	6,900	NA	9,495	9,248	8,896	8,425
Total Other	118,211	124,368	NA	155,666	150,939	145,889	139,711
Total Bituminous	126,882	134,172	NA	170,750	165,715	159,871	152,801

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

** More detailed production data are not available.

*** More detailed data in terms of volatile content are not available.

(R) Revised.

Data Source: Department of Energy.

Table 7 (Continued)

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending January 14, 1978

	Jan. 1976 Weekly Avg.	Jan. 1977 Weekly Avg.	Week Ending Jan. 7, 1978	Week Ending Jan. 14, 1978	Week Ending Jan. 21, 1978	Week Ending Jan. 28, 1978
Total Bituminous Coal Production**	11,627	9,520	5,755	5,140		
Consumption						
Metallurgical***	1,505	1,428	1,291	1,192		
Other Bituminous						
Electric Utility	9,009	9,730	9,359	9,652		
General Industry	1,211	1,442	1,220	1,298		
Total Other	10,220	11,172	10,579	10,950		
Total Bituminous	11,725	12,600	11,870	12,142		
Bituminous Coal Stocks (End of Specified Periods)						
Metallurgical***	8,115	8,107	11,992	10,900		
Other Bituminous						
Electric Utility	104,456	103,893	126,268	119,399		
General Industry	6,425	5,960	8,046	7,579		
Total Other	110,881	109,843	134,314	126,978		
Total Bituminous	118,996	117,950	146,306	137,878		

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

** More detailed production data are not available.

*** More detailed data in terms of volatile content are not available.

(R) Revised.

Data Source: Department of Energy.

Table 8

Representative Domestic Bituminous Coal and Coke of Coal Prices
(\$/short tons FOB Mine or Coke Plant)

For Week Ending January 14, 1978

		Metallurgical Coal			Other	Coke	
		Low Vol.	Medium Vol.	High Vol.	Bituminous	Furnace	Foundry
December 1975	Spot		(46.38)	29.28	17.37	NA	110/117
	Contract	NA	NA	NA	NA	NA	NA
December 1976	Spot	33/50	28/33	27/33	16.12	85/97	121/125
	Contract	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977	Spot	42/51	31/37	29/36	18.75	85/90	129/132.50
	Contract	43/50	40/43	31/38	18.81	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	85/90	129/134
December 10, 1977	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	85/90	129/134
December 17, 1977	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	80/90	129/134
December 24, 1977	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	80/90	129/134
December 30, 1977	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	80/90	129/134
January 7, 1978	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	80/90	129/134
January 14, 1978	Contract	43/50	40/43	31/38	19.12	NA	NA

Source: McGraw-Hill's "Coal Week."

Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

NA: Not Available.

[FR Doc. 78-4664 Filed 2-16-78; 12:24 pm]

[3510-13]

National Bureau of Standards

BUILDING TECHNOLOGY ADVISORY
COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that a public meeting of the Building Technology Advisory Committee will be held on March 30 and 31, 1978, at the National Bureau of Standards, Gaithersburg, Md. The initial meeting will convene on March 30, 1978, at 1 p.m., in Lecture Room A, Building 101, and will adjourn at 5:15 p.m. The meeting will convene at 8:30 a.m. on March 31, 1978, at the same location and will adjourn at 12 noon.

The purpose of this meeting is to select and establish priorities for issues to be addressed in formulating recommendations for the Bureau's building technology programs.

Further information concerning this meeting may be obtained by contacting Dr. James R. Wright, Committee Control Officer, at the National Bureau of Standards, Building 225, Room B-117, Washington, DC 20234, 301-921-3574.

Dated: February 16, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-4771 Filed 2-22-78; 8:45 am]

[3510-08]

National Oceanic and Atmospheric
AdministrationCOASTAL ZONE MANAGEMENT ADVISORY
COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Wednesday and Thursday, March 15-16, 1978. The meeting will commence at 8:45 a.m. on both days in the Twin Peaks Room, Jack Tar Hotel, Van Ness at Geary, San Francisco, Calif.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 12 noon until 12:30 p.m. on March 15 and from 11:45 a.m. until 12:15 p.m. on March 16, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman

retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Executive Secretary in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235 (attention: Dr. Richard Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at 202-634-6791.

The items for Committee discussion at the meeting will include the following:

MARCH 15

- 8:45 a.m.—Call to Order; Approval of Minutes; Report on Action Items.
- 9:15 a.m.—Incentives for Coastal Zone Management: Current and Future Prospects.
- 10:15 a.m.—Unofficial Photograph of the Committee and Brief Recess.
- 10:30 a.m.—Reports by Task Force Chairpeople; North Carolina; Ohio; Louisiana.
- 11:15 a.m.—Preliminary Discussion of Task Force Findings.
- 12 noon—Oral Statements (if any) from Interested Persons.
- 12:30 p.m.—Lunch.
- 2:15 p.m.—Presentation on the President's Federal Reorganization Project.
- 3:15 p.m.—Discussion of Reorganization Issues and Tentative Recommendations to the Administrator of NOAA.
- 4 p.m.—Agenda, Date, and Location of Next Meeting.
- 4:30 p.m.—Adjourn.

MARCH 16

- 8:45 a.m.—Call to Order; Comments on Evaluation and Reorganization.
- 9 a.m.—Detailed Examination of the Task Force Reports by Subcommittees of the Advisory Committee.
- 11 a.m.—Discussion of Task Force Reports by Entire Committee.
- 11:45 a.m.—Oral Statements (if any) from Interested Persons.
- 12:15 p.m.—Lunch.
- 1:30 p.m.—Panel Presentation: The California CZM Plan; State Government Position; Views of the Oil Industry; An Environmental Perspective; A Realty Association View; City Government Position.
- 3:30 p.m.—Discussion of California Plan and Tentative Recommendations to the Administrator of NOAA.
- 4 p.m.—Adjourn.

Dated: February 17, 1978.

T. P. GLEITER,
Acting Assistant Administrator
for Administration, National
Oceanic and Atmospheric Administration.

[FR Doc. 78-4797 Filed 2-22-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Receipt of Application

Notice is hereby given that the following application has been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Sovrybflot, Moscow, U.S.S.R., has applied for a general permit, Category 1: "Towed Or Dragged Gear."

Copies of the application are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries, 3300 Whitehaven Street NW., Washington, D.C.

Interested parties may submit written views on this application on or before March 15, 1978, to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: February 17, 1978.

ROLAND F. SMITH,
Acting Assistant Administrator
for Fisheries, National Marine
Fisheries Service.

[FR Doc. 78-4798 Filed 2-22-78; 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 patent 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 application 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 di-

rected to the address cited for the agency-sponsor.

**DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Informa-
tion Service.**

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patents Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 824,776: Increasing Absorbency of Polymeric Compositions by Curing; filed Aug. 15, 1977.

Patent application 838,289: Shrink-Resistant Textiles Containing Polypropylene; filed Sept. 30, 1977.

U.S. DEPARTMENT OF COMMERCE, National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161.

Patent 4,042,755: Method and Apparatus for Electrochemical Generation of Power from Hydrogen; filed Nov. 10, 1975; patented Aug. 16, 1977; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent 4,045,440: Method of Producing Thebaine from Codeine and Oripavine from Morphine; filed Sept. 16, 1976, patented Aug. 30, 1977; not available NTIS.

Patent 4,051,025: Preparative Countercurrent Chromatography with a Slowly Rotating Helical Tube Array; filed Sept. 29, 1976; patented Sept. 27, 1977; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 830,523: Process for Purifying a Titanium-Bearing Material and Upgrading Ilmenite to Synthetic Rutile with Sulfur Trioxide; filed Sept. 6, 1977.

Patent 4,033,704: Destratification Device; filed Nov. 11, 1976; patented July 5, 1977; not available NTIS.

Patent 4,039,440: Reverse Osmosis Membrane; filed Jan. 16, 1975; patented Aug. 2, 1977; not available NTIS.

Patent 4,049,580: Method for Producing Supported Raney Nickel Catalyst; filed July 23, 1976; patented Sept. 20, 1977; not available NTIS.

[FR Doc. 78-4858 Filed 2-22-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 858-61]

**AMBIENT AIR MONITORING REFERENCE AND
EQUIVALENT METHODS**

**Receipt of Application for Reference or
Equivalent Method Determination**

Notice is hereby given that on January 23, 1978, the Environmental Protection Agency received an application from Beckman Instruments, Inc., 2500 Harbor Boulevard, Fullerton, Calif., to determine if its Model 952A Ambient Nitrogen Dioxide Analyzer should be

designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) and amended December 1, 1976 (41 FR 52692). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

**STEPHEN J. GAGE,
Assistant Administrator for
Research and Development.**

FEBRUARY 10, 1978.

[FR Doc. 78-4756 Filed 2-22-78; 8:45 am]

[6560-01]

[FRL 858-51]

**AMBIENT AIR MONITORING REFERENCE AND
EQUIVALENT METHODS**

**Receipt of Application for Reference Method
Determination**

Notice is hereby given that on January 18, 1978, the Environmental Protection Agency received an application from Meloy Laboratories, Inc., Springfield, Va., to determine if its Model NA530R Nitrogen Oxides Analyzer should be designated by the Administrator of the EPA as a reference method for the measurement of nitrogen dioxide in the atmosphere under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

**STEPHEN J. GAGE,
Assistant Administrator for
Research and Development.**

FEBRUARY 10, 1978.

[FR Doc. 78-4755 Filed 2-22-78; 8:45 am]

[6560-01]

[FRL 850-81]

**Construction Grants Program, NPDES Permit
Program**

**PROPOSALS FOR PUBLIC PARTICIPATION IN
WATER PROGRAMS**

Public Meeting

Notice is hereby given that informal discussion sessions have been scheduled for 8 a.m. to 4:30 p.m., Monday, March 13, 1978, at Waterside Mall, Room 2117, 401 M Street SW., Washington, D.C.

The meeting will provide opportunities for public comment concerning implementation of provisions of the Clean Water Act of 1977 which affect the NPDES Permit Program and the Construction Grants Program. These opportunities will supplement those

provided by previously scheduled meetings on the Construction Grants Program (January 30-February 1, 1978) and the NPDES Permit Program (March 6, 1978). In addition, the meeting will provide an opportunity to receive public comment on preliminary proposals for public participation in water programs.

The meeting schedule and discussion topics are as follows:

8 to 8:30—Registration.
8:30 to 11—NPDES Permit Program.
11 to 12:30—Public Participation—Preliminary Proposals.
12:30 to 1:30—Lunch Break.
1:30 to 4:30—Construction Grants Program.

The meeting will be open to the public; however, space is limited and advance reservations are requested. Reservation requests should indicate the specific sessions at which attendance is planned.

Persons wishing to attend the meeting should contact Mr. Lee Daneker, Office of Water and Hazardous Materials (WH-566), 401 M Street SW., Washington, D.C. 20460. The telephone number is area code 202-755-0953.

**TOMAS C. JORLING,
Assistant Administrator for
Water and Hazardous Materials.**

**MARVIN B. DURNING,
Assistant Administrator
for Enforcement.**

FEBRUARY 17, 1978.

[FR Doc. 78-4846 Filed 2-22-78; 8:45 am]

[6560-01]

[FRL 858-31]

**RECEIPT OF ENVIRONMENTAL IMPACT
STATEMENTS**

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from February 6, 1978 through February 10, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (April 10, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also avail-

able at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: February 16, 1978.

JOSEPH M. McCABE,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Final

N.Y. Animal Import Center, Stewart Airport, Orange County, N.Y., February 9: Proposed is the construction of an animal import center on approximately 81 acres of land at the Stewart Airport near Newburgh, N.Y. The new facility will replace a presently outdated similar facility in Clifton, N.J. To provide complete isolation the import center will be located within a fenced compound and will contain 19 buildings. Construction-related impacts are anticipated. Comments made by: USDA, DOT, EPA, DOI, State and local agencies, groups and individuals. (ELR order No. 80134.)

FOREST SERVICE

Draft

Kootenai National Forest, Keeler Planning Unit, Montana and Idaho, February 7: Proposed is the implementation of the revised multiple use plan for the Keeler Planning Unit, Troy Ranger District, Kootenai National Forest located in Lincoln County, Mont., and Bonner County, Idaho. The proposed management plan affects about 46,887 acres of national forest land which has been stratified into 12 management situations. Alternatives include: Greater emphasis on economic development through more intensive use of the renewable natural resources; and greater emphasis on enhancement of environmental quality and retention of the area's natural qualities, including recommendations for wilderness proposals. (ELR order No. 80115.)

Fremont National Forest Timber Management Plan, Lakeview, Oreg., February 9: This EIS describes the Lakeview Federal sustained-yield unit of the Fremont National Forest and assesses the environmental effects which would result from implementing alternative timber management plans, environmental effects include economic and social factors related to human survival and well-being, factors affecting the continuance of other life forms, and esthetic factors not strictly related to ecological functions, but important to man's enjoyment of the forest. The effective period of the proposed plan would be October 1, 1978, through September 30, 1988. USDA-FS-RS-DES(Adm) 78-4. (ELR Order No. 80133.)

Final

Badger-Jordan Unit Plan, Hood, National Forest, Wasco and Hood Counties, Oreg., February 8: Proposed is a land use management plan for the Badger-Jordan planning unit, Mount Hood National Forest. The plan applies to approximately 58,000 acres within the national forest boundary, of which 21,200 acres were inventoried by the Forest

Service and reported in the final EIS for roadless and undeveloped areas filed on October 15, 1973. Unavoidable adverse effects include increases in water, litter, and noise pollution, and increased risk of fire from more use and a fuels buildup. Comments made by: USDA, DOT, EPA, HUD, PRBC, State and local agencies, groups, and individuals. (ELR Order No. 80109.)

The commenting period for the following supplement EIS will end on March 27, 1978.

RURAL ELECTRIFICATION ADMINISTRATION

Supplement

Antelope Valley Station, Two 455 mW units, North Dakota, February 8: This supplement to the DEIS relates to a request for a loan guarantee commitment from the REA for Basin Electric Power Cooperative of Bismarck, N. Dak. The proposed loan guarantee commitment would provide financial assistance for the construction of two 455 mW lignite-fired generating units to be installed near Beulah, N. Dak., associated transmission facilities, and coal mining equipment. The supplement expands upon possible alternate plant site locations for Antelope Valley project. This information supplements the material presented in the DEIS which was made available to the public on September 27, 1977. USDA-REA-EIS(Adm) 77-6-D. (ELR Order No. 80124.)

SOIL CONSERVATION SERVICE

Draft

Soak and Piney Creeks Watershed, Raleigh County, W. Va., February 8: The Soak Creek watershed is located in Raleigh County in southern West Virginia. It includes all of the drainage area of Soak Creek from its headwaters to its confluence with Piney Creek, an area of about 3,690 acres of 5.8 square miles. The watershed has a population of about 3,500 people. The only incorporated town in the watershed is Sophia with a 1970 population of 1,300 people. USDA-SCS-EIS-WS(Adm) 78-2-D-WV. (ELR Order No. 80130.0)

Final

Tri-Creek Watershed, Monroe County, Wis., February 7: Proposed is a project for watershed protection, flood prevention, and recreational development in Monroe County, Wis. To date, one floodwater retarding structure (No. 1) has been installed at a cost of about \$1,039,000 and land treatment measures have been installed at a cost of about \$104,700. The remaining planned works of improvement include conservation land treatment, four floodwater retarding structures, and one multiple-purpose structure for flood prevention and recreation. Adverse effects include increased air and noise pollution and the elimination of 32 acres of cropland, 66 acres of forestland, and 6 acres of grassland. Comments made by: DOD, DOC, HEW, DOI, DOT, EPA, State and local agencies, groups and individuals. (ELR Order No. 80122.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn.: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Final

Big Creek Flood Protection Project, Cuyahoga County, Ohio, February 8: The pro-

posed project consists of construction of a floodway and diversion channel in Cleveland, Ohio. The facility includes 4,250 feet of floodway, and extends from near the upstream side of Cleveland Zoo to the downstream side of protector products. The project will provide 100-year flood protection for recreational and industrial facilities. Seventeen acres of flood plain will be altered and seven acres of woodland will be lost. Comments, made by: DOC, DOI, DOT, EPA, State and local agencies. (ELR Order No. 80131.)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Col. Luis F. Dominguez, Department of the Air Force, Room 5D431, Pentagon, Washington, D.C. 20330, 202-697-7799.

Final

Space Shuttle Program, Vandenberg Air Force Base, Santa Barbara County, Calif., February 7: The proposed action comprises construction, activation, and operation of space shuttle facilities at Vandenberg Air Force Base and Port Hueneme Harbor, Calif. There are seven elements in the proposed action, namely: Landing strip extension and other modifications; new orbiter processing facilities adjacent to Vandenberg Air Force Base; new facilities at Port Hueneme Harbor to receive, process, and store shuttle external tanks (ETS) and recovered spent solid rocket boosters (SRBS) delivered by sea; new marine facility on the Vandenberg Air Force Base; coast for receipt of ETS and SRBS; a tow route for transporting the orbiter; and modified, expanded support facilities at SLC-6 for handling of cryogenic propellants. Comments made by: DOC, DOD, HEW, DOI, NASA, DOT, AHP, State and local agencies, groups and individuals. (ELR Order No. 80114.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, 202-697-3689.

Draft

Dredging Pier R-3, Yorktown Naval Weapons Station, York County, Va., February 10: The proposed project involves increasing the depth of the area adjacent to the Naval Weapon Station R-3 from 36 ft. at MLW to 42 ft. at MLW and 2 ft. over-depth. The project involves the following: Dredging along the working face of pier R-3, and in a general northward direction toward the York River Channel to the point, obtaining the new project depth which is a distance of approximately 1,500 ft. out board of the working face of the pier. Disposing of about 445,000 cubic yards of dredge material in a dredge spoil disposal site which has been used for spoils disposal in a previous project. (ELR Order No. 80136.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais, Chief, Section of Energy and Environment, Room 3373, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, 202-275-7692.

Draft

Abandonment of Rail Service, Southwestern Wisconsin, February 10: The action under study involves the proposed abandon-

ment of three rail lines: The Chicago and North Western Transportation Co. (C&NW), branch between Klevenville and Lancaster, Wis., Docket No. AB 1 (Sub-No. 41); the Illinois Central Gulf Railroad Co. (ICG) branch between Madison, Wis. and Freeport, Ill., Docket No. AB 43 (Sub-No. 28); and the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. line between Mineral Point and Monroe, Wis., Docket No. AB 7 (Sub-No. 49), all three lines are located in close proximity to one another and serve the same homogenous area. (ELR Order No. 80127.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Peter Cook, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780.

Draft

Trimble County Generating Station, permit, Trimble County, Ky., February 8: The proposed action was prepared by the Region IV Office of the Environmental Protection Agency as the lead Federal agency. The purpose of this statement is to fulfill the requirements of the NEPA and the preparation of EIS's for new source NPDES permits (40 CFR 6.900). The proposed project requires commitment of a 1,000 acre site for construction of two 495 MW generating units, one operational in 1983 and the other in 1985, and two 675 MW generating units, one operational in 1987 and the other in 1989. EPA 904/9-78-001. (ELR Order No. 80127.)

Supplement

Jerome Wastewater Facilities Project (S-1), Jerome County, Idaho, February 6: This addendum identifies the alternatives which were evaluated in a final EIS, dated March 29, 1977, and proposes that alternative No. 4 be constructed to meet the needs of the residents and maintain environmental quality. This city service area presently consists of about 1,170 acres of land and has a present population of about 6,500 residents. The project will expand the service area to 5,030 acres to serve a forecasted population of 14,200 people by the year 1996. (ELR Order No. 80108.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Cornerstones Subdivision, Harris and Fort Bend Counties, Tex., February 7: The proposed action is for HUD to accept for HUD-FHA home mortgage insurance purposes under section 203(B) of title II of the National Housing Act of 1934, the proposed Cornerstones Subdivision located in the far western part of Harris County and the northeastern part of Fort Bend County, Tex. When completed the subdivision will contain about 2,047 single family homes plus recreational facilities to serve the subdivision. (HUD-R06-EIS-78-8-D.) (ELR Order No. 80125.)

Meadow Bend Subdivision, League City, Galveston County, Tex., February 8: The purpose and intent of this environmental impact statement is to identify and evaluate the environment consequences of developing 379 acres of agricultural land into a residential area in League City, Tex. The residential area, Meadow Bend, as proposed will ultimately consist of about 1,485 single-family units for which FHA mortgage insurance is being considered. The development provides for the planning of living accommodations for approximately 5,570 people. HUD-R06-EIS-78-11D. (ELR Order No. 80132.)

Final

Loneran Lake disposition, Douglas County, Nebr., February 6: Proposed is the disposition of a 658-acre tract of land commonly referred to as Loneran Lake, located to the north of the city of Omaha in Douglas County, Nebr. HUD committed the tract for FHA mortgage insurance for a planned unit development in 1968. The mortgagee failed to meet his financial obligations and title was conveyed to the Secretary of the Department of HUD on September 23, 1975. HUD proposes to sell the Loneran Lake property in accordance with the provisions of the National Housing Act as amended and HUD handbook 4315.1, property disposition, multifamily. Comments made by: AHP, DOI, DOT, EPA, GSA, State, regional, and local agencies concerned individuals and groups. (ELR Order No. 80111.)

SECTION 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. Copies are not available from HUD.

Draft

Redevelopment site of Hotel Syracuse, Onondaga County, N.Y., February 8: The city of Syracuse, N.Y. proposes to apply for urban development action grant funds from HUD for the redevelopment of Hotel Syracuse. As a major element of the project, the Hotel Syracuse will undertake a 200-room addition including a major ballroom and 47,000 sq. ft. of retail space. The city will assist in site preparation for the addition, the installation of public improvements, and will participate in the construction of four, second-level pedestrian bridges. In addition, the city will bond for the construction of a 500-car parking facility on the site of an existing city-owned parking garage. (ELR Order No. 80123.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Supplement

Palisades nuclear generating plant (S-2), Van Buren County, Mich., February 7: The NRC has issued this final supplement to an EIS filed with CEQ in May 1971. It addresses new information and changes in staff evaluation. The proposed action is the issuance of a full-term operating license at an increased power level to Consumers Power Co. for operation of Palisades nuclear power plant No. 1, in Van Buren County, Mich. The plant, located on Lake Michigan, uses a pressurized water reactor to presently produce about 2,200 MWe to generate a net electric output of 686 MWe. Under the proposed action the plant would operate under 2683 MWT and 786 MWe. The cooling tower blowdown will be discharged into Lake

Michigan. (82 pages.) Comments made by: FEA, USDA, COE, DOC, HEW, HUD, DOI, DOT, ERDA, EPA, FPC, and State and local agencies. (ELR Order No. 80121.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Menominee County Airport, runway construction, Menominee County, Mich., February 7: The county of Menominee has submitted a request for Federal financial assistance under the airport and airway development program, as authorized by the airport and airway development amendments of 1976, for Menominee County Airport, Menominee, Mich. Proposed is the acquisition of approximately 490 acres of land; construction of a new NE-SW runway 150 x 6,500 feet with connecting taxiway system, high intensity runway lights, and an instrument landing system; enlargement of the terminal and general aviation aprons; closing a section of county road 577 and 38th Avenue; and the relocation of 35 households, one dairy farm, and one retail shoe business. (ELR Order No. 80117.)

Final

Cloquet-Carlton County Airport, Carlton County, Minn., February 7: The Cloquet-Carlton County Airport Commission has submitted a request for Federal financial assistance under the Airport and Airway Development Act amendments of 1976, for a project to acquire land approximately 38 acres in fee simple and 14 acres easement. Construct 75 x 785 foot southerly extension to existing 3,215 foot runway 17/35, overlay existing runway 17/35, construct 41,200 square foot paved apron addition, and relocate rotating beacon, runway end identification lighting system and wind cone. Comments made by: DOI, DOD, USDA, DOT, EPA, State and local agencies, groups and individuals. (ELR Order No. 80116.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-65-3(52)(53) and M-7257(1), Lewisburg to Warrior, Jefferson County, Ala., February 6: Project I-65-3(52)(53) is a 14.5 mile, 4, 6, or 8 lane, limited access facility extending from Lewisburg (5-mile Creek) to Warrior. Project M-7257(1) is a 0.4 mile, nonlimited access, 4-lane facility beginning at the Mt. Olive Road interchange and extending easterly to U.S. 31 in Gardendale. The beneficial effects are the project will ease traffic movement in and through their corridors, safety benefits will accrue, economy and growth will be enhanced, and accessibility to public facilities and services will be enhanced. Region 4 FHWA-ALA-EIS-78-01D. (ELR Order No. 80113.)

Project M 7500 (4), Horizon Drive, Mesa County, Colo., February 6: This proposed project includes the study and evaluation of upgrading and/or improving the transportation system in the northwestern part of Grand Junction and Mesa County. Specifically, this study evaluates the existing transportation system in a corridor extending from the area where Horizon Drive currently terminates at Seventh Street westward to U.S. 6 and 50. This corridor is centered on Patterson Road. FHWA-COLO-EIS-77-05-D. (ELR Order No. 80112.)

Keaau-Pahoa Road, Pahoa bypass, project RS-0130(17), Hawaii. The proposed project is located in the Puna district in the vicinity of Pahoa Village on the island of Hawaii. The existing roadway under consideration is a portion of the Keaau-Pahoa-Kalapana Road (Route FAS 130), starting from the vicinity of Kahakai Boulevard, 2.8 miles, to south of the Pahoa-Kapoho-Kalapana junction. Two concepts were considered: (1) An improvement through Pahoa town and (2) a bypass of the town. A route through town would continue to route all traffic through town along a limited right-of-way. FHWA-HI-EIS-78-01-D. (ELR Order No. 80110.)

Fort Wayne bypass, project No. F-170-2(1). Allen County, Ind., February 7: This project proposes the development of a circumurban route at Fort Wayne, Allen County, Ind. The partially access-controlled highway is planned to include two 2-lane pavements separated by a median 60 feet wide within a right-of-way typically 290 feet wide. The study lines range in length from approximately 12.7 to 15.0 miles. The project limits are U.S. 30 near New Haven on the south and I-69 north of Fort Wayne. The total improvement would supplement I-69 to yield a complete circumurban route. FHWA-IND-EIS-77-07-D. (ELR Order No. 80120.)

Iowa 14, project No. F-14-5, Marshall County, Iowa, February 9: The proposed study provides for four-lane construction of a 0.9 mile section of existing Iowa 14 in Marshalltown, from just south of East Anson Street at South Center Street northerly and easterly to East Church Street at South Third Avenue (additional right-of-way would be necessary for any of the construction alternatives). The proposed Iowa 14 improvement is in full coordination with Iowa DOT's transportation plan, and the 1995 transportation plan for Marshalltown. The need for the proposed improvement is to eliminate a capacity restriction on the existing highway for operation and safety. FHWA-IOWA-EIS-77-06-D. (ELR Order No. 80135.)

Corridor alignment, improvements of MI-37/MI-82 BR, Mewaygo County, Mich., February 8: This project was initiated to correct the deficiencies of M-37/M-82 bridge over the C&O Railway and Penoyer Creek in the city of Newaygo, Newaygo County, Mich. The maximum length of this project is 1 mile. It extends northward from the Muskegon River to approximately 1,700 feet north of the Newaygo City limits. Presently, M-37/M-82 is a two-lane area service highway. Improvements being considered in this statement range from minor bridge repairs to relocating and widening M-37 to four lanes. FHWA-MICH-EIS-77-05-D. (ELR Order No. 80129.)

U.S. 221, Marion Bypass, McDowell County, N.C., February 10: The proposed action is the construction of a highway facility that will provide a bypass for traffic presently routed through the town of Marion, N.C. Approval may be required from Federal Aviation Administration since the project is located within 2 miles of a privately owned public-use airport. The proposed action will result in beneficial impacts in terms of safer and more efficient traffic operation in the U.S. 221 corridor, especially in the central business district of Marion where all north-south traffic must pass since no other routes are available. FHWA-NC-EIS-78-OL-D. (ELR Order No. 80138.)

Final

Brookwood Station Area Improvements, I-85, I-75, Fulton and De Kalb Counties, Ga., February 7: Proposed are improvements of Brookwood Interchange (I-75, I-85 Interchange), I-75 extending 0.5 mile northwest and I-85 extending 3.1 miles northeast of the Brookwood Interchange. Project goals include the reduction of existing congestion at the Brookwood Interchange and improvement of the facility's capacity such that it can accommodate anticipated traffic volume increases. The proposed action also includes the addition of driving lanes to I-85 and provision of an arterial connector facility connecting Pershing Point and Buford Highway. Displacement of 8 families and 26 businesses will occur. Comments made by: USDA, HUD, DOI, EPA, HEW, COE, DOC, UMTA 2, State and local agencies, groups and individuals. (ELR Order No. 80118.)

I-85, Fulton-De Kalb County, to I-285, De Kalb County, Ga., February 7: Proposed are improvements to I-85 and associated frontage and crossover roads in De Kalb County, Ga. The project would begin at the De Kalb County line near Druid Hills Road and extend NE for 5.7 miles to an intersection with I-285. The limited access highway would have six or eight lanes plus frontage road improvements. Negative effects include acquisition of a small amount of right-of-way, displacement of four businesses, and an increase in noise which would exceed design noise levels at one church and commercial site. (Region 4.) Comments made by: FEA, HUD, DOC, USDA, FPC, EPA, DOI, HEW, COE 2, State, regional, and local agencies. (ELR Order No. 80119.)

MA-25 and MA-28, Wareham, Plymouth, and Bourne, Barnstable and Plymouth Counties, Mass., February 7: The proposed project will extend Route 25 from its present terminus in Wareham to the Bourne Bridge Crossing of the Cape Cod Canal. When completed the highway will carry through traffic to Cape Cod thereby eliminating the severe traffic congestion which presently occurs on combined Routes 8 and 28. The proposed route passes through the towns of Wareham and Plymouth in Plymouth County and the town of Bourne in Barnstable County. The FHWA has combined two draft EIS's into one final EIS. FHWA-MASS-EIS-74-03-F (combined 74-03-D and 73-09-D). Comments made by: AHP, USDA, COE, DOC, DOD, HEW, HUD, DOI, EPA, State, regional, and local agencies. (ELR Order No. 80126.)

Supplement

I-77 and U.S. 74 Connector, Charlotte, N.C., February 7: The purpose of this supplemental statement is to present an evaluation of a more southerly route and compare it to the most feasible of the alternatives presented in the DEIS which was filed with CEQ March 21, 1977. The division of highways proposes to construct a multi-lane freeway connecting I-77 and U.S. 74 south of Charlotte in Mecklenburg County, N.C. The proposed action will be the initial section (13.3-16.6 miles in length) of the outer circumferential route around Charlotte included in the Charlotte-Mecklenburg comprehensive plan. (ELR Order No. 80123.)

[FR Doc. 78-4754 Filed 2-22-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 240]

HFG STOCKHOLDING, INC.

Receipt of Application for permission To Acquire Control of Houston First Savings Association

FEBRUARY 17, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Pennsylvania Life Corp., a Delaware corporation; Pennsylvania Life Insurance Co., a Pennsylvania corporation; and HFG Stockholding, Inc. ("HFG"), a Delaware corporation, for approval of the acquisition of control of Houston First Savings Association, Houston, Tex. ("Houston First"), an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and §584.4 of the regulations for savings and loan holding companies. HFG proposes to purchase all the assets, and to assume all the liabilities, of Houston First Financial Group, Inc. ("Financial"), a Texas corporation. Such assets include, but are not limited to, all of the stock of Houston First. Financial owns all the stock of Houston First. Consequently, Financial has registered as a savings and loan holding company. The entire common stock of HFG is owned by the Pennsylvania Life Co. In a transaction related to the proposed purchase of assets, the Pennsylvania Life Insurance Co., a wholly owned subsidiary of the Pennsylvania Life Co., will purchase all the preferred stock of HFG. The purchase price of the assets will be paid partly in cash and partly by the issuance by HFG of debentures to the stockholders of Houston First. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before March 27, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-4787 Filed 2-22-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[Reg. C; Docket No. R-0130]

NEW JERSEY

Order Approving Exemption Application Under Home Mortgage Disclosure Act of 1975

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final order of exemption.

SUMMARY: The Board hereby exempts from the disclosure require-

ments of the Home Mortgage Disclosure Act of 1975 and its implementing Regulation C all New Jersey chartered depository institutions which are subject to the New Jersey Home Mortgage Disclosure Act.

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

On November 16, 1977, the Board issued notice of an application by United Jersey Banks for exemption from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809), as implemented by Regulation C (12 CFR Part 203). The application was filed pursuant to section 306(b) of the Federal act (12 U.S.C. 2805(b) and § 203.3(a)(3)) and the Supplement of Regulation C and was based upon the requirements of the New Jersey Home Mortgage Disclosure Act (N.J.S.A. 17:16F-1 to 17:16F-11) and the implementing regulations of the New Jersey Department of Banking (N.J.A.C. 3:1-9). The applicant, a bank holding company operating six New Jersey chartered banks, claimed that the New Jersey act and regulations impose requirements substantially similar to those imposed by the Federal act and regulations and that they include adequate provision for enforcement of those requirements.

Notice of the application, on which interested persons were invited to submit comments, was published in the FEDERAL REGISTER on November 22, 1977 (42 FR 59913). The Board has received one comment, from the Federal Reserve Bank of New York, which recommended that the exemption be granted.

In reviewing applications, the Board is directed to consider two primary factors (12 U.S.C. 2805(c)). First, the Board must determine whether the State's laws impose disclosure requirements which are substantially similar to those imposed by the Federal act. Second, the Board must consider whether State law contains adequate provisions for enforcement of those requirements.

Examination of the New Jersey act and regulations indicates that they impose substantially the same disclosure requirements as the Federal act and regulation. The Board notes that the New Jersey law requires disclosure of additional information, including data on rejected loan applications. The State law also requires depository institutions to provide information on a loan-by-loan basis, rather than in a summary form, as required by the Federal act. The State Department of

Banking will then classify this information in disclosure statements which will be returned to the institutions and made available to the public. However, the Board determined that these differences do not affect the substantial similarity between the State and Federal laws with respect to those requirements imposed by the Federal act.

With regard to enforcement, the New Jersey act provides for the issuance of cease and desist orders and the imposition of monetary penalties in appropriate cases for violation of its provisions. The Commissioner of Banking is authorized to conduct investigations into alleged violations including hearing and subpoena powers.

On the basis of the record, the Board finds that the New Jersey act imposes disclosure requirements that are substantially similar to those imposed under the Federal act and that the New Jersey act contains adequate provision for enforcement of those requirements. Therefore, pursuant to section 306(b) of the Federal act and § 203.3(a) and the Supplement of Regulation C, the Board hereby approves the application, effective April 1, 1978. All New Jersey chartered depository institutions which are subject to the New Jersey Home Mortgage Disclosure Act and the implementing regulations of the New Jersey Department of Banking are hereby exempted from the data compilation and disclosure requirements of the Home Mortgage Disclosure Act, as implemented by §§ 203.4 and 203.5 of Regulation C. This determination is subject to the provisions of paragraph (e) of the Supplement to Regulation C. Pursuant to that paragraph, the Board reserves the right to revoke any exemption if at any time it determines that applicable State law in fact does not impose requirements that are substantially similar to those imposed under the Home Mortgage Disclosure Act or that such law does not contain adequate provision for enforcement. As required by subparagraph (b)(4) of the Supplement, the applicant undertakes to inform the Board of any change in the State law or regulation within 30 days of such change.

By order of the Board of Governors,
February 15, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-4819 Filed 2-22-78; 8:45 am]

[4110-39]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

National Institute of Education

**INFORMATION AND DATA ACQUISITION
ACTIVITY**

Collection; Opportunity for Comments;
Correction

In FR Doc. 78-3435 appearing on page 5072 in the issue of Tuesday, February 7, 1978, on page 5073, the first column, third paragraph should show the spelling of the Project Officer's name as: Dr. Dan P. Antonoplos; also, in paragraph 3. of the Description, the Agency form number should read: NIE 188.

RICHARD S. WERKSMAN,
Forms Clearance Officer,
National Institute of Education.

[FR Doc. 78-4758 Filed 2-22-78; 8:45 am]

[4110-02]

Office of Education

TEACHER CORPS

Closing Date for Receipt of Applications

The Commissioner invites applications for new grants under the Teacher Corps Program (20 U.S.C. 1101-1107a). Under the Teacher Corps program, the Commissioner makes grants to institutions of higher education, local educational agencies, and State educational agencies (and correctional facilities, in the case of "youth advocacy" projects). The purpose of the Teacher Corps program is strengthening the educational opportunities available to children in areas having concentrations of low-income families, encouraging colleges and universities to broaden their programs of teacher preparation, and encouraging institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel.

Closing date: April 3, 1978.

A. *Application forms and information.* Application forms are being prepared but are not yet available. We anticipate the application forms and program information packages will be ready for mailing on or about February 23, 1978. Application forms may be obtained from the U.S. Office of Education at the address given in paragraph "F" below. Applications must be prepared and submitted according to the Teacher Corps program regulation published in this issue of the FEDERAL REGISTER (45 CFR Part 172), the procedures contained in this notice, and the instructions and forms included in the application packages.

B. *Application procedures.* Applicants must comply with the following

procedures as well as those in the regulation. These additional requirements were subjected to public comment as part of the notice of proposed rule-making which preceded the final regulation, and are adopted after consideration of that public comment.

1. An application for the initial project year may not be more than 100 double-spaced typewritten pages. An application for continuation of funding after the initial project year is not subject to this limitation on length. An application must be signed by: (a) the president or other authorized official of each institution of higher education; (b) the superintendent or other authorized official of each local educational agency; (c) the chairperson of the community council; (d) if a State educational agency participates, the Chief State School Officer; and (e) in the case of an application for a youth advocacy project, the authorized official of each correctional facility.

2. To be considered for funding an application must be submitted to and approved by the State educational agency of the State in which the applicant is located. The State educational agency's approval must be in writing, signed by the Chief State School Officer, and attached to the application which is submitted to the Commissioner.

3. An application must describe the stipends and compensation (including insurance and travel expenses) which will be paid to: (a) teacher-interns; (b) teachers; (c) volunteers; (d) other educational personnel; (e) project staff; and (f) the project director. An application must also describe the amount and proposed use of funds requested for training Teacher Corps members and for the secretarial and administrative expenses of the community council.

4. In satisfaction of the requirements in §§ 172.123(a) (1) and (2), 172.124(a), and 172.126 of the Teacher Corps regulation, applicants may submit catalogs or other descriptive material already developed for other purposes. If the information included in an initial application in response to §§ 172.122, 172.123, 172.124, 172.125, and 172.126 of the regulation remains unchanged, an application for continuation funding need not respond to these sections.

C. *Applications sent by mail.* Applications sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.489C, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained

below. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 29, 1978 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

D. *Hand-delivered applications.* Hand-delivered applications must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

E. *Program information.* In designing their projects, potential applicants should be aware of the amount of funds available for the program for fiscal year 1978. Of the \$37,500,000 appropriated for the program for fiscal year 1978, \$12,000,000 is available for new grants, totaling not more than \$150,000 for each project. Approximately 80 new program grants will be issued for fiscal year 1978.

F. *For further information contact:* Russell Wood, Teacher Corps, 400 6th Street SW., Washington, D.C. 20202, 202-245-8223.

G. *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Teacher Corps Regulation (45 CFR Part 172) published in this issue of the FEDERAL REGISTER.

H. *Effective date.* Under section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), the procedures in this notice of closing date for receipt of applications are being sent to the Congress concurrently with publication in the FEDERAL REGISTER. These procedures become effective on the forty-fifth day following transmission to Congress, subject to the provisions in section 431(d) concerning congressional action and adjournment.

(20 U.S.C. 1101-1107a)

(Catalog of Federal Domestic Assistance Number 13.489C; Teacher Corps—Operations and Training)

Dated: February 1, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.
[FR Doc. 78-4357 Filed 2-22-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Florida Game and Fresh Water Fish Commission, 620 South Meridian, Tallahassee, Fla. 32304.

The applicant requests a permit to take up to ten Okaloosa darters (*Etheostoma okaloosae*) per month for three years from the Choctawhatchee Bay drainage in Florida for scientific research to enhance the survival of the species. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2119. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-4802 Filed 2-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: George Searles, 115 Mount Vernon Avenue, Patchogue, N.Y. 11772.

The applicant requests a permit to purchase in interstate commerce, a pair of Hawaiian geese (*Branta sandvicensis*) from Winston Guest, Jr. of Loxahatchee, Fla. for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1872. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-4803 Filed 2-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Monfort Reptile Institute, Schultz Hill Road, Rhinebeck, N.Y. 12572.

The applicant intends to buy, from Midwest Reptiles and Animal Sales Inc., P.O. Box 239, Fort Wayne, Ind. 46801 in interstate commerce, 3 American alligators (*Alligator mississippiensis*), 1 Nile crocodile (*Crocodylus niloticus*), 1 Bengal monitor (*Varanus bengalensis*) and 1 Indian python (*Python molurus molurus*) for public display and educational purposes intended to enhance the survival of the species. Humane shipment and care has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1847. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-4804 Filed 2-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Denver Zoological Gardens, City Park, Denver, Colo. 80205.

The applicant requests a permit to import one pair of captive-bred white-winged wood ducks (*Cairina scutulata*) from the Wildfowl Trust, Gloucester, England, for propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2151. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-4805 Filed 2-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Frank S. Todd/Sea World Inc., 1720 South Shores Road, San Diego, Calif. 92109.

The applicant requests a permit to import one pair of captive-bred white-winged wood ducks (*Cairina scutulata*) from the Wildfowl Trust, Slimbridge, England, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1677. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-4806 Filed 2-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Zoological Society of Buffalo, Inc., Buffalo Zoological Gardens, Buffalo, N.Y. 14214.

The applicant requests a permit to purchase, in interstate commerce, for enhancement of propagation one male

and one female clouded leopard (*Neofelis nebulosa*) born in captivity in 1977 at the Rare Feline Breeding Compound, Center Hill, Fla. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2152. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-4807 Filed 2-22-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

TEXAS

Application

Notice is hereby given that under Section 27 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Mitchell Energy Offshore Corporation has applied for a 3-inch natural gas and oil pipeline right-of-way and related facilities that will cross that part of the Aransas National Wildlife Refuge located on the Black Jack Peninsula, Aransas County, Tex.

The pipeline will convey natural gas across 8 miles of the Aransas National Wildlife Refuge.

The purpose of this notice is to inform the public that the U.S. Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days and send their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103.

W. O. NELSON,
Regional Director,
U.S. Fish and Wildlife Service.

FEBRUARY 10, 1978.

FR Doc. 78-4792 Filed 2-22-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Lincoln Park Zoological Gardens, 2200 North Cannon Drive, Chicago, Ill. 60614.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of animals listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2121. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-4808 Filed 2-22-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: San Francisco Zoological Gardens, Zoo Road and Skyline Boulevard, San Francisco, Calif. 94132.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of animals listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2101. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-4809 Filed 2-22-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Michael E. Perry, Wellington Farm, 15 Buxton Road, Danvers, Mass. 01923.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1898. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 27, 1978. Please refer to the file number when submitting comments.

Dated: February 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-4810 Filed 2-23-78; 8:45 am]

[4310-70]

National Park Service

[Order No. 3]

ADMINISTRATIVE SERVICES ASSISTANT
OCMULGEE NATIONAL MONUMENT, GA.

Delegation of Authority

SECTION 1. *Administrative Services Assistant.* The Administrative Services Assistant may execute and approve purchase orders not in excess of \$10,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Revocation.* This order supercedes Order No. 2 dated December 19, 1973, and published in 39 FR 16910 May 10, 1974.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 6 (42 FR 59428) published November 17, 1977.)

Dated: January 4, 1978.

WALTER T. BERRETT,
Superintendent,
Ocmulgee National Monument.

[FR Doc. 78-4763 Filed 2-22-78; 8:45 am]

[4310-70]

[Order No. 4]

ADMINISTRATIVE SERVICES ASSISTANT, GUILFORD COURTHOUSE NATIONAL MILITARY PARK

Delegation of Authority

SEC. 1. *Administrative Services Assistant.* The Administrative Services Assistant may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the administrative Services Assistant in behalf of any area administered by the Superintendent, Guilford Courthouse National Military Park.

SEC. 2. *Redelegation.* The authority delegated in this Order Number may not be redelegated.

SEC. 3. *Revocation.* This order supercedes Order No. 3 dated May 12, 1975 and published in 40 FR 1836.

(National Park Service Order No. 77 (38 FR 7478), as amended Southeast Region Order No. 6 (42 FR 59428).)

Dated: December 8, 1977.

WILLARD W. DANIELSON,
Superintendent, Guilford Courthouse National Military Park.

[FR Doc. 78-4762 Filed 2-22-78; 8:45 am]

[4310-70]

[Order No. 1]

ADMINISTRATIVE OFFICER, CAPE LOOKOUT NATIONAL SEASHORE, NORTH CAROLINA

Delegation of Authority

SECTION 1. *Administrative officer.* The administrative officer may execute, approve, and administer contracts and issue purchase orders not in excess of \$10,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) published March 22, 1973, as amended; Southeast Region Order No. 6 (42 FR 59428), published November 17, 1977.)

Dated: December 20, 1977.

PRESTON D. RIDDEL,
Superintendent,
Cape Lookout National Seashore.

[FR Doc. 78-4769 Filed 2-22-78; 8:45 am]

[4310-70]

[Order No. 10, Amdt. 1]

ADMINISTRATIVE OFFICER, ET AL.: BLUE RIDGE PARKWAY, VA., AND N.C.

Authority Delegation

Blue Ridge Parkway Order No. 10, dated November 8, 1976, and published in 42 FR 3697, January 19, 1977, is amended as follows:

SEC. 5. *Assistant superintendent (Roanoke), facility managers, district rangers, district interpreters, subdistrict rangers, maintenance foremen, WS-10, administrative services assistants, district clerks; young adult conservation corps project manager, camp director, work coordinator, and administrative technician; and youth conservation corps project managers and camp directors.* The assistant superintendent (Roanoke), facility managers, district rangers, district interpreters, subdistrict rangers, maintenance foremen (not below WS-10), administrative services assistants, district clerks; young adult conservation corps project manager, camp director, work coordinator, and administrative technician; and youth conservation corps project managers and camp directors, who are employees of the Blue Ridge Parkway, may issue field purchase orders (SF-44) not in excess of \$500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: December 14, 1977.

GARY EVERHARDT,
Superintendent,
Blue Ridge Parkway.

[FR Doc. 78-4765 Filed 2-22-78; 8:45 am]

[4310-55]

[Order No. 2]

ADMINISTRATIVE OFFICER, ET AL., CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, GA.

Delegation of Authority

SECTION 1. *Administrative officer.* The administrative officer may execute, approve, and administer contracts and issue purchase orders not in excess of \$50,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Administrative services clerk.* The administrative services clerk may issue purchase orders not in excess of \$2,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority

and subject to the availability of appropriated funds.

SEC. 3. *Chief historian.* The chief historian may issue field purchase orders (SF-44) not in excess of \$500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 4. *Unit manager, Lookout Mountain.* The unit manager, Lookout Mountain, may issue field purchase orders (SF-44) not in excess of \$500 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 5. *Chief park ranger.* The chief park ranger may issue field purchase orders (SF-44) not in excess of \$500 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 6. *Maintenance supervisor.* The maintenance supervisor may issue field purchase orders (SF-44) not in excess of \$500 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 7. *Redelegation.* The authority delegated in this Order No. 2 may not be redelegated.

SEC. 8. *Revocation.* This order supercedes Order No. 1, dated October 16, 1972, and published in 37 FR 25245 on November 29, 1972.

(National Park Service Order No. 77 (38 FR 7478) published March 22, 1973, as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: January 30, 1978.

ROBERT L. DESKINS,
Superintendent, Chickamauga
and Chattanooga National
Military Park.

[FR Doc. 78-4768 Filed 2-22-78; 8:45 am]

[4310-70]

[Order No. 1]

ADMINISTRATIVE SERVICES TECHNICIAN, ET AL., SHILOH NATIONAL MILITARY PARK, TENN.

Delegation of Authority

SECTION 1. *Administrative services technician.* The administrative services technician may execute, approve, and administer contracts not in excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Regional Order No. 6 (42 FR 59428).)

Dated: December 27, 1978.

ZEB V. MCKINNEY,
Superintendent,
Shiloh National Military Park.

[FR Doc. 78-4764 Filed 2-22-78; 8:45 am]

[4310-70]

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held at 10:30 a.m., e.s.t., on March 10, 1978, at the Department of the Interior, 18th and C Streets NW., Room 5160, Washington, D.C.

The purpose of the meeting is to inform the Council of the effect of a recent amendment to the National Trails System Act and to seek the advice and involvement of Council members on the implementation of an anticipated federal land acquisition program.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come-first-serve basis. Any person may file with the Council a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, National Park Service, Harpers Ferry, W. Va. 25425; telephone 304-535-6371, ext. 278.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Appalachian Trail Project Office, 596 Fillmore Street, Harpers Ferry. Copies of the Minutes may also be obtained by writing to the Appalachian Trail Project Office, National Park Service, Harpers Ferry Center, Harpers Ferry, W. Va. 25425.

DAVID A. RICHIE,
Project Manager,
National Park Service.

FEBRUARY 16, 1978.

[FR Doc. 78-4776 Filed 2-22-78; 8:45 am]

MRS. ROBERT BERTSCHY ET AL.

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before March 27, 1978, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Mrs. Robert Bertschy, Harold M. Turner, John F. Turner and Donald M. Turner, d.b.a. Triangle X Ranch, authorizing them to continue to provide

concession facilities and services for the public at Grand Teton National Park for a period of eighteen (18) years from January 1, 1975, through December 31, 1992. In effect, the term of the contract will be fifteen (15) years from January 1, 1978.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Grand Teton National Park, Park Headquarters, Moose, Wyo. 83012.

The foregoing concessioners have performed their obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1974, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Mrs. Robert Bertschy and the Turner brothers, as the present satisfactory concessioners, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if the offer of Mrs. Robert Bertschy and the Turner brothers is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 27, 1978.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 14, 1978.

DAVID J. TOBIN, Jr.,
Acting Deputy Director,
National Park Service.

[FR Doc. 78-4770 Filed 2-22-78; 8:45 am]

[4310-70]

SCOTTS BLUFF NATIONAL MONUMENT, NEBRASKA

Availability of Environmental Assessment on
Removal of 34.5 kV Overhead Transmission
Line

The National Park Service has prepared an environmental assessment to consider the effects of alternative proposals concerning the removal of 34.5 kV overhead transmission line at Scotts Bluff National Monument, Nebraska.

The assessment states the existing situation, describes components of the local and regional environment which may affect, or be affected by, the alternative proposals, and discusses alternatives.

Copies of the environmental assessment are available at Scotts Bluff National Monument, P.O. Box 427, Gering, Nebr. 69341; and the Midwest Regional Office, 1709 Jackson Street, Omaha, Nebr. 68102. Anyone wishing to comment on this document should submit such comments in writing to the Monument Superintendent or the Regional Director at the above addresses on or before March 27, 1978.

Dated: December 29, 1977.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc. 78-4759 Filed 2-22-78; 8:45 am]

[4310-70]

YOSEMITE MEDICAL GROUP

Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before March 27, 1978, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Yosemite Medical Group, a partnership, authorizing it to provide concession facilities and services for the public at Yosemite National Park for a period of five (5) years from January 1, 1978, through December 31, 1982.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite, Calif. 95389.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1977, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Yosemite Medical Group, as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if the offer of Yosemite Medical Group is substan-

tially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 27, 1978.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 10, 1978.

PHILIP O. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc. 78-4760 Filed 2-22-79; 8:45 am]

[4310-03]

Office of the Secretary

[Secretary's Order 3017]

HERITAGE CONSERVATION AND RECREATION SERVICE

Establishment

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1). The Secretary of the Interior has issued Order No. 3017 dated January 25, 1978, establishing a Heritage Conservation and Recreation Service. The new organization succeeds and replaces the Bureau of Outdoor Recreation, and assumes additional functions previously performed by the National Park Service. The Order is published in its entirety below.

Additional information regarding the Order may be obtained from the Office of Communications, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-5726.

Dated: February 10, 1978.

BOB HERBST,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

Order No. 3017.

Subject: Establishment of a Heritage Conservation and Recreation Service.

Sec. 1 Purpose. This order establishes the Heritage Conservation and Recreation Service (HCERS) within the Department of the Interior under the Assistant Secretary, Fish and Wildlife and Parks.

The HCERS will be the focal point within the Federal government for planning, evaluating, and coordinating the protection and preservation of the Nation's cultural and natural heritage, and for assuring adequate recreation opportunities for all its people.

The HCERS will be composed of three major programs for natural, cultural, and recreational resources.

Under authority existing with the Secretary of the Interior, the Heritage Conservation and Recreation Service will be a recon-

stitution of the Bureau of Outdoor Recreation with its present authorities with the addition of the National Natural Landmarks Program and the Office of Archeology and Historic Preservation with its responsibilities, both now within the National Park Service.

The concept of this action is that there will be no diminution of the recreation functions incorporated into HCRS and that, through this action, there will occur a strengthening of the national commitment to the protection and utilization of heritage and recreation resources, and the enhancement of intergovernmental and private sector capabilities to fulfill the commitment.

This order also transfers certain planning and study responsibilities from Bureau of Outdoor Recreation to the National Park Service (NPS).

Sec. 2 HCRS Functions. The HCRS will perform all functions and have all responsibilities now exercised by the Bureau of Outdoor Recreation with the exception of three specific study responsibilities transferred to the NPS and identified in Sec. 3 below.

The HCRS will administer all programs and responsibilities of the Office of Archeology and Historic Preservation including:

- (a) National Register of Historic Places
- (b) Administration of the Historic Preservation Fund
- (c) Historic Sites Survey
- (d) Historic American Buildings Survey
- (e) Historic American Engineering Record
- (f) Interagency Archeological Services
- (g) Technical Preservation Services which are hereby transferred from the National Park Service

The HCRS will also be responsible for the following functions which are hereby transferred from the National Park Service:

- (a) The Natural Landmarks Program including the identification and selection program for creating and monitoring the National Registers of Natural and Historic Landmarks.

(b) The investigation, study, monitoring, and reporting to the Secretary on the welfare of natural and historic resources which exhibit qualities of national significance and recommending those resources which should be proposed for Federal protection.

(c) The historical, archeological and natural science aspects of regional or river basin planning sponsored by the Water Resources Council or a Federal agency and such planning undertaken by other governmental agencies or the private sector pursuant to a Federal grant, license, or permit.

The HCRS will also administer any new planning, research, financial or technical assistance programs or compliance activities as they are authorized as part of the National Heritage Program.

Sec. 3 National Park Service Functions. The National Park Service is responsible for administering the National Park System and all functions presently assigned to it with the exception of those identified in Sec. 2 above. As part of its responsibility, the NPS plans for areas proposed by the Secretary or Congress for addition to the National Park System and recommends to the Secretary areas for addition to the National Park System from areas of national significance identified by the Heritage Conservation and Recreation Service.

The National Park Service also cooperates with, assists, and advises other Federal agencies, State, local governments, and others, with respect to specific area plan-

ning, management, interpretation, protection, maintenance and operation. This includes providing post authorization planning assistance for Federal Water Development projects and providing planning assistance to HCRS in accomplishing its responsibilities.

In addition, the following planning and study responsibilities are hereby transferred to the National Park Service from the Bureau of Outdoor Recreation:

(a) The recreation aspects of Federal water project implementation studies within the purview of the Federal Water Project Recreation Act, Pub. L. 89-72, as amended, including the updating of feasibility studies where warranted.

(b) Conduct of Congressionally authorized studies as specified in Sec. 4 of the Wild and Scenic Rivers Act, Pub. L. 90-542, as amended.

(c) Conduct of Congressionally authorized National Scenic Trails studies as specified in Sec. 5 of the National Trails System Act, Pub. L. 90-543, as amended.

Sec. 4 Resources and Organization. All funds, personnel, records, and property utilized by the Bureau of Outdoor Recreation with the exception of resources for the study responsibilities to be transferred to the National Park Service in Sec. 3 above, are to be transferred to the Heritage Conservation and Recreation Service.

All funds, personnel, records, and property utilized by the National Park Service for performing the functions assigned to the HCRS in Sec. 2 above, are to be transferred to the HCRS.

This transfer will include an equitable share of the funds and personnel engaged in executive direction, administrative services, program coordination, information, and other technical and administrative staff services.

The detailed, specific determination of the funds, personnel, records and property to be transferred and the timing of this transfer will be made by the Assistant Secretary for Fish and Wildlife and Parks with approval of the Assistant Secretary for Policy, Budget, and Administration.

The Director, Heritage Conservation and Recreation Service will develop detailed plans for performance of functions and for the headquarters and field organization and staffing for submission to the Assistant Secretary for Fish and Wildlife and Parks.

Sec. 5 Authority. This Order is issued in accordance with authority provided in Sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1261).

Sec. 6 Effective Date. Functional control of the Office of Archeology and Historic Preservation will be transferred to HCRS as of the date of this Order. Plans and schedules to implement the transfer of operational control of the remaining programs will be developed by the Director, National Park Service, and Director, Heritage Conservation and Recreation Service for transfer effective within 30 days thereafter. The administrative support for functions to be transferred will continue to be carried out by the parent bureaus until final transfer has been completed. The target date for completion of the transfer will be April 1, 1978. The Order shall terminate on October 1, 1978, unless previously modified or revoked.

Dated: January 25, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc. 78-4837 Filed 2-22-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-481]

ALTERNATING PRESSURE PADS

Notice of Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 23, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Gaymar Industries, Inc., One Bank Street, Orchard Park, N.Y. 19127 and Medisearch PR, Inc., Machete Industrial Park, P.O. Box 1230, Guayama, Puerto Rico 00654, alleging that unfair methods of competition and unfair acts exist in the importation of certain alternating pressure pads into the United States, or in their sale, by reason of the alleged coverage of such alternating pressure pads by claims 1 and 3-6 of U.S. Letters Patent 3,701,173 and the alleged unfair use of promotional and advertising material pertaining to alternating pressure pads. The complaint also alleges that these unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests permanent exclusion from entry into the United States of the article in question.

Having considered the complaint, the United States International Trade Commission on February 14, 1978, ordered:

1. That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation of subsection (a) of this section in the unauthorized importation of certain alternating pressure pads into the United States, or in their sale, by reason of the alleged coverage of such alternating pressure pads by claims 1 and 3-6 of U.S. Letters Patent 3,701,173 and the alleged unfair use of promotional and advertising material pertaining to alternating pressure pads, the effect or tendency of which is allegedly to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That, for purpose of the investigation so instituted, the following persons alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:

The Huntleigh Group, Inc., 600 Madison Avenue, New York, N.Y. 10022
Flowtron Aire Ltd., Ley Building, 137-141 Old Bedford Road, Luton, England.

3. That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

4. That, for the purpose of the investigation so instituted, Steven David Moskowitz, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: February 17, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-4878 Filed 2-22-78; 8:45 am]

[7020-02]

[AA1921-Inq.-8 and AA1921-Inq.-9]

CARBON STEEL BARS AND CARBON STEEL STRIP FROM THE UNITED KINGDOM

Commission Determines Not To Terminate Antidumping Investigations

FEBRUARY 16, 1978.

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that, in accordance with sec-

tion 201(c)(1) of the Antidumping Act of 1921, as amended, antidumping investigations were being initiated with respect to carbon steel bars and carbon steel strip from the United Kingdom, and that, pursuant to section 201(c)(2) of that act, information developed during Treasury's preliminary investigations led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such carbon steel bars and carbon steel strip into the United States from the United Kingdom.¹ Accordingly, the Commission on January 23, 1978, instituted inquiries Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on February 1, 1978, in Washington, D.C. Public notice both of the institution of the inquiries and of the hearing was duly given by posting copies of the notice at the Secretary's office in the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the FEDERAL REGISTER on January 26, 1978 (43 FR 3632).

The Treasury Department instituted its investigations after receiving a properly filed complaint on December 5, 1977, from Armco Steel Corp., Middletown, Ohio. The Treasury Department's notice of its antidumping proceeding was published in the FEDERAL REGISTER of January 23, 1978 (43 FR 3231).

On the basis of information developed during the course of inquiry No. AA1921-Inq.-8 (carbon steel bars from the United Kingdom), the Commission (chairman Daniel Minchew, and Commissioners George M. Moore, Catherine Bedell, and Italo H. Ablondi)²

¹The Treasury advice defined carbon steel bars as those provided for in item numbers 608.45 and 608.46 of the Tariff Schedules of the United States (TSUS) and carbon steel strip as that provided for in TSUS item numbers 609.02, 609.03, and 609.04.

²Vice Chairman Joseph O. Parker did not participate in the determination.

³In inquiry No. AA1921-Inq.-8, Commissioner Bill Alberger determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel bars from the United Kingdom that are allegedly being sold at less than fair value as indicated by the Department of the Treasury.

does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel bars from the United Kingdom that are allegedly being sold at less than fair value as indicated by the Department of the Treasury.

On the basis of information developed during the course of inquiry No. AA1921-Inq.-9 (carbon steel strip from the United Kingdom), the Commission (Chairman Daniel Minchew and Commissioners George M. Moore, Catherine Bedell, Italo H. Ablondi, and Bill Alberger),⁴ does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel strip from the United Kingdom that is allegedly being sold at less than fair value as indicated by the Department of the Treasury.

STATEMENTS OF REASONS IN INQUIRY NO. AA1921-Inq.-8 (CARBON STEEL BARS FROM THE UNITED KINGDOM)⁵

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION IN INQUIRY NO. AA1921-Inq.-8 BY COMMISSIONERS GEORGE M. MOORE AND CATHERINE BEDELL⁶

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that during the course of preliminary antidumping investigations with respect to carbon steel bars and carbon steel strip from the United Kingdom, Treasury had concluded from the information available to it "that there is substantial doubt that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of this merchandise into the United States." Acting on this advice, the Commission, on January 23, 1978, instituted inquiry-

⁴Vice Chairman Joseph O. Parker did not participate in the determination.

⁵The statements of reasons in inquiry No. AA1921-Inq.-9 (carbon steel strip from the United Kingdom) appear separately.

⁶Chairman Minchew concurs in the result. In determining in the negative he states:

In reaching my decision I have been influenced by the unique problems facing the domestic steel industry, especially with regard to world trade in steel products. This situation, coupled with the commitment of our government to vigorously enforce the laws against unfair trade practices (including dumping), convinces me of the necessity for the Department of the Treasury to continue its antidumping investigation of imports of carbon steel bars from the United Kingdom.

⁷Commissioner Ablondi concurs in the result.

ies Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

DETERMINATION

On the basis of information developed during the course of this inquiry we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,* by reason of the importation of carbon steel bars into the United States from the United Kingdom allegedly sold at less than fair value (LTFV) as indicated by the Department of the Treasury.

DISCUSSION

Statutory criteria of section 201(c)(2).—Section 201(c)(2) of the Antidumping Act, 1921, as amended, under which this inquiry is being conducted, states, in effect, that if the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission his reasons for such doubt. Upon receipt of the Secretary's reasons, the Commission shall, within 30 days, determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of the importation of merchandise allegedly sold in the United States at less than fair value.

The imported articles and the domestic industry.—The products subject to this inquiry are hot-rolled carbon steel bars. Hot-rolled carbon steel bars are produced by hot-rolling billets or slabs of carbon steel in bar mills. Hot-rolled carbon steel bars are produced in the United States at 87 mills operated by 53 firms.

Information received from the Department of the Treasury.—The Department of the Treasury advised the Commission that imports of carbon steel bars from the United Kingdom increased substantially from January-September 1976 to January-September 1977, and they accounted for 1.4

percent of U.S. consumption in 1977. It noted that the alleged LFTV margins for such bars ranged from 2.6 to 12 percent, according to the petitioner. In making its determination in this inquiry, the Commission developed information from various sources and did not consider the information received from Treasury as determinative.

Market penetration by imports from the United Kingdom.—U.S. imports of hot-rolled carbon steel bars from the United Kingdom increased from 59,000 short tons in 1974 to 114,000 short tons in 1977, or by 93 percent. From 1976 to 1977 alone, the increase amounted to 48 percent. The ratio of imports of such merchandise from the United Kingdom to apparent U.S. consumption increased from 0.8 percent in 1974 to 1.7 percent in 1977. From 1976 to 1977 the ratio rose from 1.3 percent to 1.7 percent. It should be noted that the market for carbon steel bars in the United States is not homogeneous. All the exports from the United Kingdom are of so-called special quality, meeting the special high-precision requirements of customers in the forging and machining industries. These bars do not compete in the U.S. market with lower quality bars, known as merchant bars, but compete only with other special-quality bars produced by U.S. firms and imported from other countries. Only 20 percent of U.S. production of hot-rolled carbon steel bars is of special quality. As a result, the United Kingdom accounted for 5.1 percent of apparent U.S. consumption of special-quality hot-rolled carbon steel bars in 1977.

Other factors.—The instant inquiry has come before the Commission at a time when the evidence is mounting that the domestic steel industry (which produces the specific products in question) is in distress, experiencing declining production, shipments, employment, and profits. Information developed during the course of these inquiries confirms that U.S. producers' shipments, employment, and profitability have all fallen since 1974.

During 1974-77, while imports of bars from the United Kingdom were increasing, U.S. producers' shipments of hot-rolled carbon steel bars fell by 18 percent. Such increases in imports from the United Kingdom obviously could have exacerbated the injury to the domestic industry already inflicted by declining demand. The firms that responded to the Commission's questionnaires reported that person-hours worked by their production and related workers in the production of hot-rolled carbon steel bars fell by 10 percent between 1974 and 1977. In addition, the respondents to the Commission's questionnaires reported that

their profits on their hot-rolled carbon steel bar operations deteriorated annually from 1974 through September 1977. All the reporting companies reported net profits on their bar operations in 1974, and all reported net losses on the same operations in January-September 1977.

In testimony before the Commission, the President of the British Steel Corp. (BSC), Houston, Tex., reported that BSC's hot-rolled carbon steel bars are sold at prices 5 to 10 percent below U.S. producers' prices. In addition, a sale of hot-rolled carbon steel bars from an independent U.K. supplier to a U.S. customer at a price about 20 percent below U.S. producers' prices has been confirmed.

CONCLUSION

On the basis of the above, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of carbon steel bars from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

STATEMENT OF REASONS FOR AFFIRMATIVE VOTE OF COMMISSIONER BILL ALBERGER ON CARBON STEEL BARS FROM THE UNITED KINGDOM

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that during the course of preliminary antidumping investigations with respect to carbon steel bars and carbon steel strip from the United Kingdom, Treasury had concluded from the information available to it "that there is substantial doubt that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of this merchandise into the United States." Acting on this advice, the Commission, on January 23, 1978, instituted inquiries Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

DETERMINATION

On the basis of information developed during the course of these inquiries I determine that there is no reasonable indication that an industry in the United States is being or is likely to be

*Prevention of establishment of an industry in this inquiry is not in question and will not be discussed further in these views.

injured, or is prevented from being established,* by reason of the importation of carbon steel bars into the United States from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

DISCUSSION

Statutory criteria of section 201(c)(2). Section (c)(2) of the Antidumping Act, 1921, as amended, under which this inquiry is being conducted, states, in effect, that if the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission his reasons for such doubt and the Commission shall, within 30 days, determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of merchandise allegedly sold in the United States at less than fair value.

The imported article and the domestic industry. Hot-rolled carbon steel bars are produced by hot rolling billets or slabs of carbon steel in bar mills. They are produced at 87 mills operated by 53 firms. Most U.S. producers are located in the North Central states adjacent to the Great Lakes.

Information received from the Department of the Treasury. The Department of the Treasury advised the Commission that imports of carbon steel bars from the United Kingdom had increased substantially from January-September 1976 to January-September 1977, but that they only accounted for 1.4 percent of U.S. consumption in 1977. It noted that the alleged less-than-fair-value margins for such bars ranged from 2.6-12 percent, according to the petitioner. Treasury also indicated that there was no evidence to connect the subject imports to recent declines in employment and profitability reported by the domestic industry. In making its determinations in these inquiries, the Commission did not consider the information supplied by Treasury as determinative and in addition examined other evidence as follows.

Market penetration by imports from the United Kingdom. In this inquiry I have found the dominant factor to be considered is the extremely low level of import penetration of the domestic market. U.S. imports of hot-rolled carbon steel bars from the United Kingdom, alleged to be sold in the

United States at less than fair value, amounted to only 114,000 short tons in 1977, or only 1.7 percent of apparent U.S. consumption. In 1975, the ratio of imports from the United Kingdom to domestic consumption amounted to only 1.5 percent, and in 1974 and 1976, the ratio was even lower. In addition, imports of hot-rolled carbon steel bars from the United Kingdom accounted for a smaller proportion of total U.S. imports of carbon steel bars from all sources in 1977 than it accounted for in 1976. Moreover, imports of such merchandise from Canada and Japan were larger in 1977 than were imports from the United Kingdom.

Other factors. The instant inquiries have come before this Commission at a time when the evidence is mounting that the domestic steel industry (which produces the specific products in question) is in distress, reporting declining production, shipments, employment, and profits. Information developed in the course of this investigation confirm that the domestic industry has suffered declining profits overall, and that it has experienced declining shipments of the products in question. Employment and profitability of the few producers that supplied such data to the Commission on their hot-rolled carbon steel bar and hot- and cold-rolled carbon steel strip operations also generally declined. However, it is my opinion that these declines cannot be attributed to U.S. imports of carbon steel bars from the United Kingdom. U.S. producers' shipments of hot-rolled carbon steel bars fell by over 1.2 million short tons between 1974 and 1977, while imports from the United Kingdom rose by only 55,000 short tons. Declining U.S. demand—amounting to 1.1 million short tons during the period 1974-77—accounted for virtually all of the reduction in U.S. producers' shipments.

In addition to the above, although there is evidence that U.K. suppliers may sell the products in question in the U.S. market at lower prices than U.S. producers, such merchandise is generally sold in the United States at higher prices than is comparable merchandise from other foreign suppliers. One U.S. purchaser of hot-rolled carbon steel bars has reduced his purchases from the United Kingdom in favor of increased purchases from lower priced foreign sources. In addition, despite evidence of underselling in the U.S. market by U.S. imports of hot-rolled carbon steel bars from the United Kingdom, there seems to be little evidence of price suppression or depression for the U.S. products most directly in competition with the U.K. products. All of the imports of hot-rolled carbon steel bars from the United Kingdom are of special quality. Only two U.S. manufacturers reported their prices of such bars. Both firms

reported substantial increases in prices of such products since January 1976.

CONCLUSION

On the basis of the above, I determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of carbon steel bars from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

STATEMENT OF REASONS IN INQUIRY NO. AA1921-INQ.-9 (CARBON STEEL STRIP) FROM THE UNITED KINGDOM)¹⁰

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION IN INQUIRY NO. AA1921-INQ.-9 BY COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, AND BILL ALBERGER^{11 12}

On January 17, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that during the course of preliminary antidumping investigations with respect to carbon steel bars

¹⁰The statement of reasons in inquiry No. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) appears separately.

¹¹Chairman Minchew concurs in the result. In determining in the negative he states:

In reaching my decision I have been influenced by the unique problems facing the domestic steel industry, especially with regard to world trade in steel products. This situation coupled with the commitment of our government to vigorously enforce the laws against unfair trade practices (including dumping), convinces me of the necessity for the Department of the Treasury to continue its antidumping investigation of imports of carbon steel strip from the United Kingdom.

¹²Commissioner Ablondi concurs in the result. In determining in the negative he states:

In the inquiry entitled New, On-The-Highway, Four-Wheeled, Passenger Automobiles from Belgium, Canada, France, Italy, Japan, Sweden, the United Kingdom, and West Germany, No. AA1921-Inq.-2, I expressed the view that imports accounting for less than 1 percent of domestic consumption, unaccompanied by other indicators, would result in a determination of no reasonable indication of injury. Each inquiry under sec. 201(c)(2) should be examined on its individual merits. While I would have considered the small market penetration in this inquiry as paramount, other indicators counterbalance this important factor. The evidence of large margins of underselling in the U.S. market (24 to 26 percent), combined with the uncertainties in the steel industry in the face of new Treasury regulations effective February 21, 1978, requires that Treasury's antidumping investigation of carbon steel strip from the United Kingdom continue. To do otherwise under the instant factual circumstances may withhold or delay relief under the antidumping laws.

*Prevention of establishment of an industry in these inquiries is not in question and will not be discussed further in these views.

and carbon steel strip from the United Kingdom, Treasury had concluded from the information available to it "that there is substantial doubt that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of this merchandise into the United States." Acting on this advice, the Commission, on January 23, 1978, instituted inquiries Nos. AA1921-Inq.-8 (carbon steel bars from the United Kingdom) and AA1921-Inq.-9 (carbon steel strip from the United Kingdom) under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

DETERMINATION

On the basis of information developed during the course of this inquiry we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,¹ by reason of the importation of carbon steel strip into the United States from the United Kingdom allegedly sold at less than fair value (LTFV) as indicated by the Department of the Treasury.

DISCUSSION

Statutory criteria of section 201(c)(2). Section (c)(2) of the Antidumping Act, 1921, as amended, under which this inquiry is being conducted, states, in effect, that if the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission his reasons for such doubt. Upon receipt of the Secretary's reasons, the Commission shall, within 30 days, determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of merchandise allegedly sold in the United States at less than fair value.

The imported articles and the domestic industry. The products subject to this inquiry are hot- and cold-rolled carbon steel strip. Carbon steel strip is produced by hot- or cold-rolling in strip rolling mills, or it can be produced by the slitting of carbon steel sheet. Hot-rolled carbon steel strip is

produced in the United States at 33 rolling mills operated by 18 firms, and cold-rolled carbon steel strip is produced at 39 rolling mills operated by 29 firms. All but 2 of the 18 firms that produce hot-rolled strip also produce hot-rolled bars, and nearly a third of the cold-rolled strip rollers also produce hot-rolled bars, hot-rolled strip, or both. Most U.S. producers are located in the North Central States adjacent to the Great Lakes. Producers of carbon steel strip that slit purchased carbon steel sheet are numerous and may make up a large proportion of U.S. production and shipments.

Information received from the Department of the Treasury. The Department of the Treasury advised the Commission that imports of carbon steel strip increased during January-September 1977, compared with the corresponding period of 1976, and these imports accounted for 0.2 percent of domestic consumption during January-September 1977. Alleged LTFV margins for carbon steel strip ranged from 24 to 26 percent. In making its determination in this inquiry, the Commission developed information from various sources and did not consider the information received from Treasury as determinative.

Market penetration by imports from the United Kingdom.—U.S. imports of carbon steel strip from the United Kingdom amounted to 3,931 short tons in 1977, or 0.2 percent of apparent U.S. consumption. Imports of carbon steel strip in 1976 had amounted to 3,612 short tons.

Other factors. In general, these inquiries disclosed that the same indications of injury were present for U.S. producers of strip as for U.S. producers of bars. Declining shipments at a time of increasing imports of comparable products, declining employment, and deteriorating profitability were found to exist among the respondents to the Commission's questionnaires.

Comparable articles. It is apparent that carbon steel strip and carbon steel sheet are comparable articles, being dissimilar only in their respective dimensions. That is, if a flat-rolled carbon steel product meets all the specifications for carbon steel strip, except that it exceeds 12 inches in width, it is classified as sheet, and, conversely, if a flat-rolled carbon steel product meets all the specifications for sheet, but is only 12 inches in width or less, it is classified for the purpose of the Tariff Schedules of the United States as strip. Therefore, products identical in all respects except that one is 12 inches wide and one is 12.1 inches wide will be classified as strip and sheet, respectively. End uses and production methods for the two products may be identical, and imports of sheet will impact upon domestic producers of both sheet and

strip. In addition, some of the wider widths of sheet are imported into the United States, where they are slit by a simple operation into strip widths, thereby reducing the market for the strip produced in U.S. rolling mills.

Currently the Department of the Treasury is conducting antidumping investigations on imports of carbon steel sheet from the United Kingdom, West Germany, Belgium, France, Italy, and the Netherlands in response to a complaint against such imports by National Steel Corp. Another investigation is being conducted on imports of carbon steel sheet from Japan; that investigation was initiated on the basis of a complaint by United States Steel Corp. In its notice of its antidumping proceeding with regard to cold-rolled and galvanized carbon steel sheet from the United Kingdom published in the FEDERAL REGISTER (December 2, 1977, 42 FR 61353), the Treasury Department states:

In assessing the injury caused by the alleged sales at less than fair value from each of the six countries of the European Economic Community, it has been considered appropriate to cumulate the shares of the market held by imports from each of the countries named. The products appear to be fungible. Under such circumstances, it would be unrealistic to attempt to differentiate the alleged injury caused by imports from one country rather than from another when it is the cumulative effect of all occurring within a discrete time frame that creates the problem.

The Treasury Department instituted that investigation, along with the investigations with regard to cold-rolled and galvanized carbon steel sheet from the other EEC countries and the investigation of cold-rolled carbon steel sheet from Japan without referral to the U.S. International Trade Commission for 30-day inquiries.

Market penetration from all sources alleged to be sold at LTFV. Therefore, we have concluded that it may be appropriate to examine the impact of U.S. imports of carbon steel strip from the United Kingdom, alleged to be sold at less than fair value, with the impact of imports of cold-rolled carbon steel sheet from the United Kingdom, Japan, West Germany, Belgium, France, Italy, and the Netherlands, which are currently under investigation by the Department of the Treasury and which may ultimately be found to be sold at less than fair value.

U.S. imports of carbon steel strip and cold-rolled carbon steel sheet increased from 2.6 million short tons in 1974 to 3.4 million short tons in 1977, or by 31 percent. Imports alleged to have been sold in the United States at less than fair value, increased by the same percentage between 1974 and 1977 and accounted for 84 percent of total U.S. imports of the products in question in both years. Imports from the United Kingdom, West Germany,

¹Prevention of establishment of an industry in this inquiry is not in question and will not be discussed further in these views.

Belgium, France, Italy, the Netherlands, and Japan alleged to be sold at less than fair value increased from 2.2 million short tons (or 9.8 percent of apparent U.S. consumption) in 1974 to 2.8 million short tons (or 12.6 percent of apparent U.S. consumption) in 1977.

CONCLUSION

On the basis of the above, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of carbon steel strip from the United Kingdom allegedly sold at less than fair value as indicated by the Department of the Treasury.

By order of the Commission.

Issued: February 17, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-4842 Filed 2-22-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-431]

CERTAIN CENTRIFUGAL TRASH PUMPS

Order Relating to Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: February 16, 1978.

MYRON R. RENICK,
Chief Administrative
Law Judge.

[FR Doc. 78-4844 Filed 2-22-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-441]

CERTAIN ROLLER UNITS

Order Relating to Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued February 16, 1978.

MYRON R. RENICK,
Chief Administrative
Law Judge.

[FR Doc. 78-4843 Filed 2-22-78; 8:45 am]

[1505-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-19]

PHENMETRAZINE QUOTAS—1977

Corrections

In FR Doc. 78-3959 appearing at pages 6169-76 in the FEDERAL REGISTER of Monday, February 13, 1978, the following changes should be made:

1. On page 6170, the word "Respondents" should appear with the "r" capitalized in all instances.

2. On page 6170, in the third column, the thirty-fourth line, the word "national" should read "National".

3. On page 6171, in the first column, in the seventh line of the paragraph numbered 4, the word "hasd" should read "has".

4. On page 6171, in the second column, in the third line of the paragraph numbered 14, the word "bulk" should read "bulk".

5. On page 6173, in the second column, the paragraph numbered 77 should read as follows:

77. The following chart shows the comparison between Boehringer's sales of phenmetrazine and the original NPA estimates of phenmetrazine dispensed at retail pharmacies for the years indicated, with all figures expressed in kilograms of anhydrous base:

	Boehringer sales	NPA sales	Difference	NPA as percent of Boehringer's sales
1973.....	2,840	2,477	374	86.8
1974.....	3,316	2,701	615	81.5
1975.....	3,157	2,807	350	88.9
1976.....	3,453	2,897	556	83.9

6. On page 6173, in the footnote numbered 3, the second chart, appearing in the last eight lines of the third column of the page, should be deleted.

7. On page 6174, in the first column, in the second line of the paragraph numbered 85, "DETA" should read "DEA".

8. On page 6174, in the first column, in the fourth line of the paragraph numbered 87, the word "sale" should read "sales".

9. On page 6174, in the second column, the paragraph numbered 100 should read as follows:

100. Two-thirds of that total availability for 1976 is the amount which Boehringer should have sold in 1976, 2,923 kg.:

4,384 kg. (total availability of phenmetrazine to Ciba-Geigy and Boehringer in 1976) $\times \frac{2}{3}$ = 2,923 kg.

10. On page 6175, in the first column, in the last line of the para-

graph numbered 111 (on the preceding page), the word "availability" should read "availability".

11. On page 6175, in the first column, the paragraph numbered 112 should read as follows:

112. From the total availability figure, DEA subtracted Western Fher's actual reported December 31, 1976 inventory, as illustrated by the following:

4,428 kg. (theoretical total 1977 availability for Western Fher)—1,421.6 kg. (Western Fher's inventory as of December 31, 1976) = 3,006.4 kg.

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348]

ALABAMA POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF-2, issued to Alabama Power Co. (the licensee), which revised the license and the appended Technical Specifications for operation of the Joseph M. Farley Plant Unit No. 1 (the facility) located in Houston County, Ala. The amendment will become effective 30 days after the 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 our overall fire protection review of the facility.

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.

NOTE.—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 the amendment.

For further details with respect to this action, see (1) Amendment No. 4 to License No. NPF-2, and (2) the Commission's related Safety Evaluation supporting Amendment No. 4 to

License No. NPF-2. 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 George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Ala. 36301. 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.

JOHN F. STOLZ,
Chief Light Water Reactors
Branch No. 1, Division of Project Management.

[FR Doc. 78-4542 Filed 2-22-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-471 and 50-471A]

BOSTON EDISON CO., ET AL.*

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Boston Edison Co., et al., pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on July 25, 1977 and December 9, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information adds Massachusetts Municipal Wholesale Electric Company as an owner of the Pilgrim Nuclear Generating Station Unit 2.

The information was filed by Boston Edison Co., et al.* in connection with their application for a construction permit and operating license for the Pilgrim Nuclear Generating Station, Unit No. 2, a pressurized water reactor. The site for this plant is located near the Town of Plymouth, in Plymouth County, Mass.

The original antitrust portion of the application was submitted on December 21, 1973 (originally submitted for Units 2 and 3; Unit 3 was subsequently dropped from the application) and Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

*Central Maine Power Co., Central Vermont Public Service Corp., Fitchburg Gas and Electric Light Co., Montaup Electric Co., New Bedford Gas and Edison Light Co., New England Power Co., Public Service Company of New Hampshire, The United Illuminating Co., Town of Hudson Light and Power Department, Burlington Electric Department, Vermont Electric Cooperative, Inc., Taunton Municipal Lighting Plant Commission and Massachusetts Municipal Wholesale Electric Co.

was published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786). The Notice of Hearing was also published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786).

Copies of the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the Massachusetts Municipal Wholesale Electric Co. presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before April 10, 1978.

Dated at Bethesda, Md. this 6th 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. 78-3854 Filed 2-22-78; 8:45 am]

[7590-01]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) for operation of the Zion Station, Units 1 and 2 (the facility) located in Zion, Ill.

The amendments as proposed will involve changes to the common Unit 1 and Unit 2 Technical Specifications for operation of Unit 2 during Cycle 3. Included in these changes is a relaxation of the allowed indicated axial flux difference for Unit 2 from $\pm 5\%$ to $\pm 6\%$, -7% .

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 27, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to

the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714 of 10 CFR, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. John W. Rowe, Isham, Lincoln & Beale, One First National Plaza, Chicago, Ill. 60690, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated December 12, 1977, which is available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Zion-Benton Public Library District, 2600 Emmans Avenue, Zion, Ill. 60099.

Dated at Bethesda, Md., this 10th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-4539 Filed 2-22-78; 8:45 am]

[7590-01]

CONSUMERS POWER CO. (MIDLAND PLANT,
UNITS 1 AND 2)

[Docket Nos 50-329A; 50-330A]

Conference With Counsel

FEBRUARY 15, 1978.

On December 30, 1977, the Atomic Safety and Licensing Appeal Board filed its Decision on Review of Anti-trust Decision of Licensing Board in this proceeding (Consumers Power Co. [Midland Plant, Units 1 and 2], ALAB-452, 6 NRC—). By its decision, the Appeal Board remanded the case "to the trial Board for formulation of those conditions" required to eliminate the concerns entailed in its anti-trust finding (Slip opinion, p. 429). It was further stated:

"We are well aware that conditions can change rapidly even in the public utility industry * * *. Be that as it may, our point is simply that this change cautions against drawing up licensing conditions on a stale record. Accordingly, we will refer that task to the Board below with instructions that it allow the parties to supplement the record with evidence concerning the proposed sale and any other significant changes that have occurred since the record was closed." (Slip opinion, pp. 430-431)

In carrying out the remand of this case, the Board desires to confer with counsel for all parties to discuss the issues appropriate to be taken up at an evidentiary hearing, and to consider scheduling and other procedural subjects necessary for an expeditious hearing and disposition of the remanded matters.

Accordingly, please take notice that a conference with counsel will be held at 9:30 a.m., local time, on March 2, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

Dated at Bethesda, Md., this 15th day of February 1978.

It is so ordered.

For the Atomic Safety and Licensing Board,

HUGH K. CLARK,
Chairman.

[FR Doc. 78-4773 Filed 2-22-78; 8:45]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-D6, "Ultimate Heat Sink and Directly Associated Heat Transport System(s)," has been developed.

The Working Group, consisting of Mr. R. D. Harden, United Kingdom, and Mr. E. P. O'Donnell (Ebasco Services, Inc.), United States of America, developed the initial draft of this Safety Guide from an IAEA collation during a meeting on January 10-21, 1977. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Design which met September 12-16, 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by April 10, 1978 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(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. 78-4774 Filed 2-22-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Proposed Issuance of Amendments to Facility
Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co. (the licensees), for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pa.

The amendments would revise the provisions in the Technical Specifications relating to an increase in fuel storage capacity from 1110 to 2816 fuel assemblies in each of the spent fuel pools of the Peach Bottom Atomic Power Station Units Nos. 2 and 3. The amendment would also revise design features and associated operation limits for the storage pool, as necessary, to accommodate the increased storage capacity, in accordance with the licensees' application for amendments, dated January 18, 1978.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 27, 1978 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Sec-

tion, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esquire, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated January 18, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

Dated at Bethesda, Md., this 13th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-4540 Filed 2-22-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC & GAS CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-70, issued to Public Service Electric & Gas Co.,

Philadelphia Electric Co., Delmarva Power & Light Co., and Atlantic City Electric Co. (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, N.J. 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 Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the 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 licensee's application dated August 1, 1977, (2) the Commission's letter dated November 23, 1977, (3) the licensee's letter dated December 19, 1977, (4) Amendment No. 11 to License No. DPR-70 and (5) 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 Salem Free Public Library, 112 West Broadway, Salem, N.J. A copy of items (2), (4), and (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, Maryland, 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. 78-4543 Filed 2-22-78; 8:45 am]

[7590-01]

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts and Termination of Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of orders authorizing the University of Delaware (the licensee) to dismantle the AGN-201 Reactor (the facility), a research reactor located in Newark, Del., and to dispose of the component parts in accordance with the plan set out in the licensee's application dated January 18, 1978, and to terminate the facility license. The AGN-201 Reactor is covered by Facility License No. R-43.

Prior to issuance of any orders, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 10, 1978 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the orders in connection with the licensee's application. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board,

designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 18, 1978, and the licensee's earlier filing dated July 27, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of February, 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTEHUIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-4541 Filed 2-22-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-81]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS

Availability

The National Transportation Safety Board announces the availability of printed copies of the following accident investigation reports:

Highway: Long Transportation Company Tractor-Semitrailer Collision with Multiple Vehicles, Valley View, Ohio, August 20, 1976 (Report No. NTSB-HAR-77-3).—Board investigation indicated that a defective brake system on a tractor-trailer triggered a collision that left eight persons dead and 15 others injured when the out-of-control tractor rammed a line of cars at a signal light.

In determining the probable cause of the accident, the Board cited inadequate pretrip inspections by the driver and the lack of required maintenance and inspection by the carriers. The Board also noted the failure of the road signs to provide advance warning information concerning the length and steepness of the grade and the presence of the signalized intersection, thus preventing the driver from taking early evasive action to avoid the accident.

As a result of its investigation, the Board made several recommendations, including a request that the U.S. Department of Transportation ask Congress to increase the resources of the Federal Bureau of Motor Carrier Safety to enable it to expand its roadside inspection program for commercial vehicles. A separate recommendation to the State of Ohio urged that a survey be made to determine and install needed warning signs to alert drivers to the length and steepness of the grade leading to the accident site. (Recommendations H-77-38 and 39 to the State of Ohio, H-77-40 and 41 to the Federal Highway Administration, H-77-42 to the U.S. Department of Transportation, and H-77-43 to the Bureau of Motor Carrier Safety were provided with the summary of this accident appearing at 43 FR 3633, January 26, 1978.)

Railroad: Rear End Collision of Two Chicago Transit Authority Trains, Chicago, Illinois, February 4, 1977 (Report No. HTSB-RAR-77-10).—Investigation of this accident indicated that as Ravenswood train No. 415 was standing on the elevated rail structure at the intersection of Wabash Avenue and Lake Street, it was struck by Chicago Transit Authority Lake-Dan Ryan train No. 930. The four lead cars of the eight-car Lake-Dan Ryan train overturned and fell from the elevated structure to the street. One end of each of the two rear cars of the Ravenswood train derailed. Eleven persons were killed and 266 persons were injured. Property damage was estimated to be \$1.2 million.

The Safety Board determined that the probable cause of the accident was the failure of the motorman to exercise due care in meeting his responsibilities and the unauthorized operation of the Lake-Dan Ryan train into a signal block occupied by the standing Ravenswood train, at a speed that was too fast to stop after the operator sighted the standing train.

In four Class II (priority followup) recommendations issued last June 29 to the Chicago Transit Authority as a result of investigation of this accident, the Safety Board urged that CTA (1) initiate a program that will insure all employees have a clear understanding of the operating rules (R-77-14); (2) discontinue the use of the flashing red cab signal and the associated flashing yellow 15 miles per hour on the speedometer (R-77-15); (3) operate trains on an "absolute block system" which prevents trains from entering a signal block occupied by another train except in emergencies (R-77-16); and (4) consider an operating employee's complete service record when judging his capabilities—not simply the previous year's record (R-77-17). (See also 42 FR 34955, July 7, 1977.)

Marine: SS EDGAR M. QUEENY and S/T CORINTHOS; Collision at

Marcus Hook, Pennsylvania, January 31, 1975, with Loss of Life (Report No. USCG/NTSB-MAR-77-2).—This report and related recommendations M-77-33 through 36 to the U.S. Coast Guard and recommendation M-77-37 to the Maritime Administration, U.S. Department of Commerce, resulted from investigation into the accident which occurred when the QUEENY's pilot attempted a 180° turn after leaving the Monsanto Co. dock at Bridgeport, New Jersey, to proceed up the Delaware River. The QUEENY struck the CORINTHOS which was unloading a crude oil cargo on the opposite side of the river.

The Safety Board recommended that the Coast Guard (1) require masters and pilots to discuss beforehand and agree to the essential features and relevant checkpoints of maneuvers expected to be undertaken; (2) require a rate-of-turn indicator on the bridge of all ships of 10,000 deadweight tons or more; (3) develop specifications for an enclosed, firesafe, self-contained lifeboat for use on all oceangoing vessels of that size; and (4) require that anchors be stowed in hull recesses. The Maritime Administration was asked to speed completion of its firefighting training curriculum and program for merchant marine officers and seamen. (See also 42 FR 59437, November 17, 1977.)

NOTE.—All safety recommendations referenced above are reproduced in the related accident reports. Single copies of the reports may be obtained without charge by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please identify by report number and provide the date of publication of this notice in the FEDERAL REGISTER.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register
Liaison Officer.

FEBRUARY 17, 1978.

[FR Doc. 78-4812 Filed 2-22-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 14, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s) if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Artists-in-Schools Program/Dance Component: 1980-81 School Year-Applications for Movement Specialists and Dance Companies, annually, dancers, Marsha Traynham, 395-3773.

OFFICE OF MANAGEMENT AND BUDGET

Vendor Questionnaire, single time, 500 U.S. manufacturers and distributors, C. Louis Kincannon, 395-3211.

ACTION

RSVP Descriptive Survey, single time, 3,036 volunteers in 20 percent of RSVP projects, Reese B. F., Housing, Veterans and Labor Division, 395-3211.

DEPARTMENT OF ENERGY

Domestic Crude Oil Entitlements Program Refiners Monthly Report, EIA-49, monthly, 170 refiners of crude oil and eligible firms, C. Louis Kincannon, 395-3211.

NATIONAL SCIENCE FOUNDATION

OSME Teacher Survey, single time, 395 mathematics teachers in Oregon, Energy and Science Division, Laverne V. Collins, 395-3810.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, The Uses of Weather Information: Household Interview Schedule, single time, 150 households in Denver Area, Ellett, C. A., Economics and General Government Division, 395-6132.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey of Individual Hours and Earnings of Nonsupervisory Employees, BLS-1130-A-F, single time, 16,500 nonfarm business establishments, Strasser, A., 395-6132.

Employment Standards Administration, Application for Authority for an Employer to Employ not more than six Full Time Students at Subminimum Wages on any Workday, WH-202, annually, 2,000 small retail, service and agricultural employers, Strasser, A., 395-6132.

REVISIONS

VETERANS' ADMINISTRATION

Request for Change of Program or Place of Training (son or daughter), 22-5495, on occasion, son or daughter of veteran 4,000 responses, 2,000 hours, Caywood, D. P., 395-3443.

Request for Change of Program or Place of Training (widow or wife) (under provisions of chapter 35, title 38, U.S.C.), 22-5495W, on occasion, spouse or surviving spouse of veteran, 2,000 responses, 1,000 hours, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Balance Sheet—(Statement of Financial Condition) (FHA borrowers), FHA 442-3, annually, public bodies and nonprofit corp., 5,000 responses, 5,000 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration, National Drug Abuse Treatment Utilization Survey, (formerly DAPRU/Universe), ADM 515, annually, drug abuse treatment service units, 4,000 responses, 2,000 hours, Richard Eisinger, 395-3214.

National Institutes of Health, Statement of Appointment of Trainee, NIH2004, on occasion, program directors of educational and research insts., 7,500 responses, 3,750 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Labor Requirements for Public Housing Construction, BLS 2652.08A, other (see SF-83) contractors and GSA regional offices, 2,125 responses, 1,063 hours, C. Louis Kincannon, 395-3211.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperative Service—Statistics Tart Cherry Objective Yield Survey—Michigan, annually, tart cherry producers, 300 responses, 100 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Product License Application for Source Plasma (Human), FD2600, on occasion, manufacturers of source plasma (human), 200 responses, 2,800 hours, Richard Eisinger, 395-3214.

DAVID R. LEUTHOLD,

Budget and Management Officer.

[FR Doc. 78-4861 Filed 2-22-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

AID REPRESENTATIVE, SRI LANKA

Redelegation of Authority

Pursuant to the authority delegated to me by AID Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended with respect to

Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511) with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the AID Representative, Sri Lanka, and to any person acting in the official capacity of AID Representative, Sri Lanka, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act to the following extent:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements, except for approval of contracts submitted to satisfy conditions precedent;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements; and

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T).

The authorities enumerated above may be redelegated by the individual listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan and grant agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Sri Lanka.

This Redelegation of Authority is effective immediately.

Dated: November 11, 1977.

JOHN H. SULLIVAN,
Assistant Administrator,
Bureau for Asia.

[FR Doc. 78-4775 Filed 2-23-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CONSULTATIVE PLANNING CONFERENCENew Engineering and Development Initiatives;
Policy and Technology Choices

The purpose of this notice is to announce a Consultative Planning Conference on New Engineering and Development Initiatives—Policy and Technology Choices. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 1905, dated December 24, 1968, and 35 FR 17798, dated November 19, 1970.)

The Department of Transportation announces that this one and one-half day conference will commence at 9 a.m. on March 22, 1978, at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Va.

The meeting will be open to the public and persons who wish to present views on the topics to be discussed may do so by submitting their views in writing to:

Associate Administrator for Policy Development and Review, Attention: ASP-10, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

In addition, persons who wish to attend the meeting may submit their written views at that time or at any time not later than 2 months following the conference.

The FAA Engineering and Development Program is a broad program involving many aspects which are of interest to many persons and organizations in the aviation community and the general public. The current major development programs are derived in large part from the Department of Transportation (DOT) Air Traffic Control Advisory Committee Report of December 1969. Many of the improvements identified in this program will be ready for implementation in the early 1980's. Assessments indicate that the capacity improvements will be less than originally expected, and a significant difference may exist between forecast capacity and forecast demand. Furthermore, aviation growth patterns have changed. Technological change may not be able to solve the problems expected in the next 10 to 15 years. Airspace and airport operational philosophy, including institutional arrangements, will have to change if growth is to be accommodated and if burdens on users of the system are to be kept to a minimum.

The purpose of this conference is to discuss with the aviation community and the general public a number of critical questions which need be ad-

ressed in establishing new directions and programs for the future. A copy of these questions can be obtained by writing to the Associate Administrator for Policy at the above address.

It is not intended that full response be provided at the conference. The conference will primarily be a forum for discussing background information and subsidiary issues relevant to these questions and to identify other questions that have an important bearing on the problem.

The following topics will be discussed as they pertain to the Engineering and Development Program:

1. The role of automation in improving the productivity and safety of the air traffic control process;
2. Minimizing delays resulting from capacity limitations;
3. Maximizing freedom of airspace use;
4. Key factors for maintaining or improving the safety for all classes of users;
5. The impact of new technology on system evolution;
6. Noncapital or low-capital alternatives for reducing airport congestion; and
7. Federal Government's role in influencing aviation growth.

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

J. W. COCHRAN,
Associate Administrator for
Engineering and Development.

[FR Doc. 78-4881 Filed 2-22-78; 8:45 am]

[4910-13]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), SPECIAL COMMITTEE 132—AIRBORNE AUDIO SYSTEMS AND EQUIPMENT**Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 132 on Airborne Audio Systems and Equipment to be held March 14, 15, 16, 1978, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C. commencing at 9:30 a.m. The agenda for this meeting is as follows: (1) Chairman's Comments; (2) Approval of Minutes of Fourth Meeting held November 7-10, 1977; (3) Review of European Organization for Civil Aviation Electronics (EUROCAE) Working Group 18 Meeting Minutes; and (4) Review Third Draft of Committee Report on Minimum Performance Standards for Audio Systems and Equipment.

Attendance is open to the interested public but, limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements

should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; 202-296-0484. Any member of the public may present a written statement to the committee at any time.

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

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-4628 Filed 2-22-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

BICYCLE TIRES AND TUBES FROM THE REPUBLIC OF CHINAReceipt of Countervailing Duty Petition and
Initiation of Investigation

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

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of the Republic of China (Taiwan) to manufacturers or exporters of bicycle tires and tubes which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later than June 29, 1978, and a final determination not later than December 29, 1978.

EFFECTIVE DATE: On December 29, 1977, this investigation was initiated.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on December 29, 1977, alleging that benefits conferred by the Government of Taiwan upon the manufacture, production, or exportation of bicycle tires and tubes constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, of rubber or plastics, whether such tires and tubes are sold together as

units or separately. Bicycle tires and tubes are covered under Items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States (TSUS).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than June 29, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of Taiwan upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than December 29, 1978.

Certain programs have been alleged in the petition which, if substantiated to exist upon investigation, could constitute bounties or grants within the meaning of section 303. Other alleged programs, however, have been determined in the past not to constitute bounties or grants.

An investigation under the Anti-dumping Act of 1921, as amended (19 U.S.C. 160 et seq.) involving these same products is being initiated concurrently. Such simultaneous investigations are permitted under these laws and are consistent with the international obligations of the United States, specifically the General Agreement on Tariffs and Trade (GATT), Article VI. Any determinations made in these investigations will not be duplicative, and the products concerned will not be subject to both dumping and countervailing duties to compensate for the same situation.

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

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C.

1303(a)(3)), and § 159.47(c) of the Customs regulations (19 CFR 159.47(c)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 16, 1978.

[FR Doc. 78-4779 Filed 2-22-78; 8:45 am]

[4810-22]

BICYCLE TIRES AND TUBES FROM THE REPUBLIC OF KOREA

Receipt of Countervailing Duty Petition and Initiation of Investigation

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

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of the Republic of Korea (South Korea) to manufacturers or exporters of bicycle tires and tubes which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made no later than June 29, 1978, and a final determination not later than December 29, 1978.

EFFECTIVE DATE: On December 29, 1977, this investigation was initiated.

FOR FURTHER INFORMATION
CONTACT:

Edward F. Haley, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on December 29, 1977, alleging that benefits conferred by the Government of South Korea upon the manufacture, production, or exportation of bicycle tires and tubes constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930 as amended (19 U.S.C. 1303).

For the purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, or rubber or plastic, whether such tires and tubes are sold together as units or separately. Bicycle tires and tubes are covered under items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States (TSUS).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether

or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than June 29, 1978, as to whether or not the alleged payments or bestowals conferred by the Government of South Korea upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than December 29, 1978.

Certain programs have been alleged in the petition which, if substantiated to exist upon investigation, could constitute bounties or grants within the meaning of section 303. Other alleged programs, however, have been determined in the past not to constitute bounties or grants.

An investigation under the Anti-dumping Act of 1921, as amended (19 U.S.C. 160 et seq.) involving these same products is being initiated concurrently. Such simultaneous investigations are permitted under these laws and are consistent with the international obligations of the United States, specifically the General Agreement on Tariffs and Trade (GATT), Article VI. Any determinations made in these investigations will not be duplicative, and the products concerned will not be subject to both dumping and countervailing duties to compensate for the same situation.

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

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c) of the Customs regulations (19 CFR 159.47(c)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 16, 1978.

[FR Doc. 78-4780 Filed 2-22-78; 8:45 am]

[4810-22]

Office of the Secretary

BICYCLE TIRES AND TUBES FROM THE
REPUBLIC OF KOREA

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.
ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of bicycle tires and tubes from the Republic of Korea are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 13, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Carlisle Tire & Rubber Co. of Carlisle, Pa., indicating a possibility that bicycle tires and tubes from the Republic of Korea are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, of rubber or plastics, whether such tires and tubes are sold together as units or separately.

Price information in the petition, based upon home market and export sales of two Korean producers, indicate margins on sales at less than fair value ranging from 42.1 to 93.3 percent.

There is evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of, an industry in the United States. This evidence indicates that imports of the subject merchandise from the Republic of Korea have increased sharply since 1972, both in absolute terms and in terms of market share, and that such increase has been

due in part to significant underselling by those imports. Available information further indicates that production, sales, capacity utilization and employment within the domestic industry have all declined in recent years as a result, in part, of possible less-than-fair-value imports from the Republic of Korea. In addition, it appears that the alleged less-than-fair-value prices have contributed to the ceasing of production of bicycle tires and tubes by several U.S. manufacturers in the last 6 years, leaving the Carlisle Tire & Rubber Co. as the only remaining domestic producer of the subject merchandise.

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel of
the Treasury.

FEBRUARY 14, 1978.

[FR Doc. 78-4777 Filed 2-22-78; 8:45 am]

[4810-22]

BICYCLE TIRES AND TUBES FROM THE
REPUBLIC OF CHINA

Antidumping Proceeding

AGENCY: U.S. Treasury Department.
ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of bicycle tires and tubes from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW.,

Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 13, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Carlisle Tire & Rubber Co. of Carlisle, Pa., indicating a possibility that bicycle tires and tubes from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice the term "bicycle tires and tubes" means pneumatic bicycle tires, and tubes therefor, of rubber or plastics, whether such tires and tubes are sold together as units or separately.

Price information in the petition, based upon home market and export sales of three producers in the Republic of China, indicate margins on sales at less than fair value ranging from 5.9 to 44.6 percent.

There is evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of, an industry in the United States. This evidence indicates that imports of the subject merchandise from the Republic of China have increased sharply since 1972, both in absolute terms and in terms of market share, and that such increase has been due in part to significant underselling by those imports. Available information further indicates that production, sales, capacity utilization, and employment within the domestic industry have all declined in recent years as a result, in part, of possible less-than-fair-value imports from the Republic of China. In addition, it appears that the alleged less-than-fair-value prices have contributed to the ceasing of production of bicycle tires and tubes by several United States manufacturers in the last 6 years, leaving the Carlisle Tire & Rubber Co. as the only remaining domestic producer of the subject merchandise.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 14, 1978.

[FR Doc. 78-4778 Filed 2-22-78; 8:45 am]

[4810-22]

CUMENE FROM ITALY**Antidumping Proceeding Notice****AGENCY:** U.S. Treasury Department.**ACTION:** Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether cumene from Italy is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the producer's home market or the constructed value.

EFFECTIVE DATE: February 23, 1978.**FOR FURTHER INFORMATION CONTACT:**

William Trujillo, Operations Office, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION:

On January 17, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Gulf Oil Chemicals Company, a Division of Gulf Oil Corporation, indicating that cumene from Italy is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Information in the petition, based upon sales to the United States during 1977, indicates less-than-fair-value margins of from 13 to 23 percent. The petitioner claimed that virtually no arm's length sales in Italy had taken place and that all export sales have been exclusively to the United States. The petitioner therefore provided constructed value information to be used as the basis of comparison. This information was based on the petitioner's own experience in producing cumene in the Netherlands. This information, the petitioner stated, is, with only slight modification, applicable to the Italian cumene industry. An investigation concerning cumene from the Netherlands is also being initiated.

There is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States. This information indicates that imports of the subject merchandise from Italy increased substantially in 1976 from 1975 and have shown a continu-

ation of that trend in 1977. The evidence available indicates that these sales have been at less than the cost of production and have contributed to a drop in sales, capacity utilization and employment and to a loss in profits by petitioner and the industry.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 17, 1978.

[FR Doc. 78-4799 Filed 2-22-78; 8:45 am]

[4810-22]

CUMENE FROM THE NETHERLANDS**Antidumping Proceeding Notice****AGENCY:** U.S. Treasury Department.**ACTION:** Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether cumene from the Netherlands is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the producer's home market or the constructed value.

EFFECTIVE DATE: February 23, 1978.**FOR FURTHER INFORMATION CONTACT:**

William Trujillo, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 17, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Gulf Oil Chemicals Company, a division of Gulf Oil Corporation, indicating that cumene from the Netherlands is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Information in the petition, based upon a 1977 sale to the United States, indicates a less-than-fair value margin of approximately 55 percent. The petitioner claimed that virtually no sales in the Netherlands had taken place and that all export sales have been exclusively to the United States. The petitioner therefore provided constructed value information to be used as the basis of comparison. This information was based on the petitioner's own experience in producing cumene in the Netherlands.

An investigation concerning cumene from Italy is also being initiated.

There is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States. This information indicates that for 1977, the first year in which there were imports of the subject merchandise from the Netherlands, such imports equalled approximately 9 percent of United States production. The evidence available indicates that the sale of this merchandise to the United States has been at less than the cost of production and has apparently contributed to a drop in sales, capacity utilization and employment and to a loss in profits by the petitioner and the industry.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 17, 1978.

[FR Doc. 78-4800 Filed 2-22-78; 8:45 am]

[4810-40]

[Supplement to Dept. Circular, Public Debt Series—No. 5-78]

TREASURY NOTES OF SERIES**Interest Rate**

FEBRUARY 17, 1978.

The Secretary of the Treasury announced on February 16, 1978, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 5-78, dated February 10, 1978, will be 7% percent per annum. Accordingly, the notes are hereby redesignated 7% percent Treasury Notes of Series L-1980. Interest

on the notes will payable at the rate of 7% percent per annum.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-4814 Filed 2-22-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 595]

ASSIGNMENT OF HEARINGS

FEBRUARY 17, 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 109397 (Sub 374), Tri-State Motor Transit Co., Inc., is now assigned for hearing February 24, 1978 (1 day), at Dallas, TX, and will be held in Tax Court Room 330, U.S. Post Office and Courthouse, Bryan and Ervay Streets.

MC 107496 (Sub 1114), Ruan Transport Corp., is now assigned for hearing March 22, 1978 (1 day), at St. Louis, MO, at a hearing room to be later designated.

MC 9812 (Sub 6), C. F. Kolb Trucking Co., Inc., is now assigned for hearing March 24, 1978 (1 day), at St. Louis, MO, at a hearing room to be later designated.

MC 60014 (Sub 57), Aero Trucking, Inc., is now assigned for hearing March 23, 1978 (1 day), at St. Louis, MO, at a hearing room to be later designated.

MC 138308 (Sub 22), KLM, Inc., now assigned March 16, 1978, at Washington, DC, is canceled; application dismissed.

MC 106074 (Sub 48), B & P Motor Lines, Inc., now assigned March 22, 1978, at Kansas City, MO, is postponed indefinitely.

MC 124211 (Sub 297), Hilt Truck Line, Inc., now assigned March 7, 1978, at Los Angeles, CA, will be held in Room 8041, Federal Building, 300 North Los Angeles Street.

MC 109772 (Sub 28), Robertson Truck-a-Ways, Inc., now assigned March 9, 1978, at Los Angeles, CA, will be held in Room 8041, Federal Building, 300 North Los Angeles Street.

MC 142941 (Sub 6), Scarborough Truck Lines, Inc., now assigned March 13, 1978, at Chicago, IL, will be held in Room 350, 230 South Dearborn Street.

MC-C-9934, Universal Prototype, Inc. v. Roadway Trucking Co., et al., now assigned March 14, 1978, at Chicago, IL, will be held in Room 350, 230 South Dearborn Street.

MC 133233 (Sub 52), Clarence L. Werner, d.b.a. Werner Enterprises, now assigned March 15, 1978, at Chicago, IL, will be

held in Room 350, 230 South Dearborn Street.

MC 123407 (Sub 388), Sawyer Transport, Inc., now assigned March 16, 1978, at Chicago, IL, will be held in Room 350, 230 South Dearborn Street.

MC 143417, Flash Interstate Delivery System, Inc., now assigned March 20, 1978, at Chicago, IL, will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 30605 (Sub 161), The Santa Fe Trail Transportation Co., Inc., is now assigned for prehearing conference March 6, 1978 (1 day), at 2 p.m., local time, in Dallas, TX, and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 134922 (Sub 181), B. J. McAdams, Inc., Extension—Kosciusko, MS and MC-C-9847, B. J. McAdams, Inc. Freeman Truck Line Inc., Transcon Lines, Eugene D. Anderson, John Paul Jones, and Wentworth E. Griffin—Investigation—Shipper support misrepresentation and correction, now assigned for prehearing conference March 6, 1978, at Washington, DC, are postponed to March 21, 1978, at 9:30 a.m., local time, at the offices of the Interstate Commerce Commission, Washington, DC.

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

[FR Doc. 70-4829 Filed 2-22-78; 8:45 am]

[7035-01]

[Notice Nos. 36434 and 36474]

BENJAMIN A. GILMAN v. CONSOLIDATED RAIL CORP. AND METROPOLITAN TRANSPORTATION AUTHORITY OF NEW YORK

Petition for Declaratory Order and Reconsideration (Commuter Fares—Consolidated Rail Corp., NJ and NY)

FEBRUARY 15, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the subject rail commuter fare increase, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that ridership had increased (8.7 percent) between 1976 and 1977 even though the fare had increased an average 47 percent. Since no net passenger diversion resulted from the action, it was also concluded that no negative environmental or energy impacts resulted.

These conclusions are contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011. Interested persons may comment on this matter by filing their statements in writing on or before March 20, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceed-

ing and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

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

[FR Doc. 78-4828 Filed 2-22-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 17, 1978.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC on or before March 10, 1978.

FSA No. 43508, Traffic Executive Association—Eastern Railroads, Agent's E.R. No. 3065, rates filed pursuant to sections 15(8)(b) and 15(8)(c) of the Act on computers, between points in official territory, 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. 78-4826 Filed 2-22-78; 8:45 am]

[7035-01]

[Finance Docket No. 28676]

GRAND TRUNK WESTERN RAILROAD CO.— CONTROL—DETROIT, TOLEDO & IRONTON RAILROAD CO.

Petition Seeking Waiver or Extension of Time

We have considered the petition filed February 3, 1978, by Grand Trunk Western Railroad Co. (GTW) seeking waiver of certain requirements of the railroad consolidation regulations or, in the alternative, an extension of time in which to provide specified information.

GTW intends to file, in this proceeding, on or about February 16, 1978, an inconsistent application under section 5(2) of the Interstate Commerce Act for authority to acquire, through the purchase of capital stock, control of the Detroit, Toledo & Ironton Railroad Co. (DT&I) and the Detroit & Toledo Shoreline Railroad Co. (DTSL).

Specifically, petitioner requests that the Commission waive the requirements that GTW include: (1) Current DT&I and DT&I Enterprises, a subsidiary of DT&I, balance sheet and income statement data, (2) "corporate entity" car ferry data, and (3) resolu-

tions of directors and shareholders of, and opinions of counsel for, DT&I and DTSL in its inconsistent application. In the alternative, an extension of time in which to provide the above-mentioned information is requested by petitioner.

49 CFR Sections 1111.2(b)(5) (iii), (v), and (vi) and 1111.2(b)(6) (v) and (vi) require GTW to provide: (a) The balance sheets of DT&I and its subsidiary DT&I Enterprises on a corporate entity basis and the balance sheet of DT&I and its subsidiary on a consolidated basis at a date "not exceeding 6 months prior to the filing of the application," and (b) income statements for DT&I and DT&I Enterprises, on a corporate entity basis and a consolidated basis, to the date of the balance sheets. Petitioner GTW indicates that balance sheets and income statements for DT&I and DT&I Enterprises on a corporate entity and consolidated basis as at June 30, 1977, are included in Finance Docket No. 28499 (Sub-No. 1), Norfolk & Western Railroad Co. and Baltimore & Ohio Railroad Co.—Control—Detroit, Toledo & Ironton Railroad Co. (NW/B&O application). However, because June 30, 1977, is more than 6 months prior to the date GTW intends to file its application, GTW's counsel has made a request to Pennco's counsel for the DT&I and DT&I Enterprises corporate entity and consolidated balance sheets and income statements as at September 30, 1977.

We believe that good cause has been presented to justify an extension of time for filing this information. A 30-day extension of time appears most appropriate inasmuch as petitioner GTW requests no particular time period and because of the strict time constraints imposed on railroad consolidation proceedings.

49 CFR section 1111.2(b)(6)(iii) requires income statements of each of GTW's subsidiaries on a corporate entity basis for the immediately preceding 3 years. Petitioner alleges, however, that pursuant to the Commission's instructions in F.D. No. 18222, File No. 9435-3, GTW has, since January 1, 1954, consolidated the income statements of its car ferry subsidiary. This, in our opinion, shows good cause for a waiver of the requirements of section 1111.2(b)(6)(iii) as it concerns the car ferry subsidiary.

49 CFR sections 1111.2(a) (3), (4), and (7) require, among other things, directors' and shareholders' resolutions of DT&I and DTSL and opinions of their respective counsel. Petitioner states that it is not presently in a position to provide this information because its application is inconsistent with the NW/B&O application, and thus production of this material by Pennco, owner of DT&I, and NW which jointly controls DTSL through

its ownership of 50 percent of the stock of DTSL is doubtful. Petitioner states further that once an order is issued approving the transaction proposed in its inconsistent application, it will be in a position to provide such resolutions and opinions as are required by the Commission at that time. Finally, petitioner alleges that in similar circumstances the Commission ruled in this proceeding that such resolutions and opinions of counsel were not required for DT&I in the NW/B&O application. In our opinion, petitioner has shown good cause for granting the requested waiver.

It is ordered: (1) The petition for an extension of time for filing DT&I and DT&I Enterprises balance sheet and income statement data, as mentioned above, is granted for a 30-day period.

(2) The petition for waiver of the income statement of petitioner's car ferry subsidiary on a corporate entity basis is granted.

(3) The petition for waiver of the directors' and shareholders' resolutions of DT&I and DTSL and opinions of their respective counsel is granted.

(4) Public notice of our action shall be given to the general public by delivery of a copy of this order to the Director, Office of the Federal Register, for publication.

(5) This order shall be effective on the date of service.

Decided February 14, 1978.

By the Commission, Chairman O'Neal absent and not participating.

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

[FR Doc. 78-4827 Filed 2-22-78; 8:45 am]

[7035-01]

[Notice AB 43 (Sub-No. 42)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Milepost 1.0 at Indianapolis, IN, and Milepost 89.0 at Switz City, IN, and Between Milepost 0.0 at Floyd (Bloomington), IN, to Milepost 9.26 at end of Track, in Greene, Monroe, Brown, Johnson, Morgan, and Marion Counties, IN

JANUARY 31, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the proposed abandonment of 97.20 miles of main and branch line between Indianapolis and Switz City, in Greene, Monroe, Brown, Johnson, Morgan, and Marion Counties, IN, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that traffic diversion as outlined by the applicant would add two trucks to area highways each working

day. In consideration of existing traffic conditions, this additional traffic should not significantly affect current highway situations or ambient environmental conditions. Should the actual diversion of traffic differ from that presented by the ICG and used as an analysis base for this report, the proposed action may have to be reassessed. The apparent lack of definitive economic developmental plans for the affected area, coupled with no loss of rail service to the major industries in the affected rail corridor—as reported by ICG—preclude the proposed abandonment from significantly affecting rural and community development. Furthermore, the action will not affect any historic or archaeological site, or any endangered species. The instant rail corridor is suitable for alternative public use, if the action is approved, and a suitable condition has been suggested to facilitate public agency interest in the post-abandonment use of the rail property.

These conclusions are contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, DC 20423; telephone 202-275-7011. Interested persons may comment on this matter by filing their statements in writing on or before March 20, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issues of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

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

[FR Doc. 78-4825 Filed 2-22-78; 8:45 am]

[7035-01]

[Volume No. 62]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

FEBRUARY 15, 1978.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be con-

strued as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2229 (Sub-No. 199), filed January 9, 1978. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, Tex. 75247. Applicant's representative: Jackie Hill (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the K-Mart Corp. distribution facility locat-

ed at (Shenandoah, GA) at or near Newman, GA (Coweta County) as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Atlanta, GA, or Washington, DC.

No. MC 5227 (Sub-No. 32), filed December 23, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cooling towers, cooling tower parts and accessories*, from the facilities of E. D. Goodfellow Co., Inc., located at or near Tulsa, OK, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Tulsa, OK, or Lincoln, NE.

No. MC 5470 (Sub-No. 138), filed January 3, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Applicant's representative: Brian L. Trolano, 918 16th Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alloys and ores*, in dump vehicles, from East Liverpool, OH to points in NC and SC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Pittsburgh, PA.

No. MC 11207 (Sub-No. 412), filed January 5, 1978. Applicant: DEATON, INC., 317 Avenue West, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the facilities of the Celotex Corp., located at or near Texarkana, AR to points in AL, FL, GA, LA, and MS; (2) *Materials and supplies* used in the manufacture, and distribution of building and construction materials (except commodities in bulk), from points in AL, FL, GA, LA, and MS to the facilities of the Celotex Corp., located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL or Jacksonville, FL.

No. MC 25798 (Sub-No. 301), filed January 3, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, FL 33832. Applicant's representative: Tony G. Russell, Post Office Box 1186, Auburndale, FL 33823. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of Rich Products Corp., located at or near Murfreesboro, TN to points in AL, AR, FL, GA, IN, KY, LA, MS, MO, NC, OK, SC, TX and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, NY or Nashville, TN.

No. MC 27817 (Sub-No. 139), filed January 3, 1978. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses* (except commodities in bulk and commodities requiring refrigeration in transit), from Baltimore, MD, to points in DE, DC, MD, NJ, NY, OH, PA, VA and WV, restricted to traffic originating at said origin and destined to said destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Harrisburg, PA.

No. MC 28088 (Sub-No. 31), filed January 9, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main Street, Harrisonburg, VA 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Applicant seeks authority to engage in operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of frozen foods from Crozet, VA, to points in IL, IN, MI, MO, OH, WI, and Russellville, AR; and 92) from Russellville, AR, to Crozet, VA.

NOTE.—If an oral hearing is deemed necessary, it is requested that such hearing be held in either Washington, DC, or Harrisonburg, VA.

No. MC 31389 (Sub-No. 238), filed January 4, 1978. Applicant: McLEAN TRUCKING CO., a corporation, 617 Woughtown Street, Winston-Salem, NC 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Beard-Poulton Division of Emerson Electric Co., located at or near Marshall, TX, as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX, or Washington, DC.

No. MC 35807 (Sub-No. 80), filed January 9, 1978. Applicant: **WELLS FARGO ARMORED SERVICE CORP.**, P.O. Box 4313, Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Atlanta, GA and Hamilton and Polk Counties, TN, and Russell and Chambers Counties, AL, in nonradial movement, under and continuing contract or contracts with banks and banking institutions.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, GA or Washington, DC. Common control may be involved.

No. MC 41406 (Sub-No. 60), filed January 9, 1978. Applicant: **ARTIM TRANSPORTATION SYSTEM, INC.**, 7105 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and materials, equipment and supplies* used in the manufacture and installation of building materials (except commodities, in bulk), between Franklin, Oh, on the one hand, and, on the other, DE, IL, IN, IO, KY, MD, MI, MS, MO, NJ, NY, PA, TN, WV, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL, or Indianapolis, IN.

Docket No. MC 47583 (Sub-No. 63), filed January 5, 1978. Applicant: **TOLLIE FREIGHTWAYS, INC.**, 1020 Sunshine Road, Kansas City, KS 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the plantsites and storage facilities of Kal Kan Foods, Inc., located at or near Wichita and Hutchinson, KS, to all points in the United States East of the Western boundaries of the states of ND, SD, NE, CO, and NM.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, MO.

No. MC 51146 (Sub-No. 553), filed December 23, 1977. Applicant: **SCHNEIDER TRANSPORT, INC.**, P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Such commodities* as are dealt in by retail stores (except foodstuffs and commodities in bulk) from points in CA and WA to the facilities of Dayton Hudson Corp. and Target Stores, Inc., located in MI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 554), filed December 29, 1977. Applicant: **SCHNEIDER TRANSPORT, INC.**, P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* from Liberty, MO to points in the United States (except HI and AK), and (2) *material and supplies* used in the manufacture and distribution of paper and paper products from points in the United States (except AK) to Liberty, MO.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 52460 (Sub-No. 201), filed December 30, 1977. Applicant: **ELLEX TRANSPORTATION, INC.**, 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the plantsite or facilities of Rich Products Corp. located at or near Murfreesboro, TN to points in AL, AK, FL, GA, KS, LA, MS, NC, OK, SC, TN, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN.

No. MC 56213 (Sub-No. 12), filed January 3, 1978. Applicant: **RICHARD L. KINARD, INC.** 1100 Zinn's Quarry Road, York, PA 17404. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned mushrooms and canned mushroom products*, from points in Muhlenberg Township, Berks County, PA, to points in CO, UT, WY, NY, WV, VA, MD, NC, SC, KY, GA, FL, AL, TN, MO, IA, AR, LA, ND, SD, NE, OK, TX, AZ, NM, and CA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 59150 (Sub-No. 116), filed January 3, 1978. Applicant: **PLOOF TRUCK LINES, INC.**, 1414 Lindrose Street, Jacksonville, FL 32206. Appli-

cant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Monticello, GA, to points in the United States in and east of ND, SD, NE, CO, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

No. MC 59150 (Sub-No. 117), filed January 9, 1978. Applicant: **PLOOF TRUCK LINES, INC.**, 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pavement marking compounds*, from Marietta, GA, to points in AL, FL, SC, NC, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

No. MC 61231 (Sub-No. 115), filed January 9, 1978. Applicant: **EASTER ENTERPRISES**, doing business as **ACE LINES, INC.**, P.O. Box 1351, Des Moines, IA 50305. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials* from the plantsite of the Celotex Corp. located at or near Texarkana, AR to points in AZ, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY. (2) *Materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination states named in (1) above to the facilities of the Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL, Chicago, IL, or Little Rock, AR.

No. MC 73165 (Sub-No. 426), filed January 3, 1978. Applicant: **EAGLE MOTOR LINES, INC.**, 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: R. Cameron Rollins, 830 North 33rd Street, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves and hydrants, and parts, attachments, and accessories* therefore, from Beaumont, TX, to points in the United States (including AK, excluding HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, TX, or New Orleans, LA.

No. MC 76184 (Sub-No. 3), filed January 4, 1978. Applicant: **MID CONTI-**

NENT VAN SERVICE, INC., 1601 Pennsylvania Avenue, St. Louis, MO 63103. Applicant's representative: Ernest A. Brooks II, 411 North Street, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New custom architectural interiors and components thereof, and related supplies*, when moving in mixed loads with new custom architectural interiors, from St. Louis, MO, to points in ND, CO, RI, DE, VA, NC, FL, NY, NJ, CO, SC, WV, MD, SD, and MA.

NOTE—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, MO, or Springfield, IL.

MC 82492 (Sub-No. 176), filed January 3, 1978. Applicant: **MICHIGAN & NEBRASKA TRANSIT CO., INC.**, 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by toy and game retailers and materials, equipment, and supplies used in the conduct of such business*, from points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, WI, those points in NY in and west of Allegany, Livingston, and Monroe Counties, and those points in PA on and west of U.S. Hwy 219, to Chicago, IL, and Detroit, MI.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

MC 82492 (Sub-No. 177), filed January 6, 1978. Applicant: **MICHIGAN & NEBRASKA TRANSIT CO., INC.**, 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite of Illini Beef Packers, Inc., at or near Joslin, IL, to points in KY, those points in NY in and west of Allegany, Livingston, and Monroe Counties, and those points in PA located on and west of U.S. Hwy 219.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

MC 82492 (Sub-No. 178), filed December 27, 1977. Applicant: **MICHIGAN & NEBRASKA TRANSIT CO., INC.**, 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Appli-

cant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at or near Grand Island and Omaha, NE; Des Moines, Glenwood, Marshalltown, and Sioux City, IA, to points in KY and TN. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the named destination States.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL, or Washington, DC.

No. MC 94265 (Sub-No. 256), filed January 3, 1978. Applicant: **BONNEY MOTOR EXPRESS, INC.**, P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Particleboard, pulpboard, and paper*, from the facilities of Union Camp Corp. at or near Franklin, VA, to points in IL, IN, KY, MI, MN, OH, TN, VA, WV, and WI.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Richmond, VA.

No. MC 100666 (Sub-No. 374), filed January 3, 1978. Applicant: **MELTON TRUCK LINES, INC.**, P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of the Celotex Corp. located at or near Texarkana, AR, to points in the United States (except AK and HI), and (2) *materials and supplies used in the manufacture of and/or the distribution of commodities named in (1) above* (except commodities in bulk), from the destination States named in (1) above to the facilities of the Celotex Corp. located at or near Texarkana, AR.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX.

No. MC 102567 (Sub-No. 206), Filed January 3, 1978. Applicant: **McNAIR TRANSPORT, INC.**, P.O. Drawer 5357, Bossier City, LA 71111. Appli-

cant's representative: Joe C. Day, 2040 North Loop West, Suite 208, Houston, TX 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfuric acid*, in bulk, in tank vehicles, from Baton Rouge, LA, to Horthplet, AR; and (2) *acid sludge*, in bulk, in tank vehicles, from Horthplet, AR, to Baton Rouge, LA.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Houston, TX, or New Orleans, LA.

No. MC 103051 (Sub-No. 418), filed December 27, 1977. Applicant: **FLEET TRANSPORT CO., INC.**, 934 44th Avenue North, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer and fertilizer materials, anhydrous ammonia, urea and soda ash*, in bulk, in tank or hopper-type vehicles, and dump trucks, from points in Richmond County, GA, to points in SC, NC, VA, WV, KY, and TN.

NOTE—If a hearing is deemed necessary, applicant requests that it be held in either Nashville, TN, or Atlanta, GA.

No. MC 104421 (Sub-No. 23), filed January 5, 1978. Applicant: **ECONOLINES, INC.**, P.O. Box 623, D.T.S., Omaha, NE 68101. Applicant's representative: Roger W. Norris (same address as applicant). Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *such commodities as are dealt in and used by manufacturers and distributors of irrigation systems, component parts, and accessories* (except commodities in bulk in tank or hopper vehicles), between points in Pottawattamie County, IA, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and except between points in Pottawattamie County, IA, on the one hand, and, on the other, points in Douglas and Platte Counties, NE, and Omaha, NE.

NOTE—Common control may be involved. If oral hearing is deemed necessary, applicant requests it be held at Omaha, NE.

No. MC 105566 (Sub-No. 155), filed January 3, 1978. Applicant: **SAM TANKSLEY TRUCKING, INC.**, P.O. Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, gas or electric; dishwashing machines; garbage disposal units; stove parts; compactors, household type; microwave ovens; hoods; cooling boxes or refrig-*

erators and cooling and freezing combined; dishwasher parts; refrigerator parts, from Mansfield, OH; Nashville, TN; Springfield, TN; Murray, KY; and Dalton, GA; to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

NOTE.—If a hearing is deemed to be necessary, applicant requests it be held in Columbus, OH.

No. MC 105733 (Sub-No. 62), filed January 4, 1978. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, NJ 07065. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Phthalic anhydride*, in bulk, in tank vehicles, from the St. Lawrence River crossing at Roosevelttown, NY, to points in MA, NJ, and NY.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, DC.

No. MC 105813 (Sub-No. 229), filed December 30, 1977. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from Charleston, SC, to points in AL, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC. Common control may be involved.

No. MC 105813 (Sub-No. 230), filed December 29, 1977. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by John Morrell & Co. at or near Sioux Falls, SD, to points in the States of AL, FL, GA, LA, MS, NC, TN, and SC. Restricted to the transportation of traffic originating at the named facilities and destined to the named States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL. Common control may be involved.

No. MC 107012 (Sub-No. 257), filed January 3, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Carpet, carpet cushions, carpet underlay and adhesives, solvent, and other accessories* used in conjunction with carpet cushion and carpet underlay (except commodities in bulk), (1) from the plantsite and storage facilities of General Felt Industries, Inc., located at or near Philadelphia, PA, and Trenton, NJ, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, (2) from the plantsite and storage facilities of Scott Foam Division (a sub-contractor for General Felt Industries, Inc.), located at or near Eddystone, PA, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, (3) from the plantsite and storage facilities of Olympic Products Division of Cone Mills (a sub-contractor for General Felt Industries, Inc.), located at or near Greensboro, NC and Tupelo, MS, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, (4) from the plantsite and storage facilities of General Tire (a sub-contractor for General Felt Industries, Inc.), located at or near Columbus, MS, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, and (5) from the plantsite and storage facilities of General Felt Industries, located at or near Commerce and Pico Rivera, CA, to points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either New York, NY, or Washington, DC.

No. MC 107295 (Sub-No. 870), filed December 29, 1977. Applicant: PREFAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *Building and construction materials* from the plantsite of the Celotex Corp., located at or near Texarkana, AR, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination states named in (1) above, to the facilities of the Celotex Corp., located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in New Orleans, or Washington, DC.

No. MC 107496 (Sub-No. 1120), filed January 6, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50304. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: *Petroleum products*, in bulk, from Junction City and Green Bay, WI, to points in MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, MN, or Chicago, IL. Common control may be involved.

No. MC 108207 (Sub-No. 474), filed January 5, 1978. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, TX 75222. Applicant's representative: Mike Smith (same address as applicant). Authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the sites of the plant and warehouse facilities of Elcona Food, Inc. at Elkhart and Southbend, IN, to AZ, AR, CA, KS, LA, MS, MO, NM, OK, TX and Memphis, TN, restricted to traffic originating at named origin, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL, or Dallas, TX.

No. MC 108633 (Sub-No. 15), filed December 27, 1977. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Applicant's Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority is sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment because of size or weight, Classes A and B explosives, and household goods as defined by the Commission), (1) between Atlanta, GA, and LaGrange, GA, from Atlanta over Interstate Hwy 85, U.S. Hwy 27, and U.S. Hwy 29 to LaGrange, serving the intermediate point of Hogansville, with closed doors between Atlanta and Hogansville, and return, and, (2) between Franklin, GA, and LaGrange, GA from Franklin over U.S. Hwy 27 to LaGrange, and return.

(NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA, or Washington, DC.

No. MC 108676 (Sub No. 118, filed January 9, 1978. Applicant: A.J. METLER HAULING & RIGGING,

INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority is sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Refuse containers and parts, attachments, and accessories for refuse containers*, from the plantsite of Harding Machine Co., at or near Lexington, TN, to points in ND, SD, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, AZ, NV, CA, OR, and WA.

NOTE.—If a hearing is deemed necessary, the applicant request that it be held at Nashville, TN.

No. MC 110098 (Sub-No. 160), filed January 5, 1978. Applicant: ZERO REFRIGERATED LINES (a corporation), 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Merchandise* dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc. at Springfield, MO to points in AL, AZ, AR, CA, CO, FL, GA, KS, KY, LA, MS, NM, NC, OK, SC, TN, TX, and VA, restricted to traffic originating at the above named origin and destined to the above named destination states.

NOTE.—If hearing is deemed necessary, applicant request it be held at either San Antonio, TX, or Chicago, IL.

No. MC 111231 (Sub-No. 226), filed January 3, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority is sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Such commodities* as are dealt in or used by wholesale or retail, discount, or variety stores (except commodities in bulk), serving the site of K-Mart Corp.'s Distribution Center located in Coweta County, GA, as an off-route point in connection with carrier's authorized regular route operations at Atlanta, GA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga., or Washington, DC.

No. MC 111720 (Sub-No. 16), filed December 30, 1977. Applicant: WILLIAMS TRUCK SERVICE, INC., P.O. Box 40, Sioux Falls, SD 57101. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over ir-

regular routes, transporting: *Meats, meat products, meat byproducts and dairy products* and articles distributed by meat packinghouses as described in sections A, B, and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, from the plantsites and/or warehouse facilities utilized by John Morrell and Co., located at or near Sioux Falls, SD to points in AL, and FL. Under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, SD or Chicago, IL.

No. MC 112822 (Sub-No. 444), filed December 27, 1977. Applicant: BRAY LINES INC., 1401 N. Little Street, P.O. Box 1191, Cushing, OK 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite or facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held with other similar applications, but does not specify a location.

No. MC 113265 (Sub-No. 7), filed January 4, 1978. Applicant: ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., P.O. Box 345, Conley, GA 30027. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk in tank vehicles), serving the facilities of K-Mart Corp. Distribution Center in Coweta County, GA near Shenandoah, GA as an off-route point in connection with applicant's existing authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, GA.

No. MC 113336 (Sub-No. 90), filed December 28, 1978. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, NC 28358. Applicant's representative: Russell E. Stone, Route 3, Montpelier Drive, Franklin, TN 37064. Permanent authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor oil*, (except in bulk), from New Kensington, PA, to points in AL, FL, KY, GA, LA, MS, NC, SC and TN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Raleigh, NC or Atlanta, GA.

No. MC 113651 (Sub-No. 256), filed January 3, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, IN 47305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Des Moines, Iowa to points in Louisiana and Mississippi. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX or Kansas City, MO.

No. MC 114273 (Sub-No. 327), filed January 4, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles*, distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities utilized by John Morrell and Co. at or near Estherville, Humboldt, Sioux City, IA and Sioux Falls, SD to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV and Washington, DC. Restricted to traffic originating at and destined to the above name points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL or Washington, DC.

No. MC 114552 (Sub-No. 147), filed December 30, 1977. Applicant: SEAN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of The Celotex Corp. located at or near Texarkana, AR., to points in AL, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC; and (2) *Materials and supplies* used in the manufacture of and/or the distribution of com-

modities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of The Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL.

No. MC 114552 (Sub-No. 148), filed December 28, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board and paneling*, from the facilities of Vandy, Inc. at or near Many, LA, to points in the United States in and east of ND, SD, NE, CO, and NM.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New Orleans, LA.

No. MC 114569 (Sub-No. 206), filed December 29, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from the plant site and storage facilities of Swift and Co. plants located at or near Grand Island and Omaha, NE; Des Moines, Glenwood, Marhsaltown, and Sioux City, IA to points in AL, FL, GA, NC, SC, and TN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114632 (Sub-No. 128), filed December 29, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Applicant's representative: Michael L. Carter (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cooling towers and accessories, materials, and supplies for cooling towers (except commodities in bulk)* from the facilities of E. D. Goodfellow, Inc., at or near Tulsa, OK to points in CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, PA, SD, WV, WI, and WY.

NOTE.—Applicant holds motor contract authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be

held at either Tulsa, OK or Kansas City, MO.

No. MC 115331 (Sub-No. 443), filed December 23, 1977. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or in packages, from the facilities of Missouri Portland Cement Co. at or near Chattanooga, TN to points in AL, MS, KY, TN, WV, VA, NC, SC, and GA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, MO.

No. MC 115730 (Sub-No. 43), January 9, 1978. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, IA 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a common carrier over irregular routes, in the transportation of *Iron and Steel Articles* from points in IL, IN, MO, and OH to Seward, Columbus, and Fremont, NE.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL or Washington, DC.

No. MC 115821 (Sub-No. 33), filed December 28, 1977. Applicant: FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., St. Libory, IL 62282. Applicant's representative: Ernest A. Brooks II, 411 N. 7th St., 1301 Ambassador Bldg., St. Louis, MO 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Saline, Franklin, Jefferson, Williamson, Gallatin, Marion, Hamilton, Hardin, Pope, Johnson, Union, Jackson, Randolph, and Perry Counties, IL, to points in MO on and south of U.S. Highway 60, and on and east of MO Highway 21.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, MO or Springfield, IL.

No. MC 115826 (Sub-No. 233), filed January 9, 1978. Applicant: W. J. DIGBY, INC., 1960 31st St. P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *horse meat* from points in AZ to points in the United States (except points in AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Denver, CO.

No. MC 115841 (Sub-No. 592), filed January 4, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041

Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Practice bombs and practice mines*, from Anniston, AL to New Orleans, LA, and Blue Grass Depot at Lexington, KY.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Birmingham, AL, or Washington, DC.

No. MC 115931 (Sub-No. 47), filed January 5, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a common carrier, over irregular routes transporting: (1) *Prefabricated steel buildings* from Carson City, NV to points in MT, CO, WY, NM, CA, ID, WA, and OR, and (2) *materials, equipment, and supplies* used in the manufacture of fabricated steel buildings from points in the United States (except AK and HI) to Carson City, NV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Carson City, NV.

No. MC 115931 (Sub-No. 48), filed January 3, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a common carrier over irregular routes, transporting: *Grain storage bins, grain dryers, and equipment, materials, and supplies* used in the installation and operation thereof, from Marengo, IL to points in AR, CA, IN, IA, GA, KS, KY, MN, MO, MT, NE, NV, NC, ND, OH, OR, SC, SD, TN, TX, UT, WA, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Minneapolis, MN.

No. MC 116014 (Sub-No. 84), filed December 27, 1977. Applicant: OLIVER TRUCKING CO., INC., P.O. Box 53, Winchester, KY 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Homogenized, reconstructed, and reconstituted tobacco*, from Ancram, NY to Richmond and Petersburg, VA, and Macon, GA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Louisville, KY.

No. MC 116457 (Sub-No. 27), filed December 29, 1977. Applicant: GENERAL TRANSPORTATION INC.,

1804 South 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Applicant's representative: D. Parker Crosby, P.O. Box 6484, Phoenix, AZ 85005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs* that are pre-cut, milled and notched for use in construction and erection of log buildings, and *building materials, lumber, hardware and accessories* necessary for the erection of log buildings. *Poles, railing and posts* for the erection of fences. From points in AZ to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Phoenix, AZ.

No. MC 116457 (Sub-No. 28), filed January 3, 1978. Applicant: GENERAL TRANSPORTATION INC., 1804 South 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Applicant's representative: D. Parker Crosby, P.O. Box 6484, Phoenix, AZ 85005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs and briquettes* of compressed wood particles, from Coconino County, AZ to points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Phoenix, AZ.

No. MC 116915 (Sub-No. 46), filed January 5, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Applicant's representative: Fred F. Bradley, P.O. Box 773, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, and accessory materials; and materials, equipment, and supplies* used in the production thereof, between Geneva County, AL, on the one hand, and, on the other, points in and east of MN, IA, NE, KS, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, AL, Louisville, KY, or Nashville, TN.

No. MC 117088 (Sub-No. 12), filed December 22, 1977. Applicant: ASPHALT TRANSPORT, INC., P.O. Box 29504, New Orleans, LA 70189. Applicant's representative: Edward Winter, 235 Rosewood Drive, Metairie, LA 70005. Authority sought as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the distribution facility of Missouri Portland Cement Co., in St. James Parish, LA, to points in AL, AR, FL, GA, LA, MS, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, LA.

No. MC 117439 (Sub-No. 57), filed January 9, 1978. Applicant: BULK TRANSPORT, INC., 5500 Florida Boulevard, P.O. Box 1429, Baton Rouge, LA 70821. Applicant's representative: John Schwab, 617 North Boulevard, P.O. Box 3036, Baton Rouge, LA 70821. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk and in bags, from points in LA to points in MS, AL, AR and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, LA or Houston, TX.

No. MC 117686 (Sub-No. 202), filed January 9, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA. Applicant's representative: Robert A. Wisner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth and materials and supplies* used in the manufacture, sale, and distribution of goods produced from cloth, in mixed loads with cloth, from Osceola, AR; Eufaula, AL; Augusta, Lindale, and Trion, GA; Lawrenceburg, KY; Erwin, Greensboro, Haw River, Mount Holly, Salisbury, and Yadkin, NC; Graniteville, Greenville, Orangeburg, Rock Hill, and Ware Shoals, SC; Centerville, TN; and Brenham and New Braunfels, TX, to LeMars, Sheldon, Sioux City, Spencer, and Storm Lake, IA.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held in Chicago, IL or Washington, DC.

No. MC 117765 (Sub-No. 237), filed December 30, 1977. Applicant: HAHN TRUCK LINE, INC., 1100 South MacArthur, P.O. Box 75218. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed grain and soybean products* (except commodities in bulk), from Hutchinson, KS to points in AR, CO, IL, IA, KS, MN, MO, NE, OK, TX, VA and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, OK.

No. MC 117786 (Sub-No. 7), filed December 28, 1977. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* from points in IL, OH, KY, IN, and CA, to Phoenix, Tucson, and Flagstaff, AZ.

NOTE.—If a hearing is deemed necessary, the Applicant requests it to be held in Phoenix, AZ.

No. MC 117815 (Sub-No. 272), filed December 30, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Applicant's representative: Dewey Marselle (same address as applicant). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of or utilized by Swift & Co., located at or near Grand Island and Omaha, NE; Des Moines, Glenwood, Marshalltown, and Sioux City, IA, to points in KY and TN, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Omaha, NE.

No. MC 117815 (Sub-No. 274), filed January 6, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Applicant's representative: Dewey Marselle, 405 S.E. 20th Street, Des Moines, IA 50317. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the facilities of or utilized by Banquet Foods Corp., located at or near Carrollton, Macon, Marshall, and Moberly, MO, to points in IN, MI, MN, and WI, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO or Chicago, IL.

No. MC 117940 (Sub-No. 253), filed January 4, 1978. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, MN 55359. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Meats, meat products, and meat byproducts* (except hides and commodities in bulk tank vehicles) as described in Appendix I, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of the Royal Packing Co. at or near National Stockyards, IL and St. Louis, MO to points in CT, MD, MA, NJ, NY, PA, and DC, restricted to traffic originating at named facilities and destined to named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO.

No. MC 118202 (Sub-No. 83), filed January 9, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing houses (except hides and commodities in bulk)*, as defined in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. at Albert Lea, MN to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Dallas, TX or Kansas City, MO.

No. MC 118289 (Sub-No. 174), filed January 4, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty aluminum cans*, from Milwaukee, WI to Perry, GA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 119493 (Sub-No. 177), filed December 30, 1977. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, screws and fasteners, and paint in containers (except in bulk in tank vehicles)*, from Chicago, IL, and points in its commercial zone; East St. Louis, IL, and points in its commercial zone; Marshfield, OH, and Catoosa, OK, to Neosho, MO, and points in its commercial zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Springfield, or Joplin, MO.

No. MC 119555 (Sub-No. 21), filed December 27, 1977. Applicant: OIL & INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, Calgary, AB T2P 2P9, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood preservative, class B poison*, in bulk, in tank vehicles, from Memphis, TN to ports of entry on the international boundary line between the United States and Canada, located at or near Pigeon

River, MN, restricted to traffic in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in MT. Common control may be involved.

No. MC 119619 (Sub-No. 119), filed December 28, 1977. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs, canned in jars and cans from Pennsauken and Delran, NJ*, to points in IL, IN, MI, OH, MN, and WI.

NOTE.—Applicant requests hearing be held in Philadelphia, PA, or New York, NY.

No. MC 119641 (Sub-No. 144), filed January 3, 1978. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Darlington, SC, to IL, IN, OH, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 119789 (Sub-No. 412), filed December 29, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Columbus, OH, to points in FL and GA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, OH.

No. MC 119789 (Sub-No. 414), filed December 30, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, from Dallas, TX, to points in AR, CO, IA, KS, LA, MO, NE, and OK.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, MA.

No. MC 119789 (Sub-No. 415), filed January 6, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey, P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat*

products, meat byproducts, and articles distributed by meat packing-houses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from Denver, CO., to points in AL, CO, DE, FL, GA, KY, LA, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Denver, CO.

No. MC 120257 (Sub-No. 41), filed December 30, 1977. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel coils, and iron and steel sheets*, from Birmingham, AL, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Birmingham, AL.

No. MC 120257 (Sub-No. 42), filed January 4, 1978. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *pipe, valves, fittings, hydrants, parts, and accessories therefor*, from Birmingham and Bessemer, AL, to points in AR, KS, LA, MS, NM, OK, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, AL.

No. MC 120761 (Sub-No. 35), filed January 4, 1978. Applicant: NEWMAN BROS. TRUCKING CO., a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of the Celotex Corp., located at or near Texarkana, AR, to points in TX, LA, NM, AL, FL, MO, KS, OK, GA, AR, and MS, and (2) *materials and supplies used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk)*, from the destination States named in (1) above to the facilities of the Celotex Corp., located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, FL, or Dallas, TX.

No. MC 121236 (Sub-No. 3), filed December 21, 1977. Applicant: SERVICE

TRANSPORTATION LINES, INC., 729 34th Avenue, Rock Island, IL 61201. Applicant's representative: Alki E. Scopellitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), (1) between Milan and Pekin, IL, via the following highways: U.S. 67 to Junction 6 in Rock Island, then to U.S. 6, U.S. 6 to Junction IL 88, IL 88 to Peoria, then IL 29 to Pekin, serving Milan, Rock Island, Moline, East Moline, Silvis, Carbon Cliff, Colona, Geneseo, Atkinson, Annawan, Mineral, Sheffield, Buda, Bradford, Camp Grove, Lawn Ridge, Edelstein, Peoria Heights, Peoria, East Peoria, Creve Coeur, Pekin as intermediate and off route points and return over the same route; (2) between Peoria and Pekin, IL, via the following highways: U.S. Hwy 24 to Junction IL Hwy 9, then over IL Hwy 9 to Pekin, serving all intermediate points and return over the same route; (3) between Annawan and Bradford, IL, via the following highways: IL 78 to Junction IL Hwy 91, then over IL Hwy 91 to Junction IL Hwy 93, then over IL Hwy 93 to Bradford, IL, serving all intermediate points and return over the same route; (4) between Sheffield and Rockford, IL, via the following highways: U.S. Hwy 6 to Junction IL Hwy 88, then over IL Hwy 88 to Junction IL Hwy 2, then over IL Hwy 2 to Rockford, IL, serving all intermediate points and the off route points of Manlius and New Bedford, IL, and the off route point of Mount Morris, IL, via IL Hwy 64 and return over the same route; (5) between Milan and Byron, IL, via the following highways: IL Hwy 92 to Junction IL Hwy 2 at Moline, IL, then over IL Hwy 2 to Sterling, IL, then over unmarked bituminous road to Junction IL Hwy 26, then over IL Hwy 26 to Junction IL Hwy 72, then over IL Hwy 72 to Byron serving all intermediate points and return over the same route; (6) between Lyndon and Prophetstown, IL, via the following highways: IL Hwy 2 to Junction IL Hwy 78, then over IL Hwy 78 to Prophetstown, IL, serving all intermediate points and return over the same route; (7) between Peoria and Moline, IL, via the following highways: IL Hwy 116 to Junction IL Hwy 78, IL Hwy 7 to Junction IL Hwy 8, then over IL Hwy 8 to Junction IL Hwy 987, then over IL Hwy 97 to U.S. Hwy 150 to Moline, IL, serving the off route point of Elmwood, IL, and all intermediate points and return over the same route; (8) between Dixon and Rockford, IL, via the following highways: U.S. Alternate Hwy 30 to Junction U.S. Hwy 51, then over U.S. Hwy 51 to Rockford serving

all intermediate points and return over the same route; (9) between Silvis and Ohio, IL, via the following highways: IL Hwy 92 serving all intermediate points and return over the same route; (10) between East Moline and Sterling, IL, via the following highways: IL Hwy 84 to Junction Hwy 30, then over U.S. Hwy 30 to Sterling, IL, serving all intermediate points and the off route point of Clinton, IA and return over the same route; (11) between Chicago, IL and the IL-MO State Line at East St. Louis, IL, via the following highways: U.S. Hwy 66 serving all intermediate points and the off route points of Lemont, Virden, Worden, Panama, Auburn, Carlinville, Benld, Girard, Waverly, Gillespie, Roxana and Wilsonville, IL, and return over the same route; (12) between the IL-WI State Line and the IL-KY State Line, via the following highways: U.S. 45 serving all intermediate points and the off route points of Villa Grove, Oakland, Oaklawn, Arthur, Blue Island, Downers Grove, Lovington, Harvey and Lemont, IL, and return over the same route; (13) between Chicago, IL and the IL-KY State Line, via the following highways: IL Hwy 1 serving all intermediate points and the off route points of Harvey, St. Francisville, Rosiclare, Blue Island and New Haven, IL, and return over the same route; (14) between the IL-WI State Line and the IL-MO State Line, via the following highways: U.S. Hwy 51 serving all intermediate points and the off route points of Beloit, Wisconsin, Pecatonica, Sesser, Hurst, Ladd, Valier, Royalton, Roanoke, Zeigler and Herrin, IL, and return over the same route; (15) between Chicago, IL and Junction IL Hwys 49 and 33, via the following highways: U.S. Hwy 45 to IL Hwy 49, then over IL Hwy 49 to IL Hwy 33, serving all intermediate points and the off route points of Blue Island, Villa Grove, Harvey, and Oakland, IL, and return over the same route; (16) between the IL-WI State Line and Decatur, IL, via the following highways: IL Hwy 47 serving all intermediate points and return over the same route; (17) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. 6 serving all intermediate points and the off route points of Harvey, Ladd, Hazel Crest, Blue Island, Cambridge, Homewood and Utica, IL, and return over the same route; (18) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. 30 serving all intermediate points and the off route points of Homewood and Rock Falls, IL, and return over the same route; (19) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. 20 serving all intermediate points and the off route points of Dubuque, Iowa and Harvey, Lom-

bard, Blue Island, Pecatonica, Villa Park and Lena, IL, and return over the same route; (20) between the IL-IN State Line and the IL-WI State Line, via the following highways: U.S. Hwy 12 serving all intermediate points and the off route points of Harvey, Oak Park, Blue Island, Cicero and Oaklawn, IL, and return over the same route; (21) between the IL-IN State Line and the IL-WI State Line, via the following highways: U.S. Hwy 41 serving all intermediate points and the off route points of Harvey, Oak Park, Blue Island, Morton Grove, Oaklawn and Cicero, IL, and return over the same route; (22) between Chicago, IL and the IL-WI State Line, via the following highways: U.S. Hwy 41 serving all intermediate points and the off route point of Morton Grove, IL, and return over the same route; (23) between the IL-WI State Line and the IL-IA State Line, via the following highways: IL Hwy 2 serving all intermediate points and the off route point of Rock Falls, IL, and return over the same route; (24) between Onarga, IL and Junction IL Hwy 48 and U.S. Hwy 66, via the following highways: From Onarga, IL over U.S. Hwy 54 to Junction IL Hwy 48, then over IL Hwy 48 to Junction U.S. Hwy 66 serving all intermediate points and the off route point of Kincaid, IL, and return over the same route; (25) between the IL-IN State Line and the IL-MO State Line, via the following highways: U.S. Hwy 24 serving all intermediate points and the off route points of Roanoke and Augusta, IL, and return over the same route; (26) between the IL-IN State Line and the IL-IA State Line, via the following highways: IL Hwy 9 serving all intermediate points and the off route point of Cuba, IL, and return over the same route; (27) between the IL-IN State Line and the IL-IA State Line, via the following highways: From the IL-IN State Line over U.S. 150 to Junction IL Hwy 10 then over IL Hwy 10 to Junction U.S. Hwy 136, then over U.S. Hwy 136 to the IL-IA State Line serving all intermediate points and the off route points of Cuba, Augusta, and Warsaw, IL, and return over the same route; (28) between the IL-IN State Line and Moline, IL, via the following highways: U.S. Hwy 150 serving all intermediate points and the off route points of Wyoming, Elmwood, Abingdon, and Cambridge, IL and Bettendorf and Davenport, IA, and return over the same route; (29) between the IL-IA State Line at Moline, IL and the IL-MO State Line at East St. Louis, IL, via the following highways: U.S. Hwy 67 serving all intermediate points and the off route points of Aledo, Keithsburg, Abingdon, Augusta, Waverly, Greenfield, Grafton, and Roxana, IL, and return over the same route; (30) between the IL-IN State Line and the

IL-MO State Line, via the following highways: U.S. Hwy 36 serving all intermediate points and the off route points of Villa Grove, Oakland, Arthur, Lovington, Auburn, Waverly, and Griggsville, IL, and return over the same route; (31) between Junction of U.S. Hwy 150 and IL Hwy 16 near Paris, IL and Junction of IL Hwy 16 and U.S. Hwy 66 near Litchfield, IL over IL Hwy 16 serving all intermediate points and the off route points of Oakland, Panama, Carlinville, Gillespie, and Benld, IL, and return over the same route; (32) between the IL-IN State Line and the IL-MO State Line at East St. Louis, IL, via the following highways:

U.S. Hwy 40 serving all intermediate points and the off route points of Panama, Livingston, and Glen Carbon, IL, and return over the same route; (33) between the IL-IN State Line and the IL-MO State Line at East St. Louis, IL, via the following highways: U.S. Hwy 50 serving all intermediate points and the off route points of Saint Francisville and New Baden, IL, and return over the same route; (34) between the IL-IN State Line and the Junction of IL Hwy 15 and U.S. Hwy 50 near East St. Louis, IL, via the following highways: IL Hwy 15 serving all intermediate points and the off route points of Dahlgren, Sesser, New Baden and Millstadt, IL, and return over the same route; (35) between the IL-KY State Line and the IL-MO State Line at East St. Louis, IL via the following highways: IL Hwy 13 serving all intermediate points and the off route points of Herrin, Zeigler, Royalton, Hurst, Colp, Carterville and Sparta, IL, and return over the same route; (36) between Junction of U.S. Hwy 45 and IL Hwy 37 near Watson, IL and Junction of IL Hwy 37 and U.S. Hwy 51 near Mound City, IL, via the following highways: IL Hwy 37 serving all intermediate points and the off route points of Sesser, Valier, Zeigler, Royalton, Herrin and Hurst, IL, and return over the same route; (37) between the IL-IN State Line near Grayville, IL and Junction of IL Hwy 130 and IL Hwy 16 near Charleston, IL, via the following highways: IL Hwy 130 serving all intermediate points and return over the same route; (38) between the IL-KY State Line and the IL-MO State Line, via the following highways: IL Hwy 146 serving all intermediate points and the off route point of Rosiclare, IL, and return over the same route; (39) between the IL-KY State Line, and the IL-MO State Line at East St. Louis, IL, via the following highways: IL Hwy 3 serving all intermediate points and the off route point of Sparta, IL, and return over the same route; (40) between the IL-IN State Line and Junction of IL Hwy 14 and U.S. Hwy 51 near DuQuoin, IL, via the following highways: IL Hwy 14

serving all intermediate points and the off route points of Sesser, Valier, Zeigler and Royalton, IL, and return over the same route; (41) between the IL-WI State Line and Aurora, IL, via the following highways: IL Hwy 31 serving all intermediate points and the off route point of Glen Ellyn, IL, and return over the same route; (42) between Chicago, IL and Joliet, IL, via the following highways: IL Hwy 171 serving all intermediate points and the off route point of Lemont, IL, and return over the same route; (43) between Junction of U.S. Hwy 20 and IL Hwy 43 and the Junction of U.S. Hwy 30 and IL Hwy 43, via the following highways: IL Hwy 43 serving all intermediate points and the off route points of Oak Park, Harvey, Berwyn and Oak Lawn, IL, and return over the same route; (44) between Chicago, IL and the IL-WI State Line, via the following highways: U.S. Hwy 14 serving all intermediate points and return over the same route; (45) between the IL-WI State Line and Pontiac, IL, via the following highways: IL Hwy 23 serving all intermediate points and return over the same route; (46) between the IL-IN State Line and the IL-IA State Line, via the following highways: U.S. Hwy 52 serving all intermediate points and return over the same route; (47) between Chicago, IL and the IL-IA State Line, via the following highways: IL Hwy 64 serving all intermediate points and the off route points of Villa Park, Lombard, and Lanark, IL, and return over the same route; (48) between Waukegan, IL and Woodstock, IL, via the following highways: IL Hwy 120 serving all intermediate points and return over the same route; (49) between Junction of U.S. Hwy 36 and U.S. Hwy 54 near Pittsfield, IL and the IL-MO State Line, via the following highways: U.S. Hwy 54 serving all intermediate points and return over the same route; (50) between Junction of U.S. Hwy 150 and IL Hwy 121 near Morton, IL and Junction of IL Hwy 121 and U.S. Hwy 40 at Greenup, IL, via the following highways: IL Hwy 121 serving all intermediate points and the off route points of Delavan, Arthur, and Lovington, IL, and return over the same route; (51) between Chicago, IL and the IL-IA State Line, via the following highways: U.S. Hwy 34 serving all intermediate points and the off route points of Downers Grove, Ladd, Wyoming, Cambridge, Toulon, Abingdon and Keithsburg, IL, and return over the same route; (52) between Junction of IL Hwy 33 and IL Hwy 1 near Gordons, IL and Effingham, IL, via the following highways: IL Hwy 33 serving all intermediate points and return over the same route; (53) between the IL-WI State Line and Virginia, IL via the following highways: IL Hwy 78 serving all intermediate points and the off route points of

Lena, Cambridge, Wyoming, Cuba, Toulon and Peterburg, IL, and return over the same route; (54) between Virginia, IL to Pana, IL via the following highways: IL Hwy 125 to Junction IL Hwy 29 then IL Hwy 29 to Pana, IL serving all intermediate points and the off route points of Petersburg, and Kincaid, IL, and return over the same route; (55) between the Junction of U.S. Hwy 6 and IL Hwy 29 near Depue, IL to Springfield, IL, via the following highways: IL Hwy 29 serving all intermediate points and the off route points of Wyoming, Delavan, and Petersburg, IL, and return over the same route; (56) between Greenville, IL and the IL-MO State Line at Alton, IL, via the following highways: IL Hwy 140 serving all intermediate points and the off route points of Roxana, Worden, and Livingston, IL, and return over the same route; (57) between Wood River, IL and Belleville, IL via the following highways: IL Hwy 159 serving all intermediate points and return over the same route; (58) between Mount Vernon, IL and Junction of IL Hwy 142 and IL Hwy 13, via the following highways: From Mount Vernon, IL over U.S. Hwy 460 to the Junction of IL Hwy 142 and U.S. Hwy 460 then over IL Hwy 142 to the Junction of IL Hwy 142 and IL Hwy 13 serving all intermediate points and return over the same route; (59) between the IL-WI State Line and the IL-IN State Line, via the following highways: IL Hwy 83 serving all intermediate points and the off route points of Lemont, Villa Park, Downers Grove and Lombard, IL, and return over the same route; (60) between Peoria, IL and Junction of IL Hwy 116 and U.S. Hwy 34 near Biggsville, IL, via the following highways: IL Hwy 116 serving all intermediate points and the off route points of Elmwood and Abingdon, IL, and return over the same route; (61) between the Junction of IL Hwy 22 near Highwood, IL to the Junction of IL Hwy 22 and IL Hwy 14, via the following highways: IL Hwy 22 serving all intermediate points and return over the same route; (62) between Chicago, IL and Junction of U.S. Hwy 52 and IL Hwy 72 near Lanark, IL, via the following highways: IL Hwy 72 serving all intermediate points and return over the same route; (63) between the IL-IN State Line and Dixon, IL via the following highways: Alternate U.S. Hwy 30 serving all intermediate points and the off route points of Lansing, Lombard, West Chicago, Villa Park and Glen Ellyn, IL, and return over the same route; (64) between Mount Carroll, IL and Peoria, IL, via the following highways: IL Hwy 88 serving all intermediate points and return over the same route; (65) between the IL-WI State Line and Junction of IL Hwy 26 and IL Hwy 29 at Bureau, IL, via the fol-

lowing highways: IL Hwy 26 serving all intermediate points and the off route points of Lena and Pecatonica, IL, and the return over the same route; (66) between Ohio, IL and Peoria, IL, via the following highways: IL Hwy 92 to the Junction of IL Hwy 89 then over IL Hwy 89 to the Junction of IL Hwy 116 then over IL Hwy 118 to Peoria, IL serving all intermediate points and the off route points of Lena and Pecatonica, IL, and return over the same route; (67) between the IL-IN State Line and Altona, IL, via the following highways: IL Hwy 17 to the Junction of U.S. Hwy 34 then over U.S. Hwy 34 to Altona, IL serving all intermediate points and the off route points of Toluca and Wyoming, IL, and return over the same route.

NOTE.—This application seeks authority to convert the certificate of registration of applicant in No. MC 121236 (Sub-No. 1), into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 123405 (Sub-No. 55), filed January 9, 1978. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, PA 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except frozen foods and commodities in bulk)*: (1) From the facilities of Hershey Foods Corp. and H. B. Reese Candy Co. in Derry Township (Dauphin County, PA) and Y & S Candies, Inc. in East Hempfield Township (Lancaster County, PA) to points in AL, MS, and TN, restricted to the transportation of shipments originating at the above-named facilities; (2) From the facilities of Y & S Candies, Inc. in East Hempfield Township (Lancaster County, PA) to points in AR, FL, GA, LA, NC, SC, OK, and TX, restricted to the transportation of shipments originating at the above-named facilities.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Harrisburg, PA, or Washington, DC. Common control may be involved.

No. MC 124117 (Sub-No. 26), filed January 3, 1978. Applicant: EARL FREEMAN & MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *malt beverages, related advertising materials, and materials, supplies and equipment used in the manufacture, sale and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk)* between Eden, NC on

the one hand, and, on the other, points in AL, GA, KY, and TN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Eden, NC.

MC 124170 (Sub-No. 75), filed December 30, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *coffee, cocoa, tea and soup from Moonachie, NJ to points in IL, IN, OH, and MI.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in new York City, NY or Washington, DC.

No. MC 124211 (Sub-No. 312), filed January 3, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *such commodities as are dealt in and used by manufacturers or distributors of solar energy systems, parts, and accessories.* Between points in Saunders County, NE, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If oral hearing is deemed necessary, applicant requests it be held at Lincoln, NE.

No. MC 124236 (Sub-No. 85), filed December 29, 1977. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Cement, in bulk, from San Antonio, TX to Bossier City, LA.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, TX.

No. MC 124813 (Sub-No. 179), filed December 3, 1977. Applicant: UTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire retardant materials, except liquids in bulk, from Mason City, IA, to points in IL, IN, KS, MN, MO, NE, ND, SD, and WI.*

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held

at Des Moines, IA, or St. Paul, MN. Applicant holds contract carrier authority in No. MC 118468, therefore dual operations may be involved.

No. MC 124896 (Sub-No. 43), filed January 4, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralston Streets, P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a common carrier, by motor vehicle over irregular routes transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co. located at or near Estherville, Humboldt, and Sioux City, IA and Sioux Falls, SD to points in AL, FL, GA, NC, SC, TN and VA, restricted to traffic originating at the named origins and destined to the named destination states.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 125335 (Sub-No. 7), filed January 4, 1978. Applicant: GOODWAY, INC., P.O. Box 2283, York, PA 17405. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except in bulk), from the plantsite or storage facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, DE, FL, GA, KN, KY, LA, MD, MI, MS, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and MO.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Buffalo, NY, or York, PA.

No. MC 125433 (Sub-No. 138), filed December 28, 1977. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting (1) *self-propelled material handling and construction equipment, (except self-propelled vehicles designed for transporting property or passenger on highways), cranes, and hoisting equipment, (2) attachments, assemblies, sub-assemblies, components and fabrication for the commodities named in (1), (3) parts for the commodities named in*

(1) and (2), from Wausau, WI to WA, OR, CA, ID, NE, AZ, UT, WY, MO, NM, and CO. Restricted to shipments originating at the shipping and storage facilities of the Drott Manufacturing Co. located at or near Wausau, WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL, or Salt Lake City, UT.

No. MC 125551 (Sub-No. 14), filed January 3, 1978. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, MN 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from King, Whatcom, and Skagit Counties, WA, to points in the States of IL, IN, IA, KY, MN, OH, and TN.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at Seattle, WA. Common control may be involved.

No. MC 125777 (Sub-No. 208), filed January 4, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, between Toledo, OH, on the one hand, and, on the other, points in KY, MI, OH, and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 128133 (Sub-No. 18), filed January 5, 1978. Applicant: H. H. OMPS, INC., Route 7, P.O. Box 295, Winchester, VA 22601. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from points in Berkeley County, WV, to points in DE, DC, MD, NJ, NC, PA, OH, VA, and WV.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 128462 (Sub-No. 6), filed January 4, 1978. Applicant: SHULTZ & SON TRUCK LINE, INC., P.O. Box 26, Long Prairie, MN 56347. Applicant's representative: John E. Schultz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in packages, from Lisbon (Waukesha County), WI, to points in MN and ND, restricted to the transportation of shipments originating at the plant of Vulcan Materials Co. in

Waukesha County, WI, under a continuing contract, or contracts, with Vulcan Materials Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 128801 (Sub-No. 5), filed January 9, 1978. Applicant: RONALD SHREINER, P.O. Box 804, R.D. No. 1, Lebanon, PA 17042. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in CO and IL, to Philadelphia, PA, under a continuing contract or contracts with A. Servetnick & Sons, Philadelphia, PA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, PA, or Philadelphia, PA.

No. MC 129387 (Sub-No. 46), filed December 30, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Huron, SD, Worthington, MN, St. Joseph, MO, and Omaha and Madison, NE, to points in FL, GA, AL, and LA. Restriction: Restricted to traffic originating at the facilities of Armour & Co. and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Phoenix, AZ, or Omaha, NE.

No. MC 129387 (Sub-No. 47), filed December 23, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, IA to points in KS, MN, MO, NE, ND, and SD, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held on a consolidated hearing with similar applications at either Washington, DC, or Pittsburgh, PA.

No. MC 133689 (Sub-No. 163), filed December 29, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First

Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at/or near Grand Island and Omaha, NE, Des Moines, Glenwood, Marshalltown, and Sioux City, IA, to points in AL, FL, GA, NC, SC, and TN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 133965 (Sub-No. 9), filed December 9, 1977. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, AZ 85005. Applicant's representative: William J. Lippman, 1819 H Street NW., Suite 550, Washington, DC 20006. Authority sought to operate as a *common carrier* transporting: *Refined petroleum products* (except asphalts, road oils and residual fuels) in tank trucks, from Colton and Niland, CA and from points within 30 miles of First and Main Streets, Los Angeles, CA, to points in AZ (except points in Maricopa County, AZ, and Tucson, AZ) and San Juan, McKinley, Valencia, Catron, Bernalillo, Sandoval, and Rio Arriba Counties, NM.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Los Angeles, CA, or Phoenix, AZ.

No. MC 134022 (Sub-No. 30), filed December 27, 1977. Applicant: RICHARD A. ZIMA, d.b.a. ZIPCO, P.O. Box 715, West Bend, WI 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Cheese, cheese foods, and related specialty food items* (except commodities in bulk) and *materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the above commodities and rejected or damaged shipments on return, between the facilities of Kaukauna Dairy Products located at or near Kaukauna, Town of Vinland, and Little Chute, WI on the one hand and, on the other, points in ME, VT, NH, MS, and DC; and (2) *cheese, cheese foods, and cheese products* (except commodities in bulk) and *materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the above commodities and rejected or damaged shipments on return, between the facilities utilized by Grande Cheese Co. in WI to points

in IL, IN, OH, MO, the lower peninsula of MI, NY, NJ, PA, CT, MA, RI, and Kansas City, KS.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, WI, Milwaukee, WI or Chicago, IL.

No. MC 134131 (Sub-No. 5), filed December 28, 1977. Applicant: R. & S. TRANSIT, INC., 1323 West Locust, Springfield, MO 65803. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural or implement parts* from Bakersfield, CA to points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, SC, TN, and TX; and (2) *Commodities* otherwise exempt under sec. 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle with agricultural or implement parts, from points in AZ and CA to points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, SC, TN, and TX; and (3) *Materials and supplies* used or useful in the manufacture of agricultural or implement parts, from points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, SC, TN, and TX, to Bakersfield, CA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, MO or Bakersfield, CA.

No. MC 134755 (Sub-No. 125), filed January 3, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods* (except in bulk), from Berlin, MD; and Dayton and Lewisburg, OH, to points in AZ, AR, CA, CO, KS, MO, NE, IA, WA, OR, TX, IL, IN, MN, WI, MI, OK, NM, NV, ID, and UT.

NOTE.—Applicant holds motor contract carrier authority in MC 138398 and sub numbers thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO or Dayton, OH.

No. MC 134922 (Sub-No. 248), filed December 30, 1977. Applicant: B. J. McADAMS, INC., Route 8, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by rail (except in bulk, those which because of size or weight require the use of special equipment, foodstuffs, alcoholic, and malt beverages, lumber, tractor, road making machinery, contractor's machinery, equipment and supplies, iron and steel

articles, farm machinery, pipe and wooden posts and poles), between Lanett and Fairfax, AL on the one hand and, on the other, points in the United States (including AK but except HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, it is requested it be held in Washington, DC or Atlanta, GA.

No. MC 134970 (Sub-No. 19), filed December 28, 1977. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Applicant's representative: Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, IA to points in IL, and those in MO on and east of U.S. Highway 63, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Pittsburgh, PA.

No. MC 135082 (Sub-No. 64), filed December 30, 1977. Applicant: BURSCH TRUCKING, INC. d.b.a. ROADRUNNER TRUCKING, INC., P.O. Box 28748, 415 Rankin Road NE, Albuquerque, NM 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials* from the plant-site of the Celotex Corp. located at or near Texarkana, AR to points in NM, MO, KS, OK, TX, LA, AL, FL, GA, MS, CO, WY, MT, AZ, UT, ID, WA, OR, NV and CA; and (2) *Materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of the Celotex Corp. located at or near Texarkana, AR.

NOTE.—Applicant holds contract carrier authority in No. MC 115524 (Sub-No. 2) and sub-numbers thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, FL.

No. MC 135326 (Sub 8), filed December 23, 1977. Applicant: BILLY R. ALMAND, d.b.a. ALMAND TRUCKING CO., P.O. Box 7959, Shreveport, LA 71107. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, particleboard, T1 and wood paneling*; and (2) *materials, equipment, and sup-*

plies used in the manufacture thereof, between the facilities of Georgia Pacific Corp. located in AR and LA on the one hand and, on the other, points in AR, LA, TX, OK, KS, NM, CO, and those in MO on and south of Interstate Highway 70.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, TX.

No. MC 135598 (Sub-No. 9), filed January 3, 1978. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in dump vehicles), from the plantsites of Lowe's, Inc., located in Henry County, TN, Pulaski County, IL, Stoddard County, MO and Scott County, MO, to points in AL, AR, CO, DE, KS, KY, IL, IN, IA, LA, MD, MI, MN, MS, MO, NE, ND, NJ, NY, OH, OK, PA, SD, TN, TX, VA, WV, and WI.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 135684 (Sub-No. 63), filed January 3, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chewing gum and novelties*, from Duryea and Scranton, PA, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Newark, NJ.

No. MC 136511 (Sub-No. 12), filed January 4, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timber Lake Road, Lynchburg, VA 24502. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, from the plantsites and facilities of Stanley Furniture, a Mead Co., located at Waynesboro and Stanleytown, VA, and West End, NC, to points in AL, FL, GA, LA, MS, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, DC, or Roanoke, VA.

No. MC 136766 (Sub-No. 3), filed January 4, 1978. Applicant: CARL DITTFIELD, 33 Drake Street, Hugh-

estown, PA 18640. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded paper and plastic* from Scranton, PA to NY, NJ, MD; Peoria, IL; Maple Heights and Holland, OH; Nitro, WV; Alexandria, VA; and Wakefield, MA; *shredded paper and plastic, paper liners, candy and baking cups, and Easter baskets*, from Wakefield, MA to NY, NJ, MD, PA; Peoria, IL; Maple Heights and Holland, OH; Nitro, WV; Alexandria, VA; and Rock Hill, SC; *scrap plastic*, from Covington, VA, to Wakefield, MA; *machinery* used in the manufacture of shredded paper and plastic between Scranton, PA, and Wakefield, MA, under a continuing contract or contracts with Blyer Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

MC 138225 (Sub-No. 6), filed December 28, 1977. Applicant: HEDRICK ASSOCIATES, INC., R.R. No. 2, Box 10A2, Douglas Road, Far Hills, NJ 07931. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and marine engines*, from the facilities of Chrysler Corp., Marine Division, at or near Beaver Dam, WI, to the facilities of Mack Boring & Parts Co. at or near Union, NJ, restricted to transportation service to be performed under a continuing contract or contracts with Mack Boring & Parts Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 138446 (Sub-No. 11), filed January 5, 1978. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Lane, Davenport, IA 52802. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Louisville, KY, to points in IA and IL.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, IA, or Chicago.

No. MC 138882 (Sub-No. 33), filed January 3, 1978. Applicant: DECKER TRANSPORT CO., INC., 412 Route 23, Pompton Plains, NJ 07444. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Highway marking strip*

glass and balloting, crushed or beaded (except in bulk in tank vehicles), *materials, equipment, and supplies* used in the manufacture and sale of the above named commodities (except in bulk in tank vehicles), between the facilities of Potters Industries Inc., at or near Hawthorne, CA, on the one hand, and, on the other, points in AZ, NV, OR, WA, NM, UT, TX, ND, SD, WY, CO, ID, and MT.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138235, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, NY, or Washington, DC.

No. MC 139193 (Sub-No. 69), filed December 29, 1977. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, IL 60604. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co. at Estherville and Sioux City, IA, to points in IL and WI, and (2) *such commodities* as are used by meat packers in the conduct of their business (except hides and commodities in bulk), from the destination points in (1) above to the facilities of John Morrell & Co. at Estherville and Sioux City, IA, under a continuing contract or contracts in (1) and (2) above with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 139584 (Sub-No. 13), filed December 27, 1977. Applicant: JOHN BUSCH, Box 211, Conyngham, PA 18219. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood turnings* used in the manufacture of furniture, cutting boards, and unfinished wood products from West Hazleton, PA, to points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and CA, TX, and CO.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Washington, DC.

No. MC 140581 (Sub-No. 19), filed December 30, 1977. Applicant: TOMMY HAGWOOD, d.b.a. Hagwood Enterprises, Route 1, Box 222-A, Trafford, AL 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* (except trailers), in truckaway service, between Houston and San Antonio, TX, on the one hand, and, on the other, points in the United States (except TX, AK, and HI).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Houston, TX.

No. MC 140660 (Sub-No. 4), filed January 3, 1978. Applicant: DONALD W. COLE, Rural Route No. 1, Winthrop, MN 55396. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Alexandria, MN, to points in ND and SD.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, OK.

No. MC 141124 (Sub-No. 13), filed January 3, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *T3 common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts, panels, hardware, electrical control parts, steel channels, and equipment, materials, and supplies* used or useful in the manufacture and sale thereof, except commodities in bulk, (1) between the plantsites and facilities of Overhead Door Corp. and its subsidiaries in Cortland, NY; Lewistown, PA; Salem, OR; Grand Island, NE; Sacramento, CA; Los Angeles, CA; Athens, GA; Covington, KY; Dallas and Fort Worth, TX; Marion, OH; and Hartford and Shelbyville, IN, and (2) between the origins specified in (1) above, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, OH.

No. MC 141804 (Sub-No. 95), filed January 5, 1978. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

lar routes, transporting: *Pipe fittings, connectors, and valves* from (1) Sun Valley, Bakersfield, and Santa Ana, CA, to points in and east of MN, IA, MO, AR, and LA, and (2) Cleveland, OH, to Sun Valley, Bakersfield, and Santa Ana, CA; Atlanta, GA; Houston and Dallas, TX; and Kansas City, MO. Restricted against the transportation of commodities which because of their size and weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Nashville, TN, or Los Angeles, CA.

No. MC 141804 (Sub-No. 96), filed January 5, 1978. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422 Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Plastic lids, dishes, tumblers, styrofoam bottles and articles* used in the manufacture and distribution thereof from Mount Sterling, Ohio to City of Industry, CA; Renton, WA, and Phoenix, AZ.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, TN or Phoenix, AZ.

No. MC 141914 (Sub-No. 29), filed January 9, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108A Big Cabin, OK 74332. Applicant's representative: Kathrena J. Franks (same address as applicant). Authority sought by applicant to operate as a common carrier, by motor vehicle, in interstate and foreign commerce, over irregular routes transporting: *Floor coverings (except carpeting and rugs) and the adhesives used in the installation thereof* from the ports of entry located on the International Boundary line between the United States and Canada, located at or near Champlain, NY, to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the plantsite and storage facilities of Domco Industries, Ltd., at or near Farnham, PQ, Canada.

NOTE.—If a hearing is deemed necessary, it is requested that it be held in Tulsa, OK.

No. MC 142059 (Sub-No. 16), filed December 28, 1977. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment or handling, from the plantsite, warehouse, and storage facilities of the Rockcastle Steel Corp., located in

Rockcastle County, KY, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Louisville, KY or Cincinnati, OH.

No. MC 142330 (Sub-No. 9), filed January 5, 1978. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Applicant's representative: John Guandolo, 1000 Sixteenth Street NW., Washington, DC 20036. Authority is sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Advertising media, copy source documents and related items*, between Jacksonville, Miami, Orlando, and Tampa, FL, on the one hand, and, on the other, all points in FL, restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, DC or Birmingham, AL.

No. MC 142368 (Sub-No. 10), filed January 3, 1978. Applicant: DANNY HERMAN TRUCKING, INC., 15252 Valley Boulevard, City of Industry, CA 91744. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hides and skins* from Amarillo, TX, to points in AZ, CA, ME, MA, MI, MN, NY, TN, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 142516 (Sub-No. 4), filed December 28, 1977. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a contract carrier, over irregular routes, transporting: *Plastic articles and materials, equipment and supplies* used in the manufacture and sale of plastic articles (except commodities in bulk), between Farmingdale, NY, Atlanta, GA, Irving and Houston, TX, Wallingford, CT, Akron, OH, Oak Brook, IL, Newark and Belvidere, NJ, on the one hand, and points in the United States (except AK and HI), under continuing contract or contracts with Polymer Materials, Inc., Farmingdale, NY.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, NY or Washington, DC.

No. MC 142704 (Sub-No. 3), filed December 29, 1977. Applicant: TRANS-TECH, INC., 516 Cerre Street, St. Louis, MO 63102. Applicant's representative: Robert Neihelser, 516 Cerre Street, St. Louis, MO 63102. Authority sought to operate as a contract carrier,

by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, and (2) *materials and supplies* used in the manufacture and distribution of glass containers (except commodities in bulk), (1) from Terre Haute, IN, to St. Louis, MO, and (2) from the St. Louis, MO-East St. Louis, IL, commercial zone, to Terre Haute, IN, under a continuing contract, or contracts, with Midland Glass Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, MO, or Terre Haute, IN.

No. MC 142715 (Sub-No. 8), filed December 30, 1977. Applicant: LENTERTZ, INC., 411 Northwestern National Bank Building, South St. Paul, MN 55075. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles* distributed by meat packinghouses as described in sections A, B and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 786 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of John Morrell & Co., at or near Estherville, IA, Humboldt, IA, Sioux City, IA, St. Paul, MN, and Sioux Falls, SD, to points in AL, FL, GA, MS, NC, SC and TN. Restriction: Restricted to the transportation of shipments originating at the above named plantsites and storage facilities and destined to the above named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 143059 (Sub-No. 11), filed January 9, 1978. Applicant: MERCER TRANSPORTATION CO., a Texas Corporation, 12th and Main Streets, P.O. Box 11129, Louisville, KY 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, and fittings*, from Colfax, NC, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY, or Washington, DC.

No. MC 143078 (Sub-No. 1), filed November 28, 1977. Applicant: EMPIRE WELDING SUPPLY CO., INC., 4810 Vasquez Blvd., Denver, CO 80216. Applicant's representative: Larry K. Prizell (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, liquid in bulk, in pressurized tank

vehicles, from the plantsite of Wycon Chemical, at or near Cheyenne, WY, to Denver, CO, under a continuing contract, or contracts, with Airco Industrial Gases.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Denver, CO, or Cheyenne, WY.

No. MC 143145 (Sub-No. 2), filed December 29, 1977. Applicant: SUPER SPEED AIR FREIGHT, INC., 7015 Carolina Lane, Vancouver, WA 98664. Applicant's representative: Ron R. Fundingsland, 1105 Commonwealth Building, 421 S.W. Sixth, Portland, OR 97204. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk), between Portland International Airport (OR) on the one hand and, on the other, Camas, Washougal, Battleground, Ridgefield, Woodland, Kalama, Longview, Kelso, WA, and Astoria, Warrenton, Clatskanie, Rainier, Scappoose, Goble, St. Helens, and Seaside, OR, restricted to the transportation of shipments having an immediate prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Portland, OR.

No. MC 143270 (Sub-No. 2), filed November 16, 1977. Applicant: SPEEDY MESSENGER AND DELIVERY SERVICE, Route 4, Box 39 Oldtown Rd., Cumberland, MD 21502. Applicant's representative: John J. Coyle, Jr., P.O. Box 839, 110 Washington St., Cumberland, MD 21502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, computer prints, manuals, books, samples, and replacement parts*, between Cumberland, MD; Creighton, Harmarville, Philadelphia, Pittsburgh, Meadville, Keibert Park, Mount Holly Springs, and Carlisle, PA; under continuing contract or contracts with: Pittsburgh Plate Glass Industries, Inc.; Chesapeake and Potomac Telephone Co. of Maryland; Kelly-Springfield Tire Co.; Tristate Oxygen Service; White Haines Optical Co.; American Truck Parts, Inc.; McDonald's Auto Electric & General Repair Service; Virginia Avenue Gulf. Restricted against the transportation of packages or articles weighing in the aggregate more than (50) pounds from one consignor to one consignee on any one day.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, Wheeling, WV, or Baltimore, MD.

No. MC 143458 (Sub-No. 2), filed January 4, 1978. Applicant: L.T.

MADDOX, d.b.a. PRONTO TRUCKIN', P.O. Box 815, Millbrook, AL 36054. Applicant's representative: L. T. Maddox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides*, from points in GA, TN, SC, FL, AL to points in CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, AL or Atlanta, GA.

No. MC 143590 (Sub-No. 4), filed January 4, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, particleboard, hardboard, mouldings, plastic articles, and the accessories used in the installation thereof*, from Norfolk, VA, to points in DC, MD, NY, NJ, PA, RI, DE, CT, MA, VT, NH and ME.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, NH, or Boston, MA.

No. MC 143685 (Sub-No. 2), filed December 27, 1977. Applicant: SCRAP METALS TRUCKING, INC., P.O. Box 1451, Portsmouth, OH 45812. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, Box 97, Dublin, OH 43017. Authority sought to operate as a *contract motor carrier*, over irregular routes, transporting: *Scrap iron and steel*, in dump vehicles, between the facilities of Portsmouth Iron and Metal Co., Portsmouth, OH and the facilities of Connors Steel Co., Huntington, WV, under a continuing contract or contracts with Portsmouth Iron and Metal Co., Portsmouth, OH.

NOTE.—If a hearing is required, applicant states a preference for Columbus, OH.

No. MC 143739 (Sub-No. 2), filed December 28, 1977. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Albert Lea, MN to points in IL, restricted to the transportation of traffic originating at the above named origin and destined to the named destination State.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Dallas, TX or Kansas City, MO.

No. MC 143772 (Sub-No. 1), filed December 30, 1977. Applicant: H. & W. TRUCKING CO., INC., P.O. Box 38, Ona, WV 25545. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine machinery, used mine machinery and parts thereof*, between the plantsite of the Stamler Corp. at or near Millersburg, KY on the one hand and, on the other, points in the United States (except AK, HI, and DC) under a continuing contract or contracts with the Stamler Corp. located at Millersburg, KY.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Charleston, WV or Columbus, OH.

No. MC 143810 (Sub-No. 1), filed January 4, 1978. Applicant: SALCOM TRUCKING, INC., 3800 Independence Avenue, Bronx, NY 10463. Applicant's representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, and materials, equipment and supplies used or useful in the manufacture, sale and distribution of wearing apparel* (except in bulk), between points in the New York, NY commercial zone as defined by the Commission on the one hand and, on the other, points in GA, MS, NC, SC, TN and TX, under a continuing contract or contracts with Adam Lyon Industries, Inc., located at New York, NY. Applicant's representative:

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, NY.

No. MC 143889 (Sub-No. 1), filed January 9, 1978. Applicant: LARRY M. MURPHY, d.b.a. Ellis Moving & Storage, 1601 Ft. Campbell Boulevard, Clarksville, TN 37040. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Montgomery, Robertson, Houston, Dickson, Cheatham, Stewart, Sumner, Macon, Trousdale, Wilson, Davidson, Williamson, Smith, and Dekalb Counties, TN, and Trigg, Caldwell, Christian, Todd, and Logan Counties, KY, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Clarksville, TN.

No. MC 144032 (Sub-No. 2), filed December 27, 1977. Applicant: R & S TRUCKING, INC., Rural Route 1, Box 123, Garretson, SD 57030. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaged edible meat*, between Omaha, NE and points in CA. Restriction: The above traffic is restricted to shipments originating at or destined to the plant-site and production facility of H. Shenson, Inc. in Omaha, NE; and (2) *Fresh beef briskets*, in mixed loads with fresh beef, from the plantsite of Columbia Foods, Inc. at Wallula, WA, and Boise, ID; and from the plantsite of Armour Foods Co. at or near Nampa, ID to Omaha, NE. Restriction: The above traffic is restricted to shipments originating at the designated origins and destined to the H. Shenson, Inc. facility in Omaha, NE. All of the above authority is to be performed under a continuing contract, or contracts, with H. Shenson, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Omaha, NE.

No. MC 144053 (Sub-No. 1), filed January 3, 1978. Applicant: DON MUMMA TRUCKING, INC., Rt. 2, Box 143M, Spokane, WA 99207. Applicant's representative: Don Mumma (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used commercial trailers and trailer chassis* by towaway service, between Spokane County, WA, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, and MT.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Spokane, WA, Yakima, WA, or Seattle, WA.

No. MC 144060 (Sub-No. 1), filed December 9, 1977. Applicant: AMERICAN EQUIPMENT TRANSPORTATION CORP., 1517 Bunbury Drive, Whittier, CA 90603. Applicant's representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Office furniture, office equipment, office furnishings and office supplies*. (1) From the plant site and manufacturing facilities of Oxford Pendaflex Corp. in Garden City, NY and Moonachie and Parsippany, NJ to the other plant and warehouse facilities of Oxford Pendaflex Corp. located at or near Augusta, GA; St. Louis, MO and Buena Park, CA, under continuing contract or contracts with Pendaflex Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, NY.

MC 144128 filed December 27, 1977. Applicant: ELLIOTT, INC. OF CLARKSVILLE, P.O. Box 342, Clarks-ville, VA 23927. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets and particle board*, from points in VA, NC, SC, and KY, to points in FL, GA, SC, NC, VA, TN, KY, WV, IN, OH, MI, IL, PA, DC, MD, DE, NJ, NY, CT, MA, RI, VT, and NH, under a continuing contract or contracts with Butler Lumber Co., Butler Land & Timber Co., Inc., McCoy Lumber Industries, Inc., Plunkett & Webster Lumber Co., Stanley Land & Lumber Corp. and R. S. Ponton Wood Products.

NOTE.—If hearing is deemed necessary, applicant requests it be held in Richmond, VA.

No. MC 144130 (Sub-No. 1), filed December 29, 1977. Applicant: RUSSELL GRILLS, d.b.a. GRILLS TRUCKING, 2225 East 33 Avenue, Vancouver, BC, Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shakes and shingles* from ports of entry on the U.S. international boundary line at or near Blaine, WA, to points in CA, restricted to traffic moving under a continuing contract or contracts with Bestwood Industries, Ltd.; (2) *foundry supplies*, in sacks and drums, including moulding sand, coated sand, foundry facing, coal dust, sea coal, and carbon raiser from Oakland, Ione, and Rodeo, CA, to ports of entry on the United States-Canada boundary line at or near Blaine, WA, moving under a continuing contract or contracts with Balfour Guthrie (Canada), Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, WA.

No. MC 144133 (Sub-No. 2), filed January 3, 1978. Applicant: PRESS-COTT TRUCKING CORP., 218 Oak Street, Elizabeth, NJ 07201. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile picture kits*, from Lynchburg, VA; Madison Heights, VA; Pawtucket, RI; Taylorsville, Statesville, Greenville, Aberdeen, and Williamston, NC; Greenville, Lugoff, Simpsonville, Wateree, Kingstree, and Williamston, SC, to points in NJ, CO, MA, RI, under a continuing contract with N. Erlanger, Blumgart & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, NY.

No. MC 144141, filed December 29, 1977. Applicant: 3 W TRUCKING, INC., 1208 North First Street, P.O. Box 2382, Yakima, WA 98901 (98902). Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable packaging supplies and materials*, between points in WA, OR, ID, and MT, and from points in Colusa, Glenn, Sacramento, Tehama, and Yolo Counties, CA, to points in OR, WA, ID, and MT, restricted to service to be performed under a continuing contract or contracts with H. R. Spinner, Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, WA.

No. MC 144156, filed January 9, 1978. Applicant: FOODCRAFTERS DISTRIBUTING CO., a corporation, 3100 Northwest 62nd Street, Miami, FL 33147. Applicant's representative: Bernard C. Pestcoe, Esq., Suite 511, Biscayne Building, 19 West Flagler Street, Miami, FL 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or in tank vehicles), between points in CO, DE, GA, MD, MA, NJ, NY, NC, PA, RI, SC, and VA, on the one hand, and on the other, points in FL, under a continuing contract with Fine Distributing Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Miami, FL, or Washington, DC.

Docket No. 144179, filed December 27, 1977. Applicant: LAWRENCE EVERS, P.O. Box 176, Darby, MT 59829. Applicant's representative: William E. O'Leary, 631 Helena Avenue, Helena, MT 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages in bottles, cans, and kegs, and empty containers and pallets on return*; and (2) *wine*, from the ports of entry on the international boundary line located between the United States and Canada located in WA, ID, and MT, to MT, ID, and WY. Restricted in (1) to traffic originating at the Carling-O'Keefe Brewery facilities located at or near Vancouver, BC; Calvery, AB; and SK, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Missoula, MT or Helena, MT.

PASSENGER

No. MC 143496 (Sub-No. 1), filed December 27, 1977. Applicant: UNITED COACH CO. OF TIDEWATER, INC.,

112 South 7th Street, Suffolk, VA 23437. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending in Suffolk, Portsmouth, Chesapeake, Virginia Beach, Norfolk, Newport News, Hampton, and York, James City, Surry, Isle of Wight, Sussex, Southampton, and Greenville Counties, VA, and extend-

ing to points in the United States (except AK and HA).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at both Suffolk and Norfolk, VA.

By the Commission.¹

¹ EDITORIAL NOTE.—Volume Nos. 63 and 64 will be published in the FEDERAL REGISTER on Friday, February 24, 1978.

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

[FR Doc. 78-4821 Filed 2-22-78; 8:45 am]

sunshine act meetings

This section FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552(e)(3).

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[6320-01]

1

[M-101]

FEBRUARY 16, 1978.

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m.—February 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

1. Ratification of items adopted by notation.
2. Docket 30885, Northwest's application for Chicago-Washington fill-up authority (Memo No. 6980-H, BOR, OGC).
3. Dockets 30693 and 30723, Standard and Transocean—Exemptions to engage in supplemental air transportation (Memo No. 7690, BOR, OGC).
4. Docket 19176, Petition for modification of order approving acquisition of control of Trans International Airlines, Inc., by Transamerica Corp. (Memo No. 7774, BOR, OGC).
5. Docket 30332, Agreement CAB 26883, IATA agreement proposing increase in North/Central Pacific cargo rates (Memo No. 5761-F, BFR, BIA).
6. Docket 29123, Agreement CAB 26434, R-1 and Docket 30777, Agreement CAB 27019, R-1 through R-28, IATA agreements proposing fare increases in U.S.-South/Central America longhaul fares; and Docket 29123, Pan American petition for reconsideration of Order 77-12-87 (Memo No. 7633-A, BFR, BIA).
7. Docket 30332, Pan American petition for reconsideration of disapproved U.S.-Caribbean/South and Central America cargo rates (Memo No. 7532-A, BFR, BIA).
8. Docket 30332, Pan American petition for reconsideration of disapproved U.S.-Indian subcontinent cargo rate increases (Memo No. 7588-A, BFR, BIA).

9. Alaska Airlines' petition for review of staff action rejecting tariff filing (Memo No. 7769, BPDA).
10. Docket 32004, Fare increases recently implemented by Wien (BPDA).
11. Docket 22387, Draft Order in the *Investigation of Air Express Rates* (Memo No. 4500-C, BPDA).
12. Dockets 30528, 31778, 31849, 31934, 31939, 31940, 31961, 31983, and 32106, Applications by TWA and Pan American to continue suspensions and exemptions involved in their route exchange agreement (BPDA, BIA, OGC).
13. Docket 28196, *California-Alberta Route Proceeding* (request for instructions) (Memo No. 7332-C, BIA For Information Memo dated 2/8, OGC, BIA).
14. Docket 31108, *Surinaamse Luchtvaart Maatschappij, N.V.* (Surinam Airways Limited) (OGC, BIA).
15. Docket 29740, *Belize Airways Ltd.*—Petition for Reconsideration (Memo No. 7207-A, OGC, BIA).
16. Docket 30309, Atlanta-Charleston Competitive Nonstop Case—Order on Discretionary Review (Memo No. 7753, OGC, OEA).
17. Docket 21488, *Spokane-Montana Points Service Investigation*—Order on Discretionary Review (Memo No. 7766, OGC).
18. Docket 31229, Charter Flight delays and substitute transportation (Memo No. 7611-B, OGC).
19. Recommended proposed rule defining "handicapped" and "retired" persons for the purposes of Section 8(a) of the 1977 Federal Aviation Amendments (Memo No. 7772, OGC).
20. Docket 31737, Amendment of Part 300 on Separation of Functions (request for instructions) (OGC).
21. Docket 298, Proposed order reviewing section 1104 order from the 1940's (OGC).
22. Freedom of Information Act appeals from Herbert Rosenthal and Mary DeOreo for Section "902.F" material (OGC, BOE).
23. Transfer of Functions From the Bureau of Administrative Law Judges (OGC, OS, BLJ, OC, BPDA, BIA, Managing Director).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary,
202-673-5068.

[S-403-78 Filed 2-21-78; 9:19 am]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 28, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Parts will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Proposed Memorandum of Understanding between the Federal Communications Commission (FCC) and EEOC concerning exchange of information and processing of discrimination charges filed against broadcasters.
2. Procedures for providing assistance in obtaining attorneys to parties who have filed charges of discrimination; Proposed Section 81 of Compliance Manual.
3. Progress report on non-model and model office performance.
4. Report on training for field managers.

Part closed to the public:

Litigation Authorization; General Counsel Recommendations; Matters closed to the public under §1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer,
Executive Secretariat, at 202-634-6748.

This notice issued February 21, 1978.

[S-412-78 Filed 2-21-78; 2:13 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Published February 17, 1978, 43 FR 7082).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 22, 1978, 10 a.m.

CHANGE IN MEETING: Addition of Item FR-10, Docket No. ES78-8, El Paso Electric Co.

KENNETH F. PLUMB,
Secretary.

[S-411-78 Filed 2-21-78; 2:13 pm]

[6720-01]

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., February 22, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED: Consideration of Recommendation for Designation of a Supervisory Agent—Federal Home Loan Bank of New York.

Announcement is being made at the earliest practicable time.

No. 136, February 17, 1978.

[S-402-78 Filed 2-21-78; 9:19 am]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: February 18, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573

STATUS: Open.

MATTERS TO BE CONSIDERED: Status of Pacific Far East Lines as holder of certificates of financial responsibility for passenger vessel operation.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-405-78 Filed 2-21-78; 10:15 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 28, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, February 28, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meet-

ing Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-408-78 Filed 2-21-78; 11:12 am]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday February 28, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of a proposed trade regulation rule regarding television advertising to children.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-409-78 Filed 2-21-78; 11:12 am]

[7030-01]

8

INDIAN CLAIMS COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 6716, February 15, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:15 a.m., February 23, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

CHANGE IN THE MEETING: The following items have been added: Dockets 250-A and 279-C, Fort Belknap and Blackfeet and Gros Ventre.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone: 202-653-6184.

[S-406-78 Filed 2-21-78 10:20 am]

[7030-01]

9

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., March 1, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public:

Dockets 250-A and 279-C, Fort Belknap and Blackfeet and Gros Ventre.

Docket 300-A, Stockbridge Munsee Community.

Docket 301 (Claims 3 through 7), Oneida Nation.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Telephone 202-653-6174.

[S-407-78 Filed 2-21-78; 10:20 am]

10

BOARD OF DIRECTORS MEETING

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4a. of Appendix A of the bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on March 1, 1978.

A. The meeting will be held on Wednesday, March 1, 1978, in the Yorktown Room of the Hyatt Regency Hotel, 400 New Jersey Avenue, NW., Washington, D.C., beginning at 1:30 p.m. The portion of the meeting beginning at 1:30 p.m. will be closed to the public, during which time the Board will consider agenda items Nos. 1, 2, and 3, as identified below.

B. The meeting will be open to the public beginning at 3 p.m. starting with agenda item No. 4, as identified below.

C. The agenda items to be discussed at the meeting follow:

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION

MEETING OF THE BOARD OF DIRECTORS—MARCH 1, 1978

1:30—Closed Session

1. Internal personnel matters.
2. Litigation matters.
3. Fare increase strategy.

3:00—Open Session

4. Approval of minutes of regular meeting of January 25, 1978, and special meeting of February 8, 1978.
5. DOT restructuring study.
6. Commitment approval requests: 78-61—Station improvement, Little Rock, Ark.
7. President's reports:
 - A. Operations: (1) National operations, (2) Operations support, (3) Northeast corridor operations.
 - B. Marketing.
 - C. Government affairs.
 - D. Other.
8. Financial reports.
9. General fare increase.
10. Amendment to resolutions delegating voting authority.
11. Approval of 1978 board meeting dates.
12. New business.
13. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's bylaws should be directed to the Corporate Secretary at 202-383-3973.

Dated: February 17, 1978.

ELYSE G. WANDER,
Corporate Secretary.

[S-404-78 Filed 2-21-78; 9:19 am]

[4910-58]

11

[NM-78-101]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 2 p.m., Monday,
February 27, 1978.

PLACE: NTSB Board Room, National
Transportation Safety Board, 800 In-
dependence Avenue SW., Washington,
D.C. 20594

STATUS: Closed under Exemption 9b
of the Government in the Sunshine
Act. (A majority of the Board has
voted that this meeting may be closed
and that no earlier notice was possi-
ble.)

MATTER TO BE CONSIDERED:

Safety Effectiveness Evaluation of the
National Accident Sampling System.

CONTACT PERSON FOR MORE IN- FORMATION:

Sharon Flemming, 202-472-6022.

[S-414-78 Filed 2-21-78; 3:05 pm]

[4910-58]

12

[NM-78-111]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thurs-
day, March 2, 1978.

PLACE: NTSB Board Room, National
Transportation Safety Board, 800 In-
dependence Avenue SW., Washington,
D.C. 20594.

STATUS: The first three items will be
open to the public; the fourth item
will be closed under Exemption 9b of
the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Railroad Special Study: A Review of Pe-
destrian Fatalities on the Nation's Rail-
roads—Phase I.

2. Letter to the Federal Aviation Adminis-
tration re proposed Airworthiness Directives
76-SW-41 and 76-SW-52.

3. Closeout of Recommendation No. A-72-
226.

4. Safety Effectiveness Evaluation of the
National Accident Sampling System.

CONTACT PERSON FOR MORE IN- FORMATION:

Sharon Flemming, 202-472-6022.

[S-415-78 Filed 2-21-78; 3:05 pm]

[7710-12]

13

BOARD OF GOVERNORS

POSTAL SERVICE.

The Board of Governors of the
United States Postal Service, pursuant
to its bylaws (39 CFR 7.5) and the
Government in the Sunshine Act (5
U.S.C. 552b), hereby gives notice that
it intends to hold a meeting at 9 a.m.
on Wednesday, March 1, 1978, in the
Benjamin Franklin Room, 11th Floor,
Postal Service Headquarters, 475 L'En-
fant Plaza SW., Washington, D.C.
20260. Except as indicated in the fol-
lowing paragraphs, the meeting is
open to the public. The Board expects
to discuss the matters stated in the
Agenda which is set forth below. Re-
quests for information about the meet-
ing should be addressed to the Secre-
tary of the Board, Louis A. Cox, at
202-245-4632.

On February 7, 1978, the Board of
Governors of the United States Postal
Service unanimously voted to close to
public observation a portion of the
March 7, 1978, meeting. (At that time
the March meeting was scheduled for
March 7, 1978. The meeting date has
been changed to March 1.) Each of the
members of the Board voted in favor
of partially closing the meeting, which
is expected to be attended by the fol-
lowing persons: Governors Wright,
Holding, Ching, Coddling, and Har-
desty; Postmaster General Ballar;
Deputy Postmaster General Bolger;
Secretary to the Board Cox; and
Senior Assistant Postmaster General
(Employee and Labor Relations)
Conway.

The portion of the meeting to be
closed will consist of a discussion of
the Postal Service's possible strategies
and positions in anticipated collective
bargaining negotiations involving par-
ties to the 1975 National Agreement
between the Postal Service and four
labor organizations representing cer-
tain postal employees, which is sched-
uled to expire in July of 1978.

AGENDA

1. Minutes of the previous meeting.

2. Remarks of the Postmaster General.

(In keeping with its consistent practice,
the Board's agenda provides this opportu-
nity for the Postmaster General to inform
the members of miscellaneous current de-
velopments concerning the Postal Service.
He might report, for example, the occur-
rence of a recent Congressional hearing,
the appointment or assignment of a key
official, or the effect on postal operations
of unusual weather or a major strike in
the transportation industry. Nothing that
requires a decision by the Board is
brought up under this item.)

3. Discussion of Postmaster General Ballar's
resignation.

(The Governors of the Postal Service
will discuss possible actions that they may

wish to take in the light of Postmaster
General Ballar's announcement of Febru-
ary 16 that he intends to resign as Post-
master General. It is possible that the
Governors may decide to take action
which may result in the appointment of a
new Postmaster General. If the Governors
should decide to discuss the possible ap-
pointment of a new Postmaster General at
the March 1 meeting, it is possible they
may wish to vote on whether to close part
or all the portion of the meeting that may
be devoted to the discussion of this sub-
ject.)

4. Discussion of strategies and positions in
collective bargaining negotiations.

(Mr. Conway, Senior Assistant Postmas-
ter General, Employee and Labor Rela-
tions Group, will discuss with the Board
possible strategies and positions in anti-
cipated collective bargaining negotiations
for a new labor agreement. As stated
above in the notice of meeting, the part of
the meeting that will be devoted to this
matter will be closed to the public.)

NOTE—As indicated above, the part of
the meeting devoted to Item 4 will be
closed to the public and some or all of
the part of the meeting devoted to Item
3 may also be closed to the public. All of
the portion of the meeting which is de-
voted to the following items will be
open. This portion of the meeting is ex-
pected to commence at 1 p.m.

5. Proposed request to Postal Rate Commis-
sion on a surcharge for nonstandard first-
class and single piece third-class mail.

(Mr. McCaffrey, Assistant Postmaster
General for Rates and Classification De-
partment, will present a proposed filing
with the Postal Rate Commission request-
ing a Recommended Decision to establish
a surcharge for first-class mail weighing
one ounce or less, and for single third-
class mail weighing two ounces or less,
which has a height to length ratio which
does not fall between 1:1.3 and 1:2.5 inclu-
sive or which exceeds 6.125 inches in
height, 11.5 inches in length, or 0.25
inches in thickness. When these size
standards were recommended by the
Rate Commission and approved by the
Governors as part of the Domestic Mail
Classification Schedule, in the spring of
1976, it was understood that a surcharge
for these categories of nonstandard mail
would not become effective for at least
two years after the date of the Commis-
sion's Recommended Decision (i.e., until
at least April 15, 1978.)

6. Capital investment projects.

a. Mr. Maevis, Assistant Postmaster Gen-
eral, Real Estate and Buildings Depart-
ment, will present a proposal to author-
ize an additional investment to complete
the rehabilitation and mechanization of
Morgan Station in New York City.

b. Mr. Maevis will present a proposal to
authorize an additional investment to
complete the rehabilitation and mecha-
nization of South Boston Postal Annex
Complex in Boston, Mass.

c. Mr. Braughton, Assistant Postmaster
General, Delivery Services Department,
will present a proposal to authorize an
investment to purchase 246 truck trac-
tors.

7. Report on employee and labor relations.

(Mr. Conway, Senior Assistant Postmas-
ter General, Employee and Labor Rela-
tions Group, will present a report on de-
velopments in postal labor relations and
matters of organizational structure.)

8. Report on proposed annual testimony to legislative committees.

(Mr. Finch, Assistant Postmaster General, Government Relations Department, will provide an account of anticipated Postal Service testimony before the cognizant Congressional Committees in the light of the requirement enacted by the Postal Reorganization Act Amendments of 1976 that the Postal Service should appear by not later than March 15 of each year before these Committees "to submit information which any such committee considers necessary to determine the amount of funds to be appropriated for the operation of the Postal Service, and to present testimony and respond to questions with respect to [the Postal Service's budget and Annual Comprehensive Statement]."

LOUIS A. Cox,
Secretary.

[S-410-78 Filed 2-21-78; 2:44 pm]

[7905-01]

14

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9:30 a.m., March 7, 1978.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Ill.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

- (1) Annual comprehensive review of the Board's Actuarial Advisory Committee for calendar year 1977.
- (2) Dissemination to public through Social Security of information on reduction of Tier I portion by amount of Social Security benefit.
- (3) Retroactivity of coverage ruling relating to service performed for The Kansas City Southern Railway Co. under certain contracts with Trans-Mark Services, Inc., and Servitron, Inc.
- (4) Revised "Notice of Annuity Award" Form RL-20.

Portions closed to the public:

- (5) Appeal from referee's denial of annuity application, Frank G. Kurka.
- (6) Appeal from referee's denial of disability annuity application, Clair V. McWilliams.
- (7) Appeal of denial of waiver of recovery of overpayment, Alfred S. Ross.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, Com No. 312-751-4920, FTS No. 387-4920.

[S-413-78 Filed 2-21-78; 2:44 pm]

THURSDAY, FEBRUARY 23, 1978
PART II



DEPARTMENT
OF HEALTH,
EDUCATION,
AND WELFARE

Office of Education

■

TEACHER CORPS
PROJECT

Development and Operation

Teacher Corps Project

[4110-02]

Title 45—Public Welfare

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

PART 172—TEACHER CORPS

Grants

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This regulation implements Title V-A of the Higher Education Act of 1965, as amended, and governs grants to institutions of higher education, local educational agencies, and State educational agencies to develop and operate Teacher Corps projects. The purpose of Teacher Corps projects is to strengthen the educational opportunities available to children in areas having concentrations of low-income families and to encourage colleges and universities to broaden their programs of teacher preparation and to encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers and teacher aides. This regulation clarifies the new directions established for Teacher Corps by the Education Amendments of 1976. In general this regulation reflects: (1) Increased attention to improving the school/learning climate through Teacher Corps projects, (2) emphasis on reforming the training and retraining of educational personnel through Teacher Corps projects, and (3) a greater focus on demonstration, documentation, institutionalization, and dissemination of the results of Teacher Corps projects. Major program changes which resulted from the Education Amendments of 1976 include: (1) Increasing the project length from two to five years, (2) increasing the collaboration among local educational agencies, institutions of higher education, and communities in the development and carrying out of projects, and (3) greater emphasis on local determination of project objectives and design.

EFFECTIVE DATE: Under section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject to that section shall become effective on the 45th day following the date of transmission to the Congress, subject to the provisions in the section concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Russell Wood, Deputy Director,

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SUPPLEMENTARY INFORMATION: Section 503 of the Education Amendments of 1973 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by the Commissioner or the Secretary after June 30, 1965 in connection with, or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, concerning this study; and to publish in the FEDERAL REGISTER these rules, regulations, guidelines, interpretations, and orders with an opportunity for public hearing on the matters published. This regulation reflects the results of this study as it relates to the Teacher Corps. Upon publication of Part 172, all preceding rules, regulations, guidelines and other published interpretation and orders issued in connection with or affecting the program (except for 12th cycle continuation grants) will be superseded. This regulation does not apply to 12th Cycle Teacher Corps Projects because first year grants for these projects were made for fiscal year 1977 under previously published funding criteria. Continuation grants for the second (final year) of these 12th cycle projects, which will be awarded for fiscal year 1978, are not subject to this regulation.

Overview of the program and regulation. This regulation contains rules and criteria governing grant awards by the Commissioner to institutions of higher education, local educational agencies and State educational agencies. These grants are designed to: (a) Strengthen the educational opportunities available to children in areas having concentrations of low-income families; (b) encourage colleges and universities to broaden their programs of teacher preparation; and (c) encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel. Part 172 applies to all grant awards (except 12th cycle continuation grants) made after its effective date with funds appropriated to carry out the "Teacher Corps" program.

Summary of major issues. This regulation implements significant changes in the Teacher Corps program. The following changes are particularly significant and stem primarily from the Education Amendments of 1976 (Pub. L. 94-482):

(1) **Project length.** In § 172.30 of the regulation, the term of a Teacher Corps project is extended from the

present two years to the newly authorized five years. The two-year limitation was placed on projects before 1974 when they were primarily concerned with graduate level pre-service training of teacher-interns in master of arts-type projects. Section 513(a)(1) of the statute was amended to authorize a project length of five years. The newly authorized five-year project duration will give all parties concerned with a Teacher Corps project (i.e., an institution of higher education, a local educational agency and a community council) sufficient time to plan a worthwhile project, carry it out, document it, and disseminate the results.

(2) **Community council.** Section 513(e) of the statute requires the full participation of an elected community council in planning, carrying out, and evaluating a Teacher Corps project. Section 172.14(c) of the regulation permits the temporary use of a community council elected for purposes other than the Teacher Corps project (e.g., community council elected to participate in a Title I, ESEA or a bilingual education project) to serve as a Teacher Corps project council for a maximum of three months after the date of the initial grant award. Thus, § 172.14 provides for useful community contributions to early project planning, without requiring a special community election before the award of a project grant. Past experience shows that only one out of every two or three project applications is finally approved for funding. Therefore, postponing the election of a permanent community council minimizes the creation of unwarranted expectations on the part of communities that are seeking projects. At the same time, a Teacher Corps community council must be elected early in the planning year (the first year of every project) so as to participate in designing the project in collaboration with the participating local educational agency and institution of higher education.

Section 172.104 of the regulation requires that the community council for youth advocacy projects must include representation of the parents of juvenile delinquents and youth offenders who are participating in the project.

(3) **Reduction of Federal support.** Under § 172.31 of the regulation, Federal support of a Teacher Corps project is reduced during the fourth and fifth years of the project term. One persistent criticism of Federal project grant programs is that the effects rarely last after Federal project funding terminates. The reduction of Federal funding during the latter project years is designed to encourage an orderly assumption of funding responsibility by the institutions of higher education, local educational agencies, and other agencies participating in the project.

(4) *Released time compensation.* Section 514(f) of the statute permits, in limited circumstances, the use of grant funds to compensate local educational agencies, for the cost of the time educational personnel are released from their duties during the regular school day to participate in Teacher Corps project training. Under § 172.92 of the regulation, released time compensation is only paid with grant funds in cases where the continuation of the project is jeopardized without such payment. Thus, § 172.92 directly implements the intent of Congress that, "... the Commissioner will use the authority in a limited way only when he determines that a particular local educational agency is confronted with unusual financial difficulties such that the continuation of the Teacher Corps program would be jeopardized without Federal compensation. The managers further expect that compensation will be necessary for only a few days per month during the school year." (p. 204, Conference Report 94-1701, U.S. House of Representatives, September 27, 1976).

(5) *Number of teacher-interns.* Section 172.81 of the regulation requires at least four teacher-interns in each project. This continues the Teacher Corps practice of requiring teacher-interns in each project. The requirement ensures that a project will be able to integrate the pre-service training of new teachers with the inservice training of existing staff and, thus, broaden programs of teacher preparation.

However, if a participating local educational agency provides an assurance (§ 172.81) that it will employ all teacher-interns who successfully complete their internship, the project may include a ratio of up to one teacher-intern for each five teachers in the Teacher Corps project. Thus, § 172.81 responds to sec. 513(f) of the statute which requires the Teacher Corps to work toward a nationwide Teacher Corps membership ratio of approximately five teachers to each individual not yet employed as a teacher. Section 513(f) also authorizes the Commissioner to waive this goal if there is an insufficient number of qualified teacher applicants, or if there are insufficient employment opportunities for the teacher-interns.

(6) *Local development of objectives.* Section 172.61 of the regulation requires local educational agencies, institutions of higher education, and community councils to jointly establish their own local objectives. Previously published funding criteria for the Teacher Corps (see FEDERAL REGISTER, vol. 42, No. 1, January 3, 1977, p. 77) required a project to adopt one of five broadly defined strategies which included: (a) Establishment of training complexes including teacher centers; (b) implementing competency-based

teacher education; (c) training for implementing alternative school designs; (d) inter-disciplinary training; and (e) training for the systematic adaption of research findings. While these strategies remain useful, they are not required by the regulation. It is anticipated that the commitment of people involved in a project and the prospects of achieving lasting benefits will be enhanced by leaving much of the substance of a project to local determination.

(7) The Trust Territory of the Pacific is eligible under section 513(c)(2) of the statute for allocations of Teacher Corps members, but is not defined as a "State" in the general provisions regulations of the Office of Education. Therefore, in this regulation the Trust Territory of the Pacific is specifically included in the definition of "State."

(8) Sections 172.82(c) and 172.113(b) of the regulation urge grantees to give consideration to persons who are broadly representative of the ethnic and cultural characteristics of the community served by the project in recruiting Teacher Corps members and staff. This is consistent with Congressional intent as expressed in Senate Report No. 94-882, 94th Cong., 2nd Sess. (1976).

Summary of comments and responses. A notice of proposed rulemaking for the Teacher Corps program, inviting public comment, was published in the FEDERAL REGISTER on September 20, 1977, and a public hearing was held on October 5, 1977 in Washington, D.C. During the 30-day period of public comment, over 120 written suggestions and recommendations were received from interested persons and organizations. The comments were generally very favorable and supportive of the proposed regulation. The following is a summary of the comments which requested changes in, or clarification of, the regulation and responses to those comments (comments which requested changes that are not authorized by the Teacher Corps statute are not included). The comments and responses are identified with the section number of the regulation to which they refer and are presented in the numerical sequence of the regulation.

§ 172.11 INSTITUTION OF HIGHER EDUCATION

Comment. One commenter suggested that the regulation be changed to clarify that the participating institution of higher education must offer teacher preparation programs at both the elementary and secondary education level.

Response. While most projects will include teachers and teacher-interns serving in both elementary and secondary schools, some may include only one of these levels. Therefore, § 172.11

of the regulation is not changed to require that the institution of higher education offer teacher preparation at both levels.

§ 172.12 PROJECT SCHOOLS

Comment. Many commenters requested revision or clarification of § 172.12 of the regulation concerning the number of participating schools required in each Teacher Corps project and clarification of the definition of a "feeder system."

Response. Section 172.12 of the proposed regulation was ambiguous and therefore, is changed to clarify and further define project schools. Section 172.12(a) requires that each project include two to four complete schools which together include all grade levels provided by the local educational agency. In order to enhance the institutional impact of a project, the schools included in the project should be a feeder system. A feeder system is one or more schools that together include all grade levels from pre-school, through grade twelve. Furthermore, to be a feeder system the majority of pupils enrolled in the elementary school or schools must progress to the high school or to the intermediate school. If an intermediate school is included, the majority of pupils from the intermediate school must progress to the high school. However if the local educational agency does not have a feeder system as described above, the following are acceptable alternatives:

(1) A single school if that school includes grades one through twelve;

(2) More than four schools where additional schools are needed to include all grade levels in the feeder system;

(3) More than four schools where one or more schools in the feeder system employ twelve or fewer teachers; or

(4) Two to four schools in a feeder system which does not include a high school (grades eight or nine through twelve) if the high school is in a separate local educational agency.

If the alternatives do not meet local needs, the local educational agency may propose another arrangement provided that the entire educational staffs of schools serving a definable low income community are included.

§ 172.14 COMMUNITY COUNCIL

Comment. One person suggested that the regulation be changed to limit each community council to a maximum of 12 members.

Response. The maximum size of each community council is left as a local decision, so that it may best reflect local circumstances.

Comment. One commenter asked whether a local school board could serve as a Teacher Corps project community council.

Response. The statute and regulation require that a community council be elected specifically to serve as the Teacher Corps community council. However, individual members of a school board may serve on a community council specifically elected for that purpose under § 172.14(d).

Comment. Two commenters suggested that the regulation be changed to permit a Title I Elementary and Secondary Education Act council or similar council to be the permanent Teacher Corps community council.

Response. No change is made in the regulation. Section 172.14 is based on section 513(e) of the statute which requires an elected community council that is representative of the community in which the project is located and the parents of the students in the elementary or secondary schools participating in the project. A community council elected for another purpose could not serve as a permanent Teacher Corps community council unless this representation requirement is met.

Comment. One commenter questioned the feasibility of community wide elections where the attendance area of the participating schools is geographically very large.

Response. Community wide elections are required by the representation requirements in section 513(e) of the statute. After initial grant awards are made, the Teacher Corps program will provide technical assistance to the local projects concerning how to conduct community wide elections.

§ 172.15 POLICY BOARD

Comment. Some commenters stated that potential conflicts existed between the policy board and the elected local school board, because the local school board has responsibility for school policy under State law.

Response. These conflicts should not occur because a Teacher Corps project must be carried out within all established State and local laws, regulations and policies. The policy board will operate within this framework.

Comment. One commenter suggested that the regulation be changed by eliminating principals' organizations from the list of suggested representatives on the policy board. The commenter felt that principal's organizations should not be highlighted as a suggested additional group.

Response. No change is made in the regulation. Principals, who were not eligible for Teacher Corps training until the Education Amendments of 1976, are now regarded as key elements in a Teacher Corps project.

Comment. One commenter asked whether inclusion of teacher-interns on the policy board is required under § 172.15(b)(4).

Response. Section 172.15(b)(4) of the regulation was typographically inaccurate as published in the proposed regulation. The typographical error in § 172.15(b)(4) is corrected in the final regulation and teacher-interns may be included on the policy board at local option.

Comment. One commenter requested that the regulation be changed to permit the dean of the school of education to designate a substitute representative on the policy board.

Response. No change is made in the regulation. The effectiveness of the policy board depends upon the inclusion of key education decision makers, such as deans of schools of education.

§ 172.17 INVOLVEMENT OF STATE EDUCATIONAL AGENCY

Comment. One commenter suggested that the regulation be changed to specify a role for State educational agencies in project dissemination.

Response. No change is made in the regulation. While Teacher Corps endorses a State educational agency role in this function, the role is not specified in the regulation since the details of each project should be worked out at the local level in cooperation with the State educational agency. However, a State educational agency may not receive a grant under § 172.32 to disseminate project experience.

§ 172.30 PROJECT DURATION

Comment. One commenter requested that the regulation be changed to permit projects of shorter than five years' duration.

Response. The regulation is changed to permit projects shorter than five years' duration. Experience with other Federal education programs shows that five years is the optimum project length. However, if the applicant institutions and agencies can demonstrate in their applications that their objectives can be met in a shorter time, then a shorter time period may be used.

Comment. One commenter suggested that the regulation be changed by eliminating the requirement for annual applications and that funding be made automatically for years after the first year.

Response. No change is made in the regulation. Automatic continuation funding is prohibited under 31 U.S.C. 665(a). In addition, applications for continuation grants provide a necessary opportunity for review of project experience and effectiveness.

§ 172.31 SIZE OF GRANTS

Comment. Several commenters requested that the regulation be changed to increase, or provide more flexibility in the size of grants.

Response. The limitation on grant size for the initial developmental year is clarified to provide "not more than"

\$150,000. The amounts stated for the other project years are approximate limitations and local projects may apply for smaller sums. The approximate limitation for the amount awarded to a project for the last project year is increased to \$150,000. The amounts are based on past project experience and the belief that significantly larger sums would impair the demonstration aspect of the project.

Comment. One commenter suggested that the regulation be changed to base the grant size limitations on the number of individuals who participate in the project.

Response. No change is made in the regulation. The limitations in § 172.31 are intended to ensure that project costs do not become so high that the demonstration aspects of the project are jeopardized.

Comment. One commenter suggested an increase in the limitation on the total amount awarded to grantees under a project for the first project year if a State educational agency grant is included in the project.

Response. No change is made in the regulation. The limitations in § 172.31 are intended to cover all project activities regardless of the number of agencies and institutions involved and whether or not a State educational agency is a grantee.

§ 172.32 SEPARATE GRANTS

Comment. A State educational agency asked if it could set its own approval criteria and require that each application for a project in its State must include the participation of the State educational agency as a grantee.

Response. Under § 172.135 of the regulation, the State educational agency must approve all applications that are in conformance with applicable State laws, rules, and regulations and consistent with overall plans for teacher education in that State. A State educational agency may establish its own criteria for determining whether project applications, are consistent with overall State plans for teacher education, including requiring the participation of the State educational agency as a joint grantee. However, the Commissioner will not approve any application which does not conform to the Teacher Corps statute and this regulation. The State educational agency must keep in mind that, to the extent an application addresses State educational agency criteria which are inconsistent with the criteria in Subpart F of this regulation, the application would receive a lower evaluation by the Commissioner.

§ 172.33 TIME PERIOD BEFORE AGENCIES OR INSTITUTIONS MAY APPLY FOR A NEW PROJECT

Comment. Several commenters requested that the regulation be

changed to reduce the five-year moratorium between the time of project completion and application for a new Teacher Corps project.

Response. The moratorium in § 172.33 is designed to enhance the institutionalization of Teacher Corps experience by involving new institutions rather than making additional grants to institutions which have participated. However, to allow more flexibility, § 172.33 is changed to reduce the moratorium to three years.

Comment. Several commenters asked whether the moratorium in § 172.33 applies to the Teacher Corps 12th cycle grantees.

Response. The moratorium does not apply to 12th cycle grantees since they are not covered by the regulation (see explanation set forth above). Nevertheless, applications from grantees currently participating in 12th cycle projects would probably receive lower evaluations in the grant competition since there would be more limited institutional impact if Teacher Corps programs operated simultaneously or consecutively in the same institution.

§ 172.40 INITIAL DEVELOPMENTAL YEAR

Comment. One commenter suggested that the regulation be changed to reduce the developmental year to a period of three months.

Response. The regulation is changed to permit a developmental period of less than a year if the applicant can demonstrate that the full year is not needed. Experience with similar Federal programs indicates that a year is usually necessary for project development.

§ 172.42 FUNCTIONS OF EACH PARTICIPANT

Comment. One commenter suggested that the regulation be changed to provide that institutions of higher education be compensated for the cost of released time necessary for higher education staff serving in the project.

Response. No change is made in the regulation. The cost of released time for institution of higher education staff may be a legitimate part of the cost of providing training to Teacher Corps members for which institutions of higher education may be compensated.

§ 172.45 TRAINING BY INSTITUTIONS OF HIGHER EDUCATION

Comment. Two commenters requested that the regulation be changed to permit institutions of higher education to train their own instructional staff as part of the Teacher Corps project.

Response. No change is made in the regulation. The statute does not specifically authorize training of higher education personnel, as such. However,

training of higher education staff who are staff members of the Teacher Corps project is acceptable as a regular administrative function, as long as the training is for their responsibilities in the project.

Comment. One commenter asked if training for teacher aides is possible.

Response. Section 172.45(b) of the regulation permits this training.

§ 172.47 TRAINING PROGRAM FOR TEACHER INTERNS

Comment. A commenter suggested that the regulation allow more flexibility to local projects in assigning practical classroom experience for teacher-interns.

Response. Section 172.47 of the regulation already permits local flexibility in assigning teacher-interns classroom experience. However, § 172.47(c) is changed to make the one-half day school experience requirement an average over the two year internship (permitting fewer classroom hours during the first school year and more hours during the second school year).

§ 172.48 GRADUATE LEVEL TRAINING FOR TEACHERS AND TEACHER INTERNS

Comment. Several commenters requested that the regulation be changed to permit persons who do not have bachelors degrees to serve as teacher-interns and to permit these persons to receive undergraduate training. The commenters requested this change because of the unavailability of teacher-intern candidates with bachelors degrees in some localities.

Response. Teacher Corps recognizes that there may be local situations where there are not enough teacher-intern candidates with bachelors degrees. Therefore, the definition of "teacher-intern" is changed to permit a person who has completed two or more years of a program for which credit was given toward a bachelors degree to serve as a teacher-intern if there are not enough teacher-intern candidates who have a bachelors degree. If a project seeks to include persons who do not have bachelors degrees as teacher-interns, the local educational agency must provide a certification under § 172.124(f). Section 174.48 of the regulation has been changed to permit teacher-interns who do not have a bachelors degree to receive undergraduate training.

§ 172.49 DEGREE AND CERTIFICATION FOR TEACHER-INTERNS

Comment. Several commenters suggested that team leaders and teacher-interns be employed before the start of the second project year, to provide more preservice training for teacher-interns.

Response. Under § 172.40 team leaders must be hired and teacher-interns

recruited and selected during the initial developmental year. However, to provide for a preservice training period, § 172.49 is changed to require that teacher-interns begin their internships three months before the start of the second school year of the project.

Comment. One commenter suggested that advance State educational agency approval be required for the training program to assure consistency with State certification standards.

Response. No change is made in the regulation. State educational agency approval of project applications is required under § 172.135.

Comment. One commenter suggested that the regulation be changed to substantially reduce the period of time for teacher-intern training.

Response. No change is made in the regulation. The two-year training period is essential to achieve institutional change, particularly the integration of pre-service and in-service training. Another reason for the two year period is to provide teacher-interns with experience in a variety of schools and grade levels.

§ 172.60 BASIC OUTCOMES

Comment. One commenter suggested that the regulation be changed to de-emphasize basic outcomes and substitute the term "activities" in place of "outcomes."

Response. No change is made in the regulation. The four basic outcomes were developed as a result of an extensive planning process and are the structure around which the entire project must be designed.

Comment. One commenter suggested that the regulation be more specific about expected learner outcomes.

Response. No change is made in the regulation. Teacher Corps believes that the specificity of expected learner outcomes, as a result of Teacher Corps projects, is a matter for local determination.

Comment. One commenter suggested that a project not be held accountable for the adoption, or adaptation, of educational improvements by other agencies and institutions.

Response. No change is made in the regulation. A project is not held accountable for adoption of educational improvements beyond the legal jurisdiction of the grantees. This means, for example, that a local educational agency is accountable for the adoption and adaptation of educational improvements only in schools within its jurisdiction. However, each project must make efforts to demonstrate and disseminate its experience beyond local educational agency boundaries.

§ 172.62 SCHOOL OBJECTIVES

Comment. One commenter suggested that the regulation be changed to em-

phasize the coordination of school outcomes among all project schools.

Response. This suggestion is accepted and § 172.62 is changed to require that all project schools must be involved in the development of these specific objectives. This involvement of all project schools is designed to add continuity and provide greater impact at various levels of the educational system.

Comment. One commenter suggested that the regulation be changed to specifically include undergraduates in a definition of volunteer.

Response. No change is made in the regulation. Undergraduates and other persons who volunteer to serve as part-time tutors or full-time instructional assistants in project schools are volunteers under § 172.80(b) of the regulation. It should be noted that training for volunteers is limited under section 513(a)(5)(B) of the statute to "training to prepare tutors and instructional assistants for service" in Teacher Corps projects.

§ 172.81 NUMBER OF TEACHER-INTERNS

Comment. Several commenters asked for clarification of the provision in § 172.81(b) which permits each project to include up to one teacher-intern for each five teachers in the project schools if the local educational agency will employ all teacher-interns who complete their internships.

Response. Section 172.81 of the regulation is based on section 513(f) of the statute which provided that: "The Commissioner shall establish procedures seeking with respect to the Teacher Corps members enrolled after the date of enactment of the Education Amendments of 1976 a goal of having approximately 5 individuals who are at the time of enrollment, or who previously have been, employed as teachers by local education agencies to one individual who has not been so employed. The Commissioner may waive the procedure established under this subsection if he makes a determination that there are insufficient qualified applicants to maintain the goal sought by this subsection, or that there are insufficient employment opportunities for individuals who are not so employed, and submits a report to Congress of such a determination."

If the assurance required in § 172.124(e) is not given, this is evidence that there are "insufficient employment opportunities" for the teacher-interns and the requirement of four teacher-interns per project under § 172.81(a) will then apply.

Comment. One commenter suggested the regulation be changed to permit less than four teacher-interns in each project, at local option.

Response. No change is made in the regulation. A minimum number of four teacher-interns is required in

each project so that there will be sufficient opportunity for the integration of pre-service and in-service training. Past project experience has shown that four is the minimum number that constitutes an effective teacher-intern team.

§ 172.83 TEACHER-INTERN TEAMS

Comment. One commenter asked if team leaders must be employed full-time by the project.

Response. Team leaders will normally be employed by the project on a full-time basis, since they are expected to participate fully in project activities including supervising teacher-interns. However, there may be exceptional local circumstances in which this is not possible, so employment on less than a full time basis is permitted.

Comment. One commenter asked whether each team must spend a portion of the internship in each project school where there are multiple teacher-intern teams in the project.

Response. Section 172.83 of the regulation requires teacher-intern rotation so that each teacher-intern will have experience in all educational levels represented in the project schools.

§ 172.87 COMPENSATION OF TEAM LEADERS

Comment. One commenter suggested that the regulation be changed to make faculty in institutions of higher education eligible to serve as team leaders.

Response. No change is made in the regulation. Under the present language, any qualified individuals are eligible and may be hired by the local educational agency as team leaders.

§ 172.88 TEACHER-INTERN COMPENSATION DURING THEIR TERM OF SERVICE WITH THE PROJECT

Comment. One commenter suggested that the regulation be changed to limit the total compensation paid to teacher-interns to the salary of a beginning teacher.

Response. In order to recognize locally established salary policy, § 172.88 is changed to limit total teacher-intern compensation (including stipend and dependent allowance) to not exceed the salary of a full-time beginning teacher.

Comment. Several commenters requested clarification of the responsibility for paying stipends and compensation to the teacher-interns.

Response. It is intended that teacher-interns receive continuous stipend payment or compensation from the time of entry into the project to the time of completion of the internship. The stipend must be paid during both summers during the internship.

Comment. One commenter asked if the local educational agency's contri-

bution (10%) to teacher-intern compensation under § 172.88 may be "in kind" rather than in money.

Response. It is the intent of § 172.88 that teacher-interns be compensated in money. This has been the continuing policy of Teacher Corps.

§ 172.90 TEACHER-INTERN AND TEAM LEADER MEDICAL INSURANCE

Comment. One commenter asked whether teacher-interns and team leaders should receive fringe benefits in addition to medical insurance.

Response. No change is made in the regulation. In order to recognize locally established policies and circumstances, this is left for determination at the local level.

§ 172.91 TRAINING STIPENDS FOR TEACHERS AND OTHER EDUCATIONAL PERSONNEL

Comment. One commenter suggested that the decision of whether to pay training stipends to teachers and other educational personnel (as well as the size of such stipends if paid) be left to local option.

Response. This suggestion is adopted. Section 172.91 of the regulation is changed to permit, rather than require, the payment of these stipends and the upper limit is set at \$100 per individual per week. Thus, local projects have more flexibility to recognize local needs and priorities.

§ 172.92 RELEASED TIME FOR EDUCATIONAL PERSONNEL

Comment. One commenter asked that the regulation be changed to assure applicants that project applications will not be penalized for requesting funds for released time.

Response. Under the evaluation criteria in Subpart F, no application will be penalized merely for proposing that a portion of grant funds be used for released time if such use is fully justified in the application. However, in reviewing applications the Commissioner considers whether the activities are likely to accomplish the project objectives. An application which proposes to use a large amount of its budget for the costs of released time, may not have activities adequate to achieve its objectives, and therefore might not score as well under the criteria in Subpart F.

Comment. One commenter requested clarification of the term "jeopardy" as used in § 172.92(b) of the regulation.

Response. The term jeopardy was used in the Conference Report on the Education Amendments of 1976 cited above. It was the intent of Congress that grant funds should be used to pay for released time only in extremely limited circumstances, where the project is unlikely to succeed without that payment.

§ 172.93 COMPENSATION OF VOLUNTEERS

Comment. One commenter suggested that volunteers be paid stipends for participation in summer training.

Response. No change is made in the regulation. In order to reflect local circumstances, § 172.93 provides that volunteers may be paid or not paid according to local policy.

§ 172.94 TRAVEL EXPENSES OF TEACHER CORPS MEMBERS

Comment. One commenter suggested that the regulation be changed to permit travel and transportation payments only to teacher-interns rather than all Teacher Corps members.

Response. No change is made in the regulation. Travel expenses for any Teacher Corps members, including regular teachers, may be necessary.

Comment. One commenter suggested reducing the 11,000 pound restriction under § 172.94(b)(2)(ii) to 6,000 pounds.

Response. This suggestion is not adopted since the 11,000 pound allowance is used in similar Federal programs.

§ 172.102 YOUTH ADVOCACY PROJECT JOINT PARTICIPATION

Comment. One commenter asked whether a traditional penal institution must be part of a youth advocacy project.

Response. A project is not required to include an incarceration institution. Section 172.102(b)(4) of the regulation indicates that one, or more, of four types of correctional facilities must be part of a youth advocacy project.

Comment. Two commenters suggested including State educational agencies as eligible participants in youth advocacy projects.

Response. State educational agency participation is authorized by the statute and the suggestion is adopted. Section 172.102 of the regulation is changed to permit State educational agencies to participate in youth advocacy projects.

Comment. One commenter asked whether a regular Teacher Corps project may be combined with a youth advocacy project, and if this is permissible whether the funding limitation is increased.

Response. A regular Teacher Corps project cannot be combined with a youth advocacy project. Under the regulation, a youth advocacy project must contain most of the same elements as a regular Teacher Corps project and therefore combination with a regular project is unnecessary.

§ 172.104 YOUTH ADVOCACY PROJECT COMMUNITY COUNCIL

Comment. One commenter asked if the community council must be repre-

sentative of both parents and residents in youth advocacy projects.

Response. Under § 172.104 of the regulation, procedures must be developed at the local level for an election that includes both the parents of the youths participating in the project and the residents of the area served by the project schools.

§ 172.108 CORRECTIONAL FACILITY FUNCTIONS

Comment. One commenter asked what purpose grants to correctional institutions may serve in youth advocacy projects.

Response. The functions of a participating correctional facility are described in § 172.108

§ 172.110 MANAGEMENT PLAN

Comment. One commenter asked how much detail is required in the management plan required in the initial project application.

Response. The management plan must address all project years, although the activities and objectives may change as a result of project experience. The proposed budget for all project years, except the first year, may be in locally determined outline form.

Comment. One commenter suggested that the regulation be changed to describe which indirect costs grantees may be compensated for.

Response. No change is made in the regulation because indirect costs are covered by the applicable cost principles referenced in 45 CFR 100a.81.

Comment. One commenter suggested the establishment of a Teacher Corps management plan on a national level.

Response. A national management plan for the Teacher Corps is being developed as a result of detailed planning processes now in progress. However, this plan is part of national program management and not appropriately covered in the regulation.

Comment. One commenter suggested that the regulation be changed to specify a set amount for the secretarial and administrative expenses of the community council.

Response. No change is made in the regulation. So that these expenses can reflect the needs of each project, Teacher Corps chooses not to specify a set amount. However, the secretarial and administrative expenses of the community council, which may include training expenses for the council members themselves, must be a distinctly identifiable category in the project budget required under § 172.110.

§ 172.113 EMPLOYMENT OF PROJECT ADMINISTRATIVE STAFF

Comment. One commenter asked that equal treatment of the sexes be required under § 172.113.

Response. This is not covered by the regulation. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) prohibits sex discrimination in any education program or activity receiving Federal financial assistance and every applicant must file an assurance of compliance.

Comment. One commenter asked that the regulation be changed to specify that project staff in addition to the director, may be hired during the initial project year.

Response. No change is made in the regulation. Specific designation of project staff is not included in the regulation. Local projects may hire staff as appropriate for the functions to be carried out in the initial project year.

§ 172.125 COMMUNITY COUNCIL

Comment. One commenter suggested that the regulation be changed to require more specificity in the assurance concerning the role of the community council.

Response. No change is made in the regulation. The language in § 172.125(c) of the regulation is based on section 513(e) of the statute. So that local circumstances and situations can be reflected, additional details are left to local determination.

Comment. One commenter suggested that the regulation be changed to clarify how an applicant should describe the community council.

Response. No change is made in the regulation. The initial project application can describe the permanent community council in prospective terms and not as much detail is expected in the initial application as in the second year application.

(UNNUMBERED) TRAINING, COMMUNITY COUNCIL EXPENSES

Comment. One commenter asked whether a separate budget for the community council's secretarial and administrative expenses must be included in the project application.

Response. A separate budget for the secretarial and administrative expenses of the community council is required.

§ 172.135 APPROVAL OF APPLICATIONS BY THE STATE EDUCATIONAL AGENCY

Comment. One commenter suggested that the regulation be changed to specify a 15 day period for State educational agency approval of applications.

Response. No change is made in the regulation. The length of the approval period is left to State educational agency determination. However, it should be noted that the more time a State educational agency requires, the less time applicants will have for project application development, which could affect their ability to compete successfully for a project.

RULES AND REGULATIONS

Comment. One commenter suggested that the regulation be changed to be more specific about requiring competency-based teacher training and similar approaches.

Response. No change is made in the regulation. So that each project may reflect local circumstances, much of the substance and approaches of the Teacher Corps training is left to local discretion.

CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation of statutory authority for each section of the regulation has been placed in parentheses on the line following the text of the section. Reference to "Sec." in the citations of authority following provisions of the regulation refer to sections of the Higher Education Act of 1965, as amended.

Authority. This regulation is issued under the authority of Title V-A of the Higher Education Act of 1965 (Pub. L. 89-329), as amended by Pub. L. 90-35, Pub. L. 90-575, Pub. L. 91-230, Pub. L. 92-318, Pub. L. 93-380, and Pub. L. 94-482.

(20 U.S.C. 1101 et seq.)

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11621 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.489, Teacher Corps).

Dated: December 13, 1977.

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

Approved: February 13, 1978.

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

Title 45 of the Code of Federal Regulations is amended by adding a new Part 172 to read as follows:

PART 172—TEACHER CORPS

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Sec.

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- 172.2 Purpose.
- 172.3 Definitions.

Subpart B—Elements of a Teacher Corps Project

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- 172.11 Institution of higher education.
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- 172.13 Involvement of all educational school personnel in the project.
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- 172.15 Policy board.
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- 172.107 Time period before correctional facility may apply for a new project.
- 172.108 Correctional facility functions.
- 172.109 Youth advocacy teacher-intern training.

Subpart D—Project Administration

- 172.110 Management Plan.
- 172.111 Project director.
- 172.112 Compensation of project director and staff.
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- 172.124 Project schools.
- 172.125 Community council.
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- 172.127 Project objectives.
- 172.128 Management and staffing plans.
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APPENDIX—PART A OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED—TEACHER CORPS PROGRAM STATEMENT OF PURPOSE AND AUTHORIZATION OF APPROPRIATIONS

AUTHORITY: Title V-A of the Higher Education Act of 1965 (Pub. L. 89-329), as amended by Pub. L. 90-35 in 1967; Pub. L. 90-575 in 1968; Pub. L. 91-230 in 1970; Pub. L. 92-318 in 1972; Pub. L. 93-380 in 1974; and Pub. L. 94-482 in 1976 (20 U.S.C. 1101 et seq.), unless otherwise noted.

Subpart A—General

§ 172.1 Scope

(a) This regulation applies to the Teacher Corps program. The statute that applies to the Teacher Corps program is Title V-A of the Higher Education Act of 1965, as amended. A copy of the statute is included as an appendix to this part.

(b) Each grant under this part is subject to the general provisions regulations of the Office of Education (Parts 100 and 100a of this chapter). (Secs. 511 et seq.; 20 U.S.C. 1101 et seq.)

§ 172.2 Purpose.

The purpose of the Teacher Corps program is to strengthen the educational opportunities available to children in areas having concentrations of low income families, to encourage colleges and universities to broaden their programs of teacher preparation, and to encourage institutions of higher education and local educational agen-

cies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel.

(Secs. 511(a); 20 U.S.C. 1101(a).)

§ 172.3 Definitions.

As used in this part: "Institution of higher education" means an institution of higher education as defined in Section 1201(a) of the Higher Education Act of 1965, as amended.

(Secs. 1201(a); 20 U.S.C. 1141(a).)

"Local educational agency" means a local educational agency as defined in section 1201(g) of the Higher Education Act of 1965, as amended. The term includes a State educational agency or other public or private non-profit agency which provides a program or project designed to meet the special educational needs of migratory children of migratory agricultural workers.

(Sec. 1201(g); 20 U.S.C. 1141(g); Secs. 517A; 20 U.S.C. 1107a.)

"Low-income family" means a family with a child whom the local educational agency may count under Section 103 of Title I of the Elementary and Secondary Education Act of 1965, as amended.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

"Other educational personnel" means administrators, supervisors, and other specialized educational personnel.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

"State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(Sec. 513(c)(2); 20 U.S.C. 1103(c)(2); Sec. 1201(b); 20 U.S.C. 1141(b).)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(Sec. 1201(h); 20 U.S.C. 1141(h).)

"Teacher" means a person who has a teaching certificate valid in the State in which the Teacher Corps project is located, and who has had full-time paid teaching experience.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

"Teacher aide" means a person employed as a paraprofessional in a school or correctional facility who assists a teacher in performing educational duties. The term does not include teacher-interns or non-educational personnel. State and local rules

determine whether certification is required for a teacher aide.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

"Teacher-intern" means a person recruited to serve in a Teacher Corps project who has a bachelors degree or its equivalent, with or without a teaching certificate, but who has not had fulltime paid teaching experience. However, a person who has completed two or more years of a program for which credit was given toward a bachelors degree may serve as a teacher-intern if there are not enough teacher-interns candidates who have a bachelors degree.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

Subpart B—Elements of a Teacher Corps Project

PARTICIPANTS

§ 172.10 Joint Participants.

(a) Each project must be carried out jointly by:

- (1) One or more institutions of higher education;
- (2) One or more local educational agencies; and
- (3) A community council established under § 172.14.

(b) A project may also include participation by a State educational agency. The State educational agency may participate by providing training to the Teacher Corps members.

(c) The institutions, agencies and community council which participate in a project shall collaborate in planning, carrying out, and evaluating the project.

(Sec. 513 (a), (e), (g); 20 U.S.C. 1103 (a), (e), (g).)

§ 172.11 Institution of higher education.

Each project must include at least one institution of higher education which offers academic course work at the graduate level leading to a graduate degree in the field of education, unless none of the teacher-interns has a bachelors degree.

(Sec. 513(a)(2), (b); 20 U.S.C. 1103 (a)(2), (b).)

§ 172.12 Project schools.

(a) Each project must include two to four complete schools which together include all grade levels provided by the local educational agency. This must include at least grades one through twelve. The schools selected must be a feeder system. This means that a majority of pupils enrolled in the elementary school progress to the high school or to the intermediate school, if an intermediate school is included, and that a majority of pupils from the intermediate school progress to the high school. If the applicant local educational agency does not have

a feeder system as described in this paragraph, the following are acceptable alternatives.

(1) A single school if that school includes grades one through twelve; or

(2) More than four schools where additional schools are needed to include all grade levels in the feeder system; or

(3) More than four schools where one or more schools in the feeder system employ twelve or fewer teachers; or

(4) Two to four schools in a feeder system which does not include a high school (grades eight or nine through twelve) if the high school is in a separate local educational agency.

(b) If the alternatives in (a) do not meet the needs of the applicant local educational agency, it may propose another arrangement provided that the entire educational staffs of schools serving a definable low income community are included.

(c) Each school included in the project which includes elementary grades must be eligible for a project under Title I of the Elementary and Secondary Education Act of 1965.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

§ 172.13 Involvement of all educational school personnel in the project.

All educational personnel employed by a project school must be involved in planning and carrying out the project in that school.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

§ 172.14 Community council.

(a) Each project must include an elected community council of at least seven members.

(b) The community council must be representative of:

- (1) Parents of the children attending the project schools; and
- (2) Other residents of the areas served by the project schools.

(c) An existing elected council which is broadly representative of the community in which the project is located may serve as the community council under this part for up to three months after the date of the initial grant award.

(d) A community-wide election must be held to elect a community council for the project within the three months after the date of the initial grant award (community-wide means within the attendance boundaries of the project schools).

(Sec. 513 (e)(1), (g); 20 U.S.C. 1103 (e)(1)(g).)

§ 172.15 Policy board.

(a) Each project must be planned and operated under the supervision of a policy board.

(b) The policy board must include the following members:

(1) The dean of the school of education, or other component that offers graduate training, in the institution of higher education;

(2) The superintendent of the local educational agency; and

(3) The chairperson of the community council.

(c) The policy board members listed in paragraph (b) of this section may agree to add members to the board who represent:

(1) Organizations which represent teachers in the local educational agency;

(2) Organizations which represent principals in the local educational agency;

(3) Students;

(4) Teacher-interns; or

(5) Other persons or organizations which the three board members determine would be appropriate.

(d) Each policy board decides its own voting procedures.

(Sec. 513 (a), (e), (g); 20 U.S.C. 1103 (a), (e), (g).)

§ 172.16 Other participating groups.

A project may include the participation of other groups, such as teacher organizations, professional associations, students, and teacher-interns.

(Sec. 513 (a), (g); 20 U.S.C. 1103 (a), (g).)

§ 172.17 Involvement of State educational agency.

(a) The State educational agency must be kept informed of the progress and experience of the project, including

(b) Project matters which would contribute to the improvement of State teacher certification requirements.

(Sec. 512(a) (2), (3), (5); 20 U.S.C. 1103(a) (2), (3), (5).)

GRANTS

§ 172.30 Project duration.

(a) Each application must be for up to a five year project duration. The Commissioner awards separate grants for each of those five years, subject to the availability of funds and continued effectiveness of the project.

(b) The Commissioner's assistance to a project may not continue after the fifth year.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.31 Size of grants.

The total amount which the Commissioner awards to the grantees under a project is limited to:

(a) Not more than \$150,000 for the first year;

(b) Approximately \$300,000 for each of the second and third years if the project is for five years;

(c) Approximately \$200,000 for the next to last year; and

(d) Approximately \$150,000 for the last year:

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.32 Separate grants.

(a) If an application is selected for assistance under this part the Commissioner awards a grant to the institution of higher education and a grant to the local educational agency. If a State educational agency participates in a project under § 172.10(b), the Commissioner awards a separate grant to the State educational agency.

(b) If the application includes more than one institution of higher education or more than one local educational agency the Commissioner may award a grant to one or more of those institutions or agencies.

(Sec. 513 (a), (g); 20 U.S.C. 1103 (a), (g).)

§ 172.33 Time period before agencies or institutions may apply for a new project.

If an institution of higher education or a local educational agency participates in a project it may not apply for a new project until three years after the end of that participation. If a local educational agency is subdivided into districts, this restriction applies only to the district within the local educational agency which participates in the project.

(Sec. 513(g); 20 U.S.C. 1103(g).)

PROJECT PROGRAM

§ 172.40 Initial developmental year.

During the first year of a project:

(a) The project must be developed and organized;

(b) The community council must be elected;

(c) The team leader must be hired;

(d) The teacher-interns must be recruited; and

(e) Any revisions of the objectives adopted under §§ 172.61-172.65 must be planned and developed.

This period may be less than a year if these functions can be completed in a shorter time.

§ 172.41 Achievement of objectives during the remaining four years.

(a) During the remaining four years of a project, activities must be carried out which are designed to achieve the objectives adopted under §§ 172.61-172.66.

(b) Activities during this period must consist primarily of training.

(Sec. 513 (a)(1), (g); 20 U.S.C. 1103 (a)(1), (g).)

§ 172.42 Functions of each participant.

The applicants must agree to the functions each will perform, subject to §§ 172.43-172.45.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.43 Institution of higher education functions.

An institution of higher education may perform the following functions under its grant:

(a) Recruiting, selecting, and enrolling Teacher Corps members.

(b) Training Teacher Corps members.

(c) Paying the administrative and secretarial costs of the community council.

(d) Paying the costs of project administration, including planning, documentation, evaluation, and dissemination.

(Sec. 513 (a), (e); 20 U.S.C. 1103 (a), (e).)

§ 172.44 Local educational agency functions.

A local educational agency may perform the following functions under its grant:

(a) Recruiting, selecting and enrolling Teacher Corps members.

(b) Training Teacher Corps members.

(c) Paying the compensation of Teacher Corps members.

(d) Paying the compensation for released time for educational personnel while in training, within the limitations in § 172.92.

(e) Paying the administrative and secretarial costs of the community council.

(f) Paying the costs of project administration, including planning, documentation, evaluation, and dissemination.

(Sec. 513 (a), (e); 20 U.S.C. 1103 (a), (e); Sec. 541(f); 20 U.S.C. 1104(f).)

§ 172.45 Training by institutions of higher education.

(a) Each institution of higher education which receives a grant under this part shall provide training to Teacher Corps members. This must include training designed to achieve the objectives adopted under § 172.62(b) (improvement of competency of educational personnel).

(b) An institution of higher education which does not offer academic course-work beyond the bachelor's degree level may provide training for volunteers and teacher aides, if this type of training is designed to achieve the objectives adopted under § 172.62.

(Sec. 513 (a)(2), (5), (b), (g); 20 U.S.C. 1103(a) (2), (5), (b), (g).)

§ 172.46 Pre-service and in-service training.

Training under this part must include pre-service training for teacher-interns and in-service training for other educational personnel employed by the project schools.

(Sec. 513(a)(2); 20 U.S.C. 1103(a)(2).)

§ 172.47 Training program for teacher-interns.

(a) The training program for a teacher-intern must be developed by the project director in consultation with the team leader and the institution of higher education which provides the training.

(b) The training must include:

- (1) Practical classroom experience in each of the project schools;
- (2) Academic study; and
- (3) Practical experiences and training in the community served by the project.

(c) The practical classroom experience of a teacher-intern may not average more than one half of each school day during the period of his or her internship.

(d) Training may also be provided in a pre-school early childhood setting if that training is consistent with the objectives adopted under §§ 172.61-172.65.

(Sec. 513(a)(2), (g); 20 U.S.C. 1103(a)(2), (g).)

§ 172.48 Graduate Level training for teachers and teacher-interns.

Training for teachers and teacher-interns who have a bachelor's degree must be at the graduate level. Training for teacher-interns who do not have a bachelor's degree may be at the undergraduate level.

(Sec. 513(a) (1), (b), (g); 20 U.S.C. 1103(a) (1), (b), (g).)

§ 172.49 Degree and certification for teacher-interns.

Training must be designed so that a teacher-intern begins his or her internship three months before the beginning of the second school year of the project and has the opportunity to complete the internship, and receive a degree and a teaching certification by the end of the third school year of the project.

(Sec. 513(a) (2), (b); 20 U.S.C. 1103(a) (2), (b).)

§ 172.50 Field and community based training.

Training of Teacher Corps members must be primarily field based and carried out in the community served by the project.

(Sec. 513(a)(2); 20 U.S.C. 1103(a)(2).)

§ 172.51 Training for volunteers.

A grantee may provide training to volunteers to prepare them for service in the project.

(Sec. 513 (a)(5), (b); 20 U.S.C. 1103(a)(5), (b).)

§ 172.52 Documentation of project experience.

(a) Each project must include documentation of all significant factors which influence project experience and results, including:

(1) The characteristics and condition of the local setting; and

(2) The usefulness of project processes, practices, and products in the project schools.

(b) The documentation under paragraph (a) of this section must be used to:

- (1) Review progress in accomplishing the objectives developed under §§ 172.61-172.65; and
- (2) Revise those objectives if necessary.

(Sec. 511; 20 U.S.C. 1101; Sec. 513(g); 20 U.S.C. 1103(g).)

BASIC OUTCOMES AND PROJECT OBJECTIVES

§ 172.60 Basic outcomes.

Each project must be designed to achieve the following outcomes:

(a) An improved school climate which fosters the learning of children of low-income families.

(b) An improved educational personnel development system for persons who serve or who are preparing to serve in schools for children of low-income families.

(c) The continuation of educational improvements (including products, processes, and practices) made as a result of the project, after Federal funding ends.

(d) The adoption or adaptation of those educational improvements by other educational agencies and institutions.

(Sec. 511; 20 U.S.C. 1101; Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.61 Project objectives.

(a) Each project must include objectives which are designed to achieve the outcomes described in § 172.60.

(b) These project objectives must be developed jointly by the institution of higher education, the local educational agency, and the community council.

(c) Each project objective must be adopted by the policy board.

(Sec. 511; 20 U.S.C. 1101; Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.62 School objectives.

(a) Each project must include specific objectives designed to achieve the outcome under § 172.60(a) (improved school climate) in each of the project schools. These objectives may include curriculum, organizational, or other changes that affect an entire school. All project schools must jointly participate in the development of these specific objectives.

(b) In addition to the objectives under paragraph (a) of this section, each project school must have objectives designed to:

- (1) Improve the competency of all educational personnel employed by the project schools (and the teacher-

interns) to provide education that is multicultural and to be knowledgeable of and sensitive to the needs of diverse cultures, regardless of the pupil population served by the project;

(2) Improve the competency of these educational personnel, the teacher interns, and the project schools, to deal with a wide range of variability in children; and

(3) Provide all educational personnel employed by the project schools (and the teacher-interns) with the opportunity to improve their competency to identify children with learning and behavioral problems, diagnose the special needs of those children, and prescribe learning activities to meet those needs.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.63 Educational personnel development system objectives.

Each project must include specific objectives designed to achieve the outcome under § 172.60(b) (improved educational personnel development system), including objectives to achieve:

(a) Basic and systemic improvements in the methods used by the institution of higher education and the local educational agency to train educational personnel;

(b) The development of the capacity of the institution of higher education to provide training that will achieve the objectives under § 172.63(b); and

(c) Provision of pre-service and in-service training as an integral process.

(Sec. 511(a); 20 U.S.C. 1101(a); sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.64 Institutionalization objectives.

Each project must include specific objectives designed to achieve the outcome under § 172.60(c) (continuation of educational improvements).

(Sec. 511(a); 20 U.S.C. 1101(a); sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.65 Demonstration and dissemination objectives.

Each project must include specific objectives designed to achieve the outcome under § 172.60(d) (adaptation of educational improvements by other agencies) by demonstrating and disseminating project processes, practices, and products found useful in the project schools to:

(a) Persons involved in the project;

(b) Schools of the local educational agency and components of the institution of higher education which are not involved in the project;

(c) Other local educational agencies, institutions of higher education, and communities; and

(d) Others interested in educational policy.

(Sec. 511(a); 20 U.S.C. 1101(a); sec. 513(g); 20 U.S.C. 1103(g).)

TEACHER CORPS MEMBERS

§ 172.80 Educational personnel, teacher-interns, and volunteers.

The following persons are Teacher Corps members:

- (a) Teachers and other educational personnel who are employed by a project school;
- (b) Volunteers who serve as part-time tutors of full-time instructional assistants in project schools; and
- (c) Teacher-interns.

(Sec. 513(a)(1); 20 U.S.C. 1103(a)(1).)

§ 172.81 Number of teacher-interns.

(a) Each project must include at least four teacher-interns.

(b) Each project may include up to one teacher-intern for each five teachers in the project schools if the local educational agency will employ all teacher-interns who complete their internships.

(Sec. 513(f); 20 U.S.C. 1103(g).)

§ 172.82 Recruiting teacher-interns.

(a) The Commissioner provides each grantee with a national listing of qualified applicants for teacher-internships.

(b) A grantee may recruit teacher-interns from the national listing of qualified applicants, but is not required to do so.

(c) A grantee must design its recruitment of teacher-interns so that it gives consideration to persons who are broadly representative of the ethnic and cultural characteristics of the community served by the project.

(d) The Commissioner publishes a notice annually in the FEDERAL REGISTER that explains how to apply for teacher-internships.

(Sec. 513(a)(1), (3); 20 U.S.C. 1103(a)(1), (3).)

§ 172.83 Teacher-intern teams.

Teacher-interns must be organized into teams that include at least four teacher-interns and one experienced teacher who serves as leader of the team. Each team must spend a portion of the internship in each project school.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3).)

§ 172.84 Teacher-interns may not replace teachers.

(a) A grantee may not use a teacher-intern to replace, or carry out the functions of a teacher who is or would otherwise have been employed in a project school.

(b) A teacher-intern may not be used as a substitute teacher.

(Sec. 517; 20 U.S.C. 1107.)

§ 172.85 Federal employees.

Members of the Teacher Corps are not considered Federal employees

except for the purposes of the Federal tort claims provisions of Title 28 of the United States Code.

(Sec. 515 (a)-(c); 20 U.S.C. 1104 (a)-(c).)

§ 172.86 Other Federal student assistance programs.

Members of the Teacher Corps may not receive a loan under the National Direct Student Loan Program authorized by Title IV-E of the Higher Education Act of 1965 (20 U.S.C. 1087-aa-1087-ff), or a grant under the Supplemental Educational Opportunity Grant Program authorized by Title IV-A-2 of the Higher Education Act of 1965 (20 U.S.C. 1070b-1070b-3).

(Sec. 515(d)-20 U.S.C. 1105 (d).)

§ 172.87 Compensation of team leaders.

(a) The local educational agency shall employ each teacher-intern team leader.

(b) The local educational agency shall compensate a team leader at a rate comparable to that being paid to other personnel in the same agency who perform similar work.

(c) A local educational agency shall use funds under its grant to pay up to 90 percent of the compensation paid under paragraph (b) of this section.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3); sec. 514(a)(1); 20 U.S.C. 1104(a)(1).)

§ 172.88 Teacher-intern compensation during their term of service with the project.

(a) The local educational agency shall compensate a teacher-intern during each period he or she serves in the project schools at a rate of \$150 per week, subject to paragraph (c) of this section.

(b) This compensation must include an additional \$15 per week for each dependent who receives more than half of his or her support from the teacher-intern, subject to paragraph (c) of this section.

(c) The total compensation paid to a teacher-intern under paragraphs (a) and (b) of this section may not exceed the compensation paid to a beginning teacher employed by the local educational agency for comparable periods of time.

(d) A local educational agency shall use funds under its grant to pay up to 90 percent of the compensation paid under this section.

(Sec. 513(a)(3); 20 U.S.C. 1103(a)(3); sec. 514(a)(2); 20 U.S.C. 1104(a)(2).)

§ 172.89 Teacher-intern training stipends.

(a) The institution of higher education shall pay a training stipend at \$150 per week to each teacher-intern during each period he or she receives training at that institution. The institution of higher education may not

pay this stipend during the periods when the teacher-intern serves in the project schools.

(b) The training stipend must include an additional \$15 per week for each dependent who receives more than one-half of his or her support from the teacher-intern.

(c) An institution of higher education shall use funds under its grant to pay up to 100 percent of the cost of the amounts paid under paragraphs (a) and (b) of this section.

(Sec. 514(b); 20 U.S.C. 1104(b).)

§ 172.90 Teacher-intern and team leader medical insurance.

(a) The grantees shall provide teacher-interns and team leaders with medical insurance coverage (including hospitalization) during their participation in a project.

(b) Dependents who receive more than one half of their support from a teacher-intern must be included in this insurance coverage.

(c) A grantee which provides this medical insurance coverage shall use funds under its grant to pay up to 100 percent of the cost of the insurance.

(Sec. 514 (d), (e); 20 U.S.C. 1104 (d), (e).)

§ 172.91 Training stipends for teachers and other educational personnel.

(a) The institution of higher education or local educational agency may pay a training stipend to each of the teachers and other educational personnel employed by a project school who participate in training under this part during a period of the year (if any) not covered by a local employment contract.

(b) The training stipend may be at a rate of not more than \$100 per individual per week, prorated if the training is part-time.

(c) A local educational agency shall use funds under its grant to pay up to 100 percent of the cost of stipends paid under this section.

(Sec. 514(b); 20 U.S.C. 1104(b).)

§ 172.92 Released time for educational personnel.

(a) If authorized by the Commissioner, the local educational agency may use funds under its grant to pay the cost of releasing educational personnel from their regular duties in a project school to participate in training under this part.

(b) The Commissioner may authorize a local educational agency to use funds under paragraph (a) of this section if the local educational agency demonstrates in its application that the project is or will be placed in jeopardy by the lack of compensation for released time.

(Sec. 514(f); 20 U.S.C. 1104(f).)

§ 172.93 Compensation of volunteers.

(a) Volunteers who serve as part-time tutors or full-time instructional aides in project schools are paid or unpaid, according to local policy.

(b) If volunteers are paid, they must be compensated at a rate equal to that being paid other volunteers for similar work.

(c) A grantee which pays any compensation under this section shall use funds under its grant to pay up to 90 percent of that compensation.

(Sec. 513(a)(5); 20 U.S.C. 1103(a)(5); sec. 514(a)(3); 20 U.S.C. 1104(a)(3).)

§ 172.94 Travel expenses of Teacher Corps members.

(a) The grantees shall pay, subject to paragraph (b) of this section:

(1) The necessary travel expenses of Teacher Corps members and their dependents;

(2) The necessary expenses for transportation of the household goods and personal effects of Teacher Corps members and their dependents; and

(3) Other necessary expenses of Teacher Corps members and their dependents which are directly related to their service in the project, including readjustment allowances proportionate to that service.

(b) A teacher-intern whose last permanent address before coming to a project is outside the community served by the project, shall be paid:

(1) By the institution of higher education for his or her necessary travel expenses to the project (by the least expensive common carrier or by private automobile subject to any institutional rules on reimbursement for mileage); and

(2) By the local educational agency for:

(i) The necessary travel expenses of teacher-intern dependents to the project (by the least expensive common carrier or by private automobile subject to any agency limits on reimbursement for mileage); and

(ii) The necessary expenses for shipment to the project of up to 11,000 pounds of household goods and personal effects owned by the teacher-intern or his or her dependents.

(Sec. 514(c); 20 U.S.C. 1104(c).)

Subpart C—Youth Advocacy Projects

§ 172.100 Purpose and project design.

(a) *Purpose.* Under this subpart, the Commissioner provides assistance to projects designed to attract and train educational personnel who provide remedial, basic, and secondary educational training (including literacy and communication skill training) to juvenile delinquents or youth offenders.

(b) *Project design.* A youth advocacy project must be designed to meet the special educational needs of juvenile delinquents or youth offenders.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

§ 172.101 Other sections in this part apply to youth advocacy projects.

Subject to any exceptions specifically listed in this subpart, all of the sections in this part apply to youth advocacy projects.

(Secs. 551 et seq.; 20 U.S.C. 1103 et seq.)

§ 172.102 Youth advocacy project joint participation.

(a) Section 172.10 (Joint participants) does not apply to youth advocacy projects.

(b) Each project assisted under this subpart must be carried out jointly by:

(1) One or more institutions of higher education;

(2) One or more local educational agencies;

(3) A community council established under § 172.104; and

(4) One or more of the following correctional facilities:

(i) A detention center;

(ii) An incarceratory institution;

(iii) A public or private non-profit alternative school for delinquent youth; or

(iv) A special center, within a public school, which serves the special needs of juvenile delinquents or youth offenders, or both.

(c) The correctional facility must participate equally under each section of the regulation in this part that requires joint participation or collaboration.

(d) A project assisted under this subpart may also include participation by a State educational agency.

(Sec. 513(a)(6)(e); 20 U.S.C. 1103(a)(6)(e).)

§ 172.103 Project schools.

(a) Section 172.12 (Project schools) does not apply to youth advocacy projects.

(b) A youth advocacy project must include one or more junior high schools or senior high schools, or both, of the local educational agency.

(c) A youth advocacy project may include one or more schools of the correctional facility.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

§ 172.104 Youth advocacy project community council.

(a) Each youth advocacy project must include an elected community council of at least seven members.

(b) The community council must be representative of:

(1) The parents of the juvenile delinquents or youth offenders participating in the project; and

(2) The residents of the areas served by the project schools.

(Sec. 513(e)(1), (g); 20 U.S.C. 1103(e)(1), (g).)

§ 172.105 Policy board.

The policy board under § 172.15 must include as a member the director of the correctional facility (or his or her equivalent).

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

§ 172.106 Youth advocacy projects—separate grants.

(a) If an application is selected for assistance under this subpart, the Commissioner awards a grant to the institution of higher education, a grant to the local educational agency, and a grant to the correctional facility.

(b) If the application includes more than one institution of higher education, more than one local educational agency or more than one correctional facility, the Commissioner may award grants to one or more of those institutions, agencies, or facilities.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

§ 172.107 Time period before correctional facility may apply for a new project.

If a correctional facility participates in a project, it may not apply for a new project until three years after the end of that participation.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

§ 172.108 Correctional facility functions.

A correctional facility may perform the following functions under its grant:

(a) Recruiting, selecting, and enrolling Teacher Corps members.

(b) Training Teacher Corps members.

(c) Paying the compensation of Teacher Corps members.

(d) Paying compensation for released time for educational personnel while in training, within the limitations in § 172.92.

(e) Paying the administrative and secretarial costs of the community council.

(f) Project administration, including planning, documentation, evaluation, and dissemination.

§ 172.109 Youth advocacy teacher-intern training.

In addition to the training required under § 172.47 (training program for teacher-interns), a youth advocacy project must include teacher-intern training in a correctional facility where youths are:

(a) Incarcerated; or

(b) Having problems adjusting to traditional educational programs; or

(c) Preparing to return to the school-community environment.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

Subpart D—Project Administration**§ 172.110 Management plan.**

(a) Each project must have a management plan for the project years, which includes:

- (1) A description of the activities to be carried out;
- (2) A description of the sequence and timing of the activities;
- (3) The assignment of responsibilities;

(4) A description of the resources to be used for each activity;

(5) A detailed budget for the initial project year (which must be updated in each succeeding year);

(6) A budget for later project years in outline form; and

(7) An analysis of how the activities contribute to achieving the objectives adopted under §§ 172.61-172.65.

(b) The management plan must be revised at least annually.

(c) The management plan must show in detail how it contributes to meeting each of the objectives adopted under §§ 172.61-172.65.

§ 172.111 Project director.

(a) Each project must have a project director.

(b) A temporary project director may be appointed at the beginning of the initial project year.

(c) A permanent project director must be appointed before the end of the initial project year.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.112 Compensation of project director and staff.

(a) The project director and other project administrative staff are not Teacher Corps members. They must be employed by a grantee.

(b) A grantee may use funds under its grant to pay the salaries of the project director and project staff.

(Sec. 513(a); 20 U.S.C. 1103(a).)

§ 172.113 Employment of project administrative staff.

(a) The project administrative staff must be hired from the grantees' regular employees whenever possible.

(b) A grantee must design its hiring of project administrative staff so that it gives consideration to persons who are broadly representative of the ethnic and cultural characteristics of the community served by the project.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.114 Supervision of Teacher Corps members.

(a) Teacher Corps members are under the direct supervision of the local educational agency to which they are assigned.

(b) Subject to the requirements in §§ 172.81-172.84, (regarding teacher-in-

terns), the local educational agency retains the authority to:

- (1) Assign Teacher Corps members within its system;
- (2) Transfer Teacher Corps members within its system;
- (3) Determine the terms and continuance of the assignment of Teacher Corps members within its system.

(Sec. 516; 20 U.S.C. 1106.)

Subpart E—Applications**§ 172.122 Policy board.**

An application must include a description of the members, method of selection, and operating procedures of the policy board.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.123 Institution of higher education.

(a) An application must include a description of each institution of higher education, including:

- (1) Its degree offerings in education; and
- (2) Its pre-service and in-service graduate training program.

(b) An application must also include a description of past and current efforts by the institution of higher education to improve its educational personnel training and retraining programs, and the way those efforts relate to the project.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(b); 20 U.S.C. 1103(b).)

§ 172.124 Project schools.

An application must include: (a) A brief description of each project school, including the size of the educational staff and the relationships among the schools in the feeder system;

(b) A description of past and current efforts to improve each project school, and the way those efforts relate to the projects;

(c) A statement that each project school meets the low-income criterion in § 172.12(b);

(d) A statement that all educational personnel employed by the project schools will be involved in planning and carrying out the project in that school; and

(e) If the project includes more than four teacher-interns, an assurance that the local educational agency will employ all of the teacher-interns who complete their internships.

(f) If the project includes as teacher-interns persons who do not have bachelors degrees, a certification by the local education agency that there are not enough teacher-intern candidates who have bachelors degrees available locally or through use of the national listing of qualified applicants.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(a); 20 U.S.C. 1103(a)(3).)

§ 172.125 Community council.

An application must include:

(a) A description of the temporary community council, including:

- (1) The purpose for which the council was originally established;
- (2) The boundaries and compositions of the community represented by the council;

(3) The terms of the council members;

(4) The date and methods of election of the council members; and

(5) The number of council members.

(b) A description of the permanent community council, including:

- (1) The boundaries and composition of the community represented by the council;
- (2) The number of council members;
- (3) The terms of the council members;

(4) The date and method of election of the council members; and

(5) The activities to be carried out by the council.

(c) An assurance that the community council participates with the other applicants in planning, carrying out, and evaluating the project.

(Sec. 513(e); 20 U.S.C. 1103(e).)

§ 172.126 Correctional facility.

An application for a youth advocacy project must include a description of each correctional facility.

(Sec. 513(e); 20 U.S.C. 1103(e).)

§ 172.127 Project objectives.

An application must include a description of each project objective adopted under §§ 172.61-172.65, including the basis for each objective in research, theory, or practical experience.

(Sec. 511(a); 20 U.S.C. 1101(a); Sec. 513(a); 20 U.S.C. 1103(g).)

§ 172.128 Management and staffing plans.

An application must include the management plan required under § 172.110 and a staffing plan.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.130 Released time.

A local educational agency which wishes to use grant funds under § 172.92 (released time for educational personnel) must demonstrate in the application that the project is or will be placed in jeopardy by the lack of compensation for released time.

(Sec. 514(f); 20 U.S.C. 1104(f).)

§ 172.132 Project activities.

An application must include a description of: (a) The teacher-intern recruitment methods;

(b) The organization of each teacher-intern team in each project school;

(c) The training program for teacher-interns;

(d) The training program for volunteers, teachers, and other educational personnel;

(e) The project plans and methods for achieving each of the objectives adopted under §§ 172.61-172.65; and

(f) Project evaluation to date.

(Sec. 513; 20 U.S.C. 1103.)

§ 172.133 Youth advocacy projects.

In addition to the other requirements in this subpart, an application for a youth advocacy project must describe:

(a) The persons receiving training in the project in remedial, basic, and secondary education;

(b) The special educational needs of the persons described under paragraph (a) of this section;

(c) How the project is designed to:

(1) Meet the needs of those persons; and

(2) Attract and train educational personnel who provide educational training to juvenile delinquents or youth offenders.

(Sec. 513(a)(6); 20 U.S.C. 1103(a)(6).)

§ 172.134 Information responding to evaluation criteria.

An application must include information which provides a basis for evaluating it under each of the criteria in Subpart F.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.135 Approval of applications by the State educational agency.

(a) The Commissioner may not approve an application submitted under this part unless the State educational agency of the State in which the project is located has approved the application.

(b) The approval by the State educational agency must be:

(1) In writing and signed by the chief State school officer; and

(2) Attached to the application before the application is submitted to the Commissioner.

(c) The State educational agency shall approve an application that is:

(1) In conformance with all applicable State laws, rules, and regulations; and

(2) Consistent with overall plans for teacher education in that State.

(Sec. 512 (a)(2), (3), (5); 20 U.S.C. 1103 (a)(2), (3), (5).)

§ 172.136 Continuation grant application.

In addition to meeting all of the other requirements of this subpart, an application for a continuation grant must include a description of:

(a) Planning done during the initial project year;

(b) Project experience to date; and

(c) Any revisions of or additions to the project objectives.

(Sec. 512(a) (2), (3), (5); 20 U.S.C. 1103(a); 20 U.S.C. 1103(g).)

§ 172.137 Annual publication of application submission date.

The Commissioner publishes the date and place to submit project applications annually in the *FEDERAL REGISTER*.

(Sec. 513(g); 20 U.S.C. 1103(g).)

Subpart F—Evaluation Criteria

§ 172.150 Evaluation procedure.

(a) Applications for grants under this part are evaluated by the Commissioner on the basis of the criteria in this subpart. The criteria in § 100a.26(b) of this chapter do not apply.

(b) Each application for initial project funding is evaluated in competition with all other applications for initial project funding.

(c) Each application for a continuation grant is evaluated noncompetitively based on the effectiveness of the project and the availability of appropriations.

(d) The evaluation of applications for initial project funding is based on a point system. Each criterion is weighted as indicated. The highest possible score under these criteria is 100 points.

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.151 School learning climate criterion (25 points).

In evaluating an application the Commissioner considers the extent to which:

(a) The objectives developed under § 172.62 (school objectives) (improved school climate) are likely to achieve the outcomes in § 172.60(a) (8 points);

(b) The project activities are likely to accomplish the objectives developed under § 172.62 (9 points); and

(c) The management plan for accomplishing the objectives developed under § 172.62 is realistic and economical (8 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.152 Educational personnel development system criterion (36 points).

In evaluating an application, the Commissioner considers the extent to which:

(a) The objectives developed under § 172.63 (educational personnel development) are likely to achieve the outcome in § 172.60(b) (improved educational personnel development system) (9 points);

(b) The project training activities are likely to accomplish the objectives developed under § 172.63 (b) (improved educational personnel development system) (9 points);

(c) The project activities are likely to accomplish the objectives developed

under § 172.63(a) and (c) (9 points); and

(d) The management plan for accomplishing the objectives developed under § 172.63 is realistic and economical (9 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.153 Institutionalization criterion (21 points).

In evaluating an application, the Commissioner considers the extent to which:

(a) The objectives developed under § 172.64 (institutionalization) are likely to achieve the outcome in § 172.60(c) (continuation of educational improvements) (7 points);

(b) The project activities are likely to accomplish the objectives developed under § 172.64 (8 points); and

(c) The management plan for accomplishing the objectives developed under § 172.64 is realistic and economical (6 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

§ 172.154 Adaptation of educational improvements criterion (18 points).

In evaluating an application, the Commissioner considers the extent to which:

(a) The objectives developed under § 172.65 (demonstration and dissemination) are likely to achieve the outcome in § 172.60(d) (adaptation of educational improvements) (6 points);

(b) The project activities are likely to accomplish the objectives developed under § 172.65 (6 points); and

(c) The management plan for achieving the objectives developed under § 172.65 is realistic and economical (6 points).

(Sec. 513(g); 20 U.S.C. 1103(g).)

APPENDIX—PART A OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED—TEACHER CORPS PROGRAM STATEMENT OF PURPOSE AND AUTHORIZATION OF APPROPRIATIONS

Sec. 511. (a) The purpose of this part is to strengthen the educational opportunities available to children in areas having concentrations of low-income families and to encourage colleges and universities to broaden their programs of teacher preparation and to encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel by—

(1) Attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas;

(2) Attracting and training inexperienced teacher-interns who will be made available for teaching and in-service training to local educational agencies in such areas in teams led by an experienced teacher;

(3) Attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas;

(4) Attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders;

(5) Supporting demonstration projects for retraining experienced teachers, teacher aides, and other educational personnel serving in local educational agencies.

(b) For the purpose of carrying out the provisions of this part there are authorized to be appropriated \$50,000,000 for the fiscal year 1977, \$75,000,000 for the fiscal year 1978, and \$100,000,000 for the fiscal year 1979.

ESTABLISHMENT OF TEACHER CORPS

SEC. 512. In order to carry out the purposes of this part, there is hereby established in the Office of Education a Teacher Corps. The Teacher Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 17 of the General Schedule of the Classification Act of 1949, and a Deputy Director who shall be compensated at the rate prescribed for grade 16 of such General Schedule. The Director and the Deputy Director shall perform such duties as are delegated to them by the Commissioner; except that (1) the Commissioner may delegate his functions under this part only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this part.

TEACHER CORPS PROGRAM

SEC. 513. (a) For the purpose of carrying out this part, the Commissioner is authorized to—

(1) Enter into contracts or other arrangements with institutions of higher education or local educational agencies under which they will recruit, select, and enroll in the Teacher Corps for periods of up to five years, experienced teachers, teacher aides, and other educational personnel, persons who have a bachelor's degree or its equivalent, and persons who have successfully completed two years of a program for which credit is given toward a baccalaureate degree and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants;

(2) Enter into arrangements, through grants or contracts, with institutions of higher education or local educational agencies (upon approval in either case by the appropriate State educational agency) or with State educational agencies to provide members of the Teacher Corps with such training as the Commissioner may deem appropriate to carry out the purpose of this part, including not more than three months of training for members before they undertake their teaching duties under this part;

(3) Enter into arrangements (including the payment of the cost of such arrangements) with local educational agencies upon approval by the appropriate State educational agency and, after consultation in appropriate cases with institutions of higher education, to furnish to local educational agencies, for service during regular or summer sessions, or both, in the schools of such agencies in areas having concentrations of children from low-income families, Teacher Corps programs each of which shall include teacher-interns teams lead by experienced teachers, and may include additional experienced teachers, teacher aides,

and other educational personnel, who may be afforded time by the local educational agency for a training program carried out in cooperation with an institution of higher education;

(4) Pay to local educational agencies such part of the amount of the compensation which such agencies pay to or on behalf of members of the Teacher Corps assigned to them pursuant to arrangements made pursuant to the preceding clause as may be agreed upon after consideration of their ability to pay such compensation, but not in excess of 90 per centum thereof, except that, in exceptional cases, the Commissioner may provide more than 90 per centum of such compensation during the first year of any agency's participation in the program;

(5) Enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;

(6) Enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payments of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such projects may be paid from Federal funds;

(7) (A) Make available technical assistance to State and local educational agencies and institutions of higher education for carrying out arrangements entered into under this title; and

(B) Provide planning, technical assistance, monitoring, documenting, dissemination, and evaluation services for arrangements made under this title;

(8) Acquaint qualified persons of teaching opportunities and needs in disadvantaged areas and encourage qualified persons to apply to appropriate educational agencies or institutions for enrollment in the Teacher Corps; and

(9) Accept and employ in the furtherance of the purposes of this subpart (A) voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes, as amended (31 U.S.C. 665(b)), and (B) any money or property (real, personal, or mixed, tangible or intangible) received by gift, devise [sic], bequest, or otherwise.

(b) Arrangements with institutions of higher education to provide training for Teacher Corps members while serving in schools for local educational agencies under the provisions of this part shall provide, wherever possible, for training leading to an appropriate degree.

(c) (1) Whenever the Commissioner determines that the demand for the services of members of the Teacher Corps exceeds the number available, he shall, to the extent practicable, allocate the number of members of the Teacher Corps who are available among the States in accordance with paragraph (2).

(2) Not to exceed 5 per centum of the number of members of the Teacher Corps who are available shall be allocated to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs. The remainder of such number of Teacher Corps members shall be allocated among the States so that the number of members available to any State shall bear the same ratio to the number being allocated as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children so enrolled in all of the States. The number of children so enrolled shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him. For purposes of this subsection, the term "State" shall not include Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(3) If the Commissioner determines that a State will not require the number of Teacher Corps members allocated to it under paragraph (2), he shall, from time to time, reallocate the number not required, on such dates as he may fix, to other States in proportion to the original allocation to such States under paragraph (2), but with such proportionate number for any of such other States being reduced to the extent it exceeds the number the Commissioner determines such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate numbers were not so reduced.

(d) A local educational agency may utilize members of the Teacher Corps assigned to it in providing, in the manner described in section 205(a) (2) of Pub. L. 874, Eighty-first Congress, as amended, educational services in which children enrolled in private elementary and secondary schools can participate.

(e) (1) No arrangement may be entered into under the provisions of paragraph (1), (2), (3), (5), or (6) of subsection (a) of this section unless that arrangement is prepared with the participation of an elected council which shall be representative of the community in which the project subject to that arrangement is located and of the parents of the students of the elementary or secondary schools or both, to be served by such project.

(2) Each council selected pursuant to this subsection shall participate with the local educational agency or institution of higher education, or both, in the planning, carrying out, and evaluation of projects subject to arrangements under paragraphs (1), (2), (3), (5), and (6) of subsection (a) of this section.

(3) The Commissioner is authorized in each fiscal year to arrange for the payment of necessary secretarial and administration expenses of each council elected pursuant to the provisions of this subsection for the purposes of carrying out its functions under this subsection.

(f) The Commissioner shall establish procedures seeking, with respect to the Teacher Corps members enrolled after the date of enactment of the Education Amendments of 1976, [a] goal of having approximately five individuals who are at the time of enrollment, or who previously have been, employed as teachers by local educational agencies to one individual who has not been so employed. The Commissioner may waive the procedure established under this subsection if he makes a determination that there are insufficient qualified applicants to maintain the goal sought by this subsection, or that there are insufficient employment opportunities for individuals who are not so employed, and submits a report to the Congress of such a determination.

(g) Notwithstanding any other provision of law, the Commissioner shall develop and establish specific criteria for entering into arrangements under this part in order to assist applicants for assistance under this part to develop proposals to be submitted. Criteria established under this subsection shall be used by the Commissioner in selecting proposals under this title.

COMPENSATION

Sec. 514. (a) An arrangement made with a local educational agency pursuant to paragraph (3) of section 513 (a) or arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513(a), or an arrangement with any agency pursuant to paragraph (6) of section 513(a), shall provide for compensation by such agency of Teacher Corps member during the period of their assignment to it at the following rates:

(1) An experienced teacher who is leading a teaching team shall be compensated at a rate agreed to by such agency and the Commissioner.

(2) A teacher intern shall be compensated at such rates as the Commissioner may determine to be consistent with the nature of the program and with prevailing practices under comparable federally supported programs or local projects, not to exceed \$150 per week plus \$15 per week for each dependent; and

(3) Tutors and instructional assistants shall be compensated at such rates as the

Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs.

(b) For any period of training under this part the Commissioner shall pay to members of the Teacher Corps such stipends (including allowances for subsistence and other expenses for such members and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported training programs.

(c) The Commissioner shall pay the necessary travel expenses of members of the Teacher Corps and their dependents and necessary expenses for the transportation of the household goods and personnel effects of such members and their dependents, and such other necessary expenses of such members as are directly related to their services in the Corps, including readjustment allowances proportionate to service.

(d) The Commissioner is authorized to make such arrangements as may be possible, including the payment of any costs incident thereto, to protect the tenure, retirement rights, participation in a medical insurance program, and such other similar employee benefits as the Commissioner deems appropriate, of a member of the Teacher Corps who participates in any program under this part and who indicates his intention to return to the local educational agency or institution of higher education by which he was employed immediately prior to his service under this part.

(e) The Commissioner is authorized to provide medical (including hospitalization) insurance for members of the Teacher Corps who do not otherwise obtain such insurance coverage either under an arrangement made pursuant to subsection (d) of this section or as an incident of an arrangement between the Commissioner and an institution or a State or local educational agency pursuant to section 513.

(f) The Commissioner is authorized to compensate local educational agencies for released time for educational personnel of the agency who are being trained in Teacher Corps projects assisted under this title.

APPLICATION OF PROVISIONS OF FEDERAL LAW

Sec. 515. (a) Except as otherwise specifically provided in this section, a member of the Teacher Corps shall be deemed not to be a Federal employee and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation,

leave, unemployment compensation, and Federal employee benefits.

NOTE.—Subsection (b) was repealed by Pub. L. 90-83.

(c) Such members shall be deemed to be employees of the Government for the purposes of the Federal tort claims provisions of title 28, United States Code.

(d) Members of the Teacher Corps shall not be eligible to receive payment of a student loan under title II of the National Defense Education Act of 1958 or of an educational opportunity grant under title IV of this Act.

LOCAL CONTROL PRESERVED

Sec. 516. Members of the Teacher Corps shall be under the direct supervision of the appropriate officials of the local educational agencies to which they are assigned. Except as otherwise provided in clause (3) of section 513(a), such agencies shall retain the authority to—

- (1) Assign such members within their systems;
- (2) Make transfers within their systems;
- (3) Determine the subject matter to be taught;
- (4) Determine the terms and continuance of the assignment of such members within their systems.

MAINTENANCE OF EFFORT

Sec. 517. No member of the Teacher Corps shall be furnished to any local educational agency under the provisions of this part if such agency will use such member to replace any teacher who is or would otherwise be employed by such agency.

TEACHING CHILDREN OF MIGRATORY AGRICULTURE WORKERS

Sec. 517A. For purposes of this part the term "local educational agency" includes any State educational agency or other public or private nonprofit agency which provides a program or project designed to meet the special educational needs of migratory children of migratory agricultural workers, and any reference in this part to (1) teaching in the schools of a local educational agency includes teaching in any such program or project and (2) "migratory children of migratory agricultural workers" shall be deemed to continue to refer to such children for a period, not in excess of five years, during which they reside in the area served by the local educational agency.

[FR Doc. 78-4356 Filed 2-22-78; 8:45 am]

THURSDAY, FEBRUARY 23, 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 594]

FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976Applications 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 Governments of the Republic of China, Korea, Union of Soviet Socialist Republics and Polish People's Republic are published herewith.

Dated: February 15, 1978.

LARRY L. SNEAD,
Acting Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. TW-78-0054

1. Name of Vessel HIGHLY NO.303 2. Visual Ident. BMCS
3. Type of Vessel CARGO/TRANSPORT 4. Length 70.80 M
5. Gross Tonnage 976.81 TONS 6. Net Tonnage 514.25 TONS 7. Speed (knots) 12 KNOTS
8. Owner's Name and Address HIGHLY ENTERPRISE CORP.
354, NANKING W. ROAD, TAIPEI (101)
9. Types of Processing Equipment REFRIGERATING MACHINE (NH3 COMPRESSOR 2 SETS).
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA					X
GOA					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. KS-78-0081

1. Name of Vessel Tae Yang 12 2. Visual Ident. 6LBB
3. Type of Vessel Transport 4. Length 78.66 M
5. Gross Tonnage 1,332 6. Net Tonnage 827 7. Speed (knots) 12.3
8. Owner's Name and Address Korea Marine Industry Development Corporation
#55-4, Seodomin-dong, Chung-ku, Seoul, Korea
9. Types of Processing Equipment Cargo capacity: 1,200 M/T
Freezer: 3 Dry Hold: 2 Tanks: 17
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
GOA					X (Transport)

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.)

TAE YANG 12
KS-78-0081

Specific Activities: This vessel will be receiving fish from the BOOK NEUNG and SOO GONG No. 51. BOOK NEUNG and SOO GONG No. 51 have applied for authorization to purchase raw fish from U.S. vessels.

Flag of other vessels: U.S.

Fishery: GOA - Bottom fish fishing

Species: Primary pollock and incidental species including pop, pacific cod, flounders, rockfish and other species.

Quantity: Amount of fish that has been purchased from U.S. vessels and processed by BOOK NEUNG AND SOO GONG No. 51.

Locations: Various location within the U.S. fishery conservation zone in the Gulf of Alaska.

Dates: April 1 - December 31, 1978 which will depend upon culmination of arrangements with U.S. fishermen.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. PL-78-0042

1. Name of Vessel COLUMBA 2. Visual Identif. SPKO
3. Type of Vessel STERN TRAWLER B-15 4. Length 83 m
5. Gross Tonnage 2321 6. Net Tonnage 945 7. Speed (knots) 12.5
8. Owner's Name and Address Deep Sea Fishery and Fishing Service Enterprise
"DALMOR" 81-963 Gdynia POLAND
9. Types of Processing Equipment Bander I-181,47 x 2, II-188,413,47.
III-181,47 x 2 Filleter and skinning

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
WOC	HAKE	MID-WATER			
	JACK MACKEREL	TRAWL	X	X	
GOA	POLLOCK	BOTTOM TRAWL	X	X	
	ATKA MACKEREL				

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. UR-78-0561-A

1. Name of Vessel VISATEL 2. Visual Identif. BNWH
3. Type of Vessel Stern trawler 4. Length 82
5. Gross Tonnage 2657 6. Net Tonnage 1139 7. Speed (knots) 13.6
8. Owner's Name and Address Nakhodkinskaja Baza Aktivnogo Morskogo
Rybolovstva, Nakhodka, USSR
9. Types of Processing Equipment Fish meal plant, freezer

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SMT	Seamount Groundfish	Bottom Trawl	X		
		Midwater 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.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. PL-78-0043

1. Name of Vessel CENTAURUS 2. Visual Identif. SPVM
3. Type of Vessel STERN TRAWLER B-15 4. Length 83 m
5. Gross Tonnage 2354 6. Net Tonnage 957 7. Speed (knots) 12.5
8. Owner's Name and Address Deep Sea Fishery and Fishing Service Enterprise
"DALMOR" 81-963 Gdynia POLAND
9. Types of Processing Equipment Bander I-181,47 x 2, II-188,413,47
III-181,47 x 2 Filleter and skinning

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
WOC	HAKE	MID-WATER			
	JACK MACKEREL	TRAWL	X	X	
GOA	POLLOCK	BOTTOM TRAWL	X	X	
	ATKA MACKEREL				

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.)

[FR Doc. 78-4782 Filed 2-22-78; 8:45 am]

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THURSDAY, FEBRUARY 23, 1978
PART IV



**DEPARTMENT OF
COMMERCE**

**National Oceanic
and Atmospheric
Administration**



**COASTAL ENERGY
IMPACT PROGRAM**

Administrative Procedures

[3510-08]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 931—COASTAL ENERGY IMPACT PROGRAM

AGENCY: National Oceanic and Atmospheric Administration (NOAA) Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule describes administrative procedures to implement the Coastal Energy Impact Program, which will provide grants and credit assistance to coastal States and communities to help them deal with the impacts of coastal energy development.

EFFECTIVE DATE: March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Joellyn K. Murphy, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202-634-4249.

SUPPLEMENTARY INFORMATION:

The Coastal Energy Impact Program (CEIP) was created by the 1976 amendments to the Coastal Zone Management Act of 1972 (Pub. L. 94-370; 16 U.S.C.A. 1451, et seq.) and signed into law on July 26, 1976. The National Oceanic and Atmospheric Administration (NOAA) published proposed regulations on October 22, 1976 (41 FR 46724). On January 5, 1977, NOAA published interim-final regulations (42 FR 1164). The preamble to both sets of regulations discussed the implementation of the CEIP in detail, and the preamble to the interim-final regulations addressed in detail the issues raised and comments made during the 54-day comment period on the proposed regulations.

The following paragraphs detail the changes made since the publication of the interim-final regulations. Some of these changes are in response to comments made during the 30-day comment period on the interim-final regulations that closed February 4, 1977. Other changes are based on the experience gained by NOAA's Office of Coastal Zone Management (OCZM) in administering the CEIP since February 4, 1977, the effective date of the interim-final regulations.

Specific comments made during the comment period are also discussed in detail below.

MAJOR CHANGES AND RESPONSES TO COMMENTS

SUBPART A—OBJECTIVES

This subpart was not changed.

SUBPART B—GENERAL DEFINITIONS

The definition in § 931.13 of "new or expanded Outer Continental Shelf energy activity" has been amplified. Also, the definition of "impact area" has been deleted, since the concept of an impact area within a State has proven not to be useful in the allotment process.

Comments: One commentator suggested that the definition of "significantly affected" in § 931.14 be revised in such a way as to state clearly the amount of change in population or employment patterns that is considered "significant." The impact caused by population and employment changes will be site specific. A change in employment will cause a different impact in a community in which many people are unemployed than it would in a community in which there is little unemployment at the time the energy facility is sited. Therefore, no change has been made in the regulations.

One commentator argued that, under the existing structure of § 931.15 and § 931.20, an energy facility will qualify as "new" even if most of the facility was built before July 26, 1976. This may be true, but OCZM will consider only the impact caused after July 26, 1976.

One commentator suggested that the definition of "Outer Continental Shelf energy activity" found in § 931.17 be expanded to include gas processing plants. However, since the Congress did not intend to include those facilities required by the treatment of oil and gas, the regulations were not altered.

Another commentator objected to the definition of "unit of local government" in § 931.22(c). This commentator argued that planning agencies without taxing authority should not receive CEIP assistance, since "the action of this agency will have severe impact on the taxpayers." NOAA feels that area-wide planning agencies have a legitimate function under Federal and State law, and, as such, can perform a useful role in planning for the effects of coastal energy development. The definition, therefore, remains unchanged.

SUBPART C—BASIC ELIGIBILITY

The only substantive change to this subpart was the addition of a provision—§ 931.25(d)—specifying that should a coastal State lose its eligibility for an allotment or for award of funds, all moneys allotted to the State but not yet awarded for individual projects will be withheld. If the State in question has not regained its eligibility within 1 year, the withheld funds will be reallocated as appropriate among the remaining eligible coastal States.

Comments: One commentator suggested that the structure of paragraphs (b) and (c) of § 931.25 is un-

clear, and they should be restructured. This comment was rejected because OCZM believes the present structure is clear: Paragraph (b) states the criteria for "satisfactory progress toward the development of a management program consistent with the policies set forth in section 303" of the Act; paragraph (c) defines what is meant by "consistent with the policies set forth in section 303."

The same commentator requested that energy facilities be explicitly mentioned as in the national interest under § 931.25(c). Section 931.25(c)(2)(iii) already requires that uses of national interest not be arbitrarily excluded by the management program. Energy facilities are thus implicitly included, and there appears to be no reason to single out this type of national interest use over other types.

Another commentator suggested that the definition of eligibility contained in § 931.25 is unfair to local governments within a State since these governments would lose eligibility because of State decisions beyond their own control. The statute is clear on eligibility in this matter, however, and OCZM is required to determine statewide eligibility according to the State's progress toward coastal management. Since the development of coastal management should involve local governments directly, the decision to abandon coastal management is not entirely beyond the influence of local governments. Also, this definition of eligibility creates an added incentive for local governments to participate in and encourage coastal management in the State.

SUBPART D—PLANNING FOR THE CONSEQUENCES OF ENERGY FACILITIES

The significant changes in this subpart since the publication of the January 5, 1977, interim-final regulations are as follows:

(1) The interim-final regulations contained a restriction that a State could not use for planning an amount of formula grants greater than the percent of the credit assistance allotted to it for public facilities and services under section 308(d). This restriction has been removed. OCZM believes that to impose such a restriction would not be fully in keeping with the philosophy of the CEIP to provide maximum discretion and control to States and localities.

(2) The inventory of new or expanded energy facilities drawn up for the allotment of section 308(c) planning assistance has been changed from an annual list of facilities to a cumulative list. OCZM will update the list each year, removing those facilities for which planning is no longer needed and adding new facilities as they come on the horizon. This change avoids the potential "bunching problem" that

could arise with an annual list; i.e., a State could have many energy facilities on its inventory in one year and few in the next. This ongoing inventory will create, in conjunction with the formula applied to the facilities on the inventory, what might be called a "planning need index" that measures the level of relative need for planning among the eligible coastal States.

(3) The allotment procedure has been more fully described to indicate that fifteen percent of the moneys appropriated for section 308(c) will be allotted equally among all eligible coastal States. The remaining 85 percent will be allotted based on the planning inventory and formula procedures described in § 931.36(b)(2).

(4) Section 931.33(b) is now explicit that preliminary architectural and engineering services for public facilities required as a direct result of new or expanded OCS energy activity are an allowable use of the formula grants.

(5) The purposes cited in § 931.33 have been restructured into a more logical presentation. Its content has not changed substantially.

Comments: One commentator suggested that the objectives of this subpart—§ 931.31—explicitly include the limitation that planning assistance may be used only for the effects of those new or expanded energy facilities that "significantly affect" the coastal zone. This suggestion was not accepted because other provisions of Subpart D state clearly that planning assistance can be used to plan only for those energy facilities significantly affecting the coastal zone. Section 931.31 is intended to provide only general guidance on the objectives of CEIP planning assistance, followed by more specific direction on the procedures and uses of the assistance in the remaining provisions of Subpart D.

One commentator suggested that the definition of "eligible energy facility" in § 931.32 be clarified regarding facilities projected to be required as a result of an OCS lease sale, including specification of who makes these projections and on what basis. Because OCZM believes that a definition is not the appropriate place to set forth procedures, this section remains unchanged. Section 931.36(a)(2)(iii) states that OCZM will distribute to each coastal State the data and information on which its allotment will be based. These data will include the projections relating to OCS lease sales. The coastal States will have 45 days to comment on these data and on the allotment procedure.

One commentator suggested that § 931.33 be expanded to allow planning for the phasing out of energy facilities. This comment was adopted, as indicated in § 931.33(a)(2)(viii).

Another commentator suggested that the allowable uses in § 931.33 are

far too broad, and they should be narrowed because some of the types of planning listed could not be carried out efficiently or in a timely way by coastal States or communities. OCZM intends to rely on the intra-State allocation process required by section 308(g)(2) of the Act to ensure that only the most feasible and effective projects are undertaken within a State. It does not appear appropriate to narrow the allowable uses or to limit the discretion of the States and localities in determining the most appropriate type of planning for the effects of new or expanded energy facilities significantly affecting the coastal zone. Furthermore, the uses specified in § 931.33 are not requirements for State or local planning. Accordingly, § 931.33 remains unchanged.

Another commentator suggested that, since new or expanded energy facilities can often have salutary economic and other effects on States and communities, the allowable uses of § 931.33 should be expanded to permit planning for beneficial effects of such facilities. Because such planning is already implicitly permitted under the present structure of that section, it has not been modified.

One commentator felt that the planning funds under this subpart are not being made available in a timely fashion because the use of the planning moneys is tied to the eligible energy facilities on the allotment inventory—and a facility may not enter this inventory until it is too late to undertake basic or preliminary planning. This comment appears to be based on a fundamental misunderstanding of Subpart D. The use of planning funds is not tied to or limited in any way to the specific facilities on the allotment inventory. The inventory is developed with equity in mind; it is a way of dividing a fixed sum of money fairly among all the eligible coastal States. But, once allotted, the funds may be used for any of the types of planning in § 931.33 as long as that planning is related to new or expanded energy facilities significantly affecting the coastal zone. This can include facilities far more speculative than those eligible for inclusion on the planning allotment inventory. The only type of energy-related planning not allowable is very general or state-wide energy planning having no relation to new or expanded energy facilities significantly affecting the coastal zone.

The same commentator suggested that the allotment process be expanded to include the potential environmental effects on one State of effects from a new or expanded energy facility (e.g., tanker traffic from OCS activity) in a nearby State. OCZM believes it is not feasible to include this effect in the allotment formula because there is no accurate way to measure it

and, therefore, no fair way to include it. Nevertheless, a State can use its planning funds to plan for such environmental effects even though the effect was not included on the inventory upon which the allotment was based.

SUBPART E—FINANCING PUBLIC FACILITIES AND PUBLIC SERVICES

The major changes in this subpart since the January 5, 1977, interim-final regulations are as follows:

(1) The concept of a loan/guarantee agreement has been amplified. It is now explicit that the award of repayment assistance will not and cannot be a purely discretionary action by the Associate Administrator. The agreement will contain clear conditions, agreed upon in advance by the borrower and OCZM, under which the Associate Administrator will authorize repayment assistance. The insertion of this language is intended to bolster OCZM's commitment to reducing the risk to State and communities inherent in building the new infrastructure required by coastal energy activity.

(2) The words "new or expanded" have been removed from before "coastal energy activity" in those sections dealing with the use of credit assistance funds under section 308(d). It had been OCZM's interpretation of the legislative history and the statute that credit assistance was intended to be used to deal with the effects of only "new or expanded" coastal energy activity. But, because the statute and legislative history are not entirely clear on the matter, and because several comments requested an expansion in the scope of the credit assistance, OCZM has decided to specify in these final regulations that credit assistance may be used to build new or improved public facilities required as a result of coastal energy activity.

It should be noted that this issue was the subject of substantial comment at the time of the November 22, 1976, proposed regulations and of the January 5, 1977, interim-final regulations. The preambles to both these documents discussed the issue in detail.

(3) The definition of "unavailable" has been changed to recognize that credit assistance is "unavailable" when a borrower clearly is unable to amortize fully a loan or guaranteed obligation. This means that the State could requisition the proceeds of its formula grant to assist the borrower in conjunction with a loan or guarantee to construct a public facility required as a direct result of new or expanded OCS energy activity. This change adds significantly to the flexibility of the program.

This issue was also the subject of considerable comment at the time of the earlier regulations. OCZM then

held the position that a definition of unavailability that permitted case-by-case determination of need was not appropriate or fully in keeping with the philosophy of the program or its legislative intent. Since publication of the interim-final regulations, however, OCZM has gained experience in implementing the program. OCZM now feels that the flexibility of this amended definition of unavailability is critical to the success of the CEIP in meeting the needs of those communities—often the most severely impacted—that clearly cannot repay a loan or guaranteed obligation without drastically increased taxes or other hardships to the pre-impact population.

(4) The definition of a "public facility" in § 931.42(a) was broadened by including, under "environmental protection," land acquisition for environmental protection and facilities and equipment to prevent or control erosion. The definition was also broadened under "recreation" by the inclusion of the acquisition of parkland or beaches or public access to parkland or beaches.

Comments: One commentator requested that "beaches" be added to § 931.42(a)(6); the comment, as noted above, was incorporated. The same commentator suggested that "rail electrification systems" be added to the list of public facilities. This suggestion was not adopted, since such electrification projects would not likely serve new population resulting from coastal energy activity. Mass transit that is required by coastal energy activity is already covered in § 931.42(a)(7).

Another commentator objected to the inclusion in § 931.42(a) of "electric generating plants and distribution systems," arguing that such plants and systems are not explicitly mentioned in the statute and thus can be considered a public facility only upon a finding that they serve new population. As the commentator points out, the CZMA does not limit public facilities eligible for CEIP assistance to those enumerated in the statutory definition, and provides for the inclusion of other eligible facilities which the Secretary finds will support increased population. The inclusion of electric generating plants and distribution systems in the definition of "public facility" that appears in these regulations represents the determination of the Associate Administrator, under authority delegated to him by the Secretary, that these types of facilities will support increased population.

Another commentator asked that the definition of "new or improved public facility" remove any reference to serving new employment or new population. This comment was adopted, since the definition is intended only to refer to a point in time.

The same commentator suggested that § 931.42(e) define the term "re-

quired as a result of coastal energy activity" rather than the term "required as a result of new or expanded coastal energy activity." As noted above, the definition was changed accordingly.

The same commentator suggested that credit assistance be defined as "unavailable" in § 931.42(g) when the Associate Administrator declines to give a loan for a facility or service or if the State has used all of the credit assistance allotted to it. The definition in § 931.42(g) was modified substantially, as noted above.

Another commentator had several concerns about the allotment procedure in § 931.46. The commentator suggested that the "need factor" approach to allotment could occasionally result in less money being allotted than was appropriated for credit assistance (if the sum of all the state need factors is less than the amount appropriated). The commentator suggested that it be made clear that all moneys appropriated would always be allotted. Section 308(e) of the Act states the criteria on which the allotment is to be based. OCZM is limited by the statute to using a formula based on the factors specified in section 308(e)(1) (A) and (B), and use of these factors may not always result in an amount allotted identical to the amount appropriated. Should moneys be appropriated but not allotted in a given year, they would remain in the Fund and be allotted in subsequent years as needed.

The same commentator was concerned that the States be allowed to review the calculation of need factors, and that the State be given more information on how new or expanded OCS energy activities are to be identified and included in the allotment. Section 931.46(d) specifies that OCZM will provide the States each year the relevant data and procedures on which the allotment is based. The States will have 45 days to review and comment on these data and procedures before the allotment is made.

The same commentator asserted that the allotment procedures do not recognize that new population—and therefore new demand for public facilities and services—can be drawn into one State by a coastal energy activity in another State. Section 931.46(d)(4) states that OCZM will estimate the new employees and related new population expected to "reside in each coastal State." This could include employees and population from coastal energy activities in nearby States. A State should bring such cases to OCZM's attention, along with adequate documentation, during the 45-day comment period.

One commentator stated that the CEIP would impose significant administrative costs on States, and that the regulations are not clear on how these

costs can be met. Section 931.33(a)(3)(iii) makes it clear that funds for administration of the CEIP are available under both sections 308(c) and 308(b) of the Act.

One commentator objected to the removal of a phrase that had appeared in the October 22, 1976, proposed regulations stating that OCZM believes that such a restriction would be unwise until more experience has been gained in processing requisitions. OCZM retains, however, a firm commitment to the speedy processing of applications and requisitions.

The largest number of comments on Subpart E were in regard to the interest rate described in § 931.50(a). Most of these comments stated that the interest rate specified in § 931.50(a) was too high to provide necessary financial assistance on reasonable terms. Other comments requested clarification of what special circumstances would cause a lower interest rate. We have responded to these comments by requesting a review of the issue by the Office of Management and Budget. OCZM's request contains the recommendation for a lower interest rate to apply to potential borrowers. Pending the outcome of this review, OCZM has retained in the regulations both the language of the statute, which simply states what the maximum interest rate can be on 308(d)(1) loans, and the authority to approve lower interest rates under special circumstances.

SUBPART F—REPAYMENT ASSISTANCE

The major changes in this subpart involve the simplification and clarification of language. The substantive aspects of these changes can be described in two ways.

(1) The final regulations reflect redefinition of and decreased reliance on fiscal schedules as a determinant of a borrower's eligibility for repayment assistance. The fiscal schedule—a set of projections or forecasts examining the fiscal condition of a borrower with and without the effects of a coastal energy activity—is now viewed as one tool of fiscal analysis developed and used by OCZM. By trying the criteria for the availability of repayment assistance to the loan or guarantee agreement rather than to these fiscal schedules, the regulations now provide greater flexibility in OCZM's ability to tailor assistance to the needs of individual borrowers.

(2) The concept of a loan or guarantee agreement has been strengthened to make clear that the OCZM's discretion in the award of repayment assistance will be constrained by the terms and conditions agreed to by the borrower and the Associate Administrator in advance of the loan or guarantee award. This provision will help insure that the Federal Government will share with coastal States and commu-

nities the risk inherent in building the public facilities and providing the public services needed because of coastal energy activity. The regulations clearly specify that the borrower will know the conditions upon which repayment assistance will be available before taking out the loan or guaranteed obligation and will not have to rely on the future judgment of Federal officials.

Comments: One commentator stated that the requirement for periodic updating of financial information will impose costs on the States and local governments. This requirement was not changed, however, since administrative costs can be paid for from the State's allotment of planning funds, under either section 308(c) or 308(b).

SUBPART G—GRANTS FOR UNAVOIDABLE LOSSES OF COASTAL ENVIRONMENTAL AND RECREATIONAL RESOURCES

The major changes in this subpart involved clarification of language in several sections. No substantive changes were made.

Comments: A number of commentators asked for amplification of the definition of "unavoidable" in § 931.72. In response, the definition has been expanded and restructured.

Another commentator objected to the inclusion of "air or water quality" as an "environmental resource" in § 931.72(b) because "air and water quality are protected from significant degradation under Federal Clean Air and Water Pollution Control Acts; therefore, any change in air or water quality authorized under those Acts does not create a compensable 'loss.'" This comment speaks to the unavailability of certain types of losses, not to whether a degradation of air or water quality is an environmental loss. Certainly any degradation of air or water quality that involves a continuing violation of Federal pollution laws would not be declared "unavoidable." But, since it is conceivable that CEIP funds could be used effectively to plan for, to monitor, or to design prevention strategies involving such degradation, § 931.72(b) remains unchanged.

One commentator objected to the restriction in § 931.72(d) that, to be considered a recreational resource, an area must have been "designated under a State's approved coastal zone management program as an area of particular concern or potential use for recreational purposes" if the area in question had not already been in use for recreational purposes. The restriction was necessary to enable OCZM to distinguish objectively, for administrative purposes, between a recreational resource and an environmental resource.

A number of commentators asked for further clarification and amplification of § 931.74, which describes the

uses to which environmental/recreational grants can be put. This section was expanded accordingly.

Another commentator suggested specifically that § 931.74 states clearly that grants are available to prevent, reduce, or ameliorate losses that result from coastal energy activity—regardless of when that energy activity occurred. This comment was incorporated.

The same commentator suggested that § 931.79(d), which limits the use of grants to prevent, reduce, or ameliorate a loss by means of a public facility, be modified from facilities of the types specified in § 931.42(a) to facilities "eligible for funding under Subpart E". This comment was also accepted.

SUBPART H—LATERAL SEAWARD BOUNDARIES

Upon analysis by NOAA of the interim-final regulations for this subpart, it was determined that references to lateral seaward boundaries of States extending to "the outer limit of the territorial sea" was not the most appropriate terminology. This terminology has been replaced by the phrase "a State's seaward boundary," which is derived from the Submerged Lands Act.

Since the effective date of the interim-final regulations is now established, references to dates in this subpart which are tied to the effective date have been replaced by specific dates.

Review of this subpart by NOAA also revealed a failure to recognize a distinction in the language between paragraphs 308(b)(3)(B) (i) and (ii) of the Act. Paragraph (ii) provides for delimitation of lateral seaward boundaries if no such boundaries "or any portion thereof" have been clearly defined or fixed; paragraph (i) does not refer to "portions" of boundaries. The statute thus would authorize a delimitation line to be based on a "portion" of a lateral seaward boundary established by an interstate compact, agreement, or judicial decision as of July 26, 1976 (the date of enactment of the statute) only if such portion of a lateral seaward boundary has been clearly defined or fixed by that time, and to the extent that the principles used were applicable. It has been suggested that the clause "to the extent that such principles are applicable" should be deleted from this provision, but to retain it reflects more clearly the effect of the statute.

Comments. One commentator pointed out that the regulations failed to take into account the fact that paragraph 308(b)(3)(B)(iii), pertaining to lateral seaward boundaries defined or fixed by States after July 26, 1977, unlike paragraphs (i) and (ii), does not refer to such boundaries established by judicial decision. Therefore, in

order to more closely follow the provisions of the statute and the intent of Congress, the regulations have been revised to provide only for the adoption of principles used in inter-State compacts or agreements entered into or amended by coastal States after July 26, 1976, as the basis for establishment or revision of a delimitation line through the Outer Continental Shelf by the Associate Administrator. However, language was inserted that if, after July 26, 1976, a judicial decision were rendered that clearly defined or fixed a lateral seaward boundary, such a decision may also be used by the Associate Administrator in establishing a line of delimitation.

Another commentator suggested that references in the regulations to the principle of equidistance should be dropped so as to avoid any implication of a preference for this principle over another applicable principle. This has been done.

In response to another comment, the regulations have been amended to emphasize that a uniform procedure is provided for any principle requiring measurement from a baseline. That baseline will be the intersection of the National Ocean Survey (NOS) low water datum of reference with the land, as described and published by the NOS on large scale nautical charts of the area, as modified by the application of the principles of the Convention on the Territorial Sea and the Contiguous Zone, as interpreted by the Ad Hoc Committee on U.S. Coastline Delimitation.

A commentator also suggested that the six-month period for States to define or delimit a lateral boundary be allowed to run from the effective date of the final regulations as opposed to the interim-final regulations. In response, an optional period of an additional six months has been authorized, if the Governors of the States concerned each request such an extension.

Another commentator expressed concern over the improper discretion implied in the statement in one portion of the regulations that the Associate Administrator will establish the required delimitation lines. Thus, language following that of the statute has been inserted in the regulations to emphasize that, if the Associate Administrator is to establish the required delimitation lines in the absence of prior definition or delimitation, it will be according to the applicable principles of law.

A commentator also suggested that, if the lateral seaward boundary is a matter in litigation prior to the time of delimitation by the Associate Administrator, it would be appropriate to defer such delimitation until a final judicial decision is rendered. Language has been inserted providing discretion

to the Associate Administrator to so defer such delimitation under such circumstances.

Another commentator suggested specifying that, when measurement from a baseline is used, the baseline on NOS charts would apply, except where fixed by judicial decree, in order to clarify that a different official legal baseline may in fact be fixed by judicial decree. However, since the modification and interpretation by the Ad Hoc Committee mentioned above includes consideration of applicable judicial decrees, this additional language is unnecessary. The regulations also emphasize that the uniform procedures to be used when delimitation lines established by the Associate Administrator are based on measurement from a baseline include the provisions that such delimitation lines shall be delineated by the NOS.

Finally, several changes have been made with respect to impoundment of funds for disputed areas. To avoid potential differences over the exact area in dispute, a provision has been inserted clarifying that the Associate Administrator will determine such areas. Also, in response to one suggestion, the regulations now specify that the funds will be impounded in the Treasury of the United States. Furthermore, it was recognized that disputes also could exist over areas between the Federal Government and a State. The regulations thus have been revised to provide for impoundments of funds based on these areas as well.

SUBPART I—GENERAL PROVISIONS

The major change in this subpart was the inclusion of capitalized interest during construction, capitalized interest during development, and development expense as allowable costs under the credit assistance provisions of the CEIP.

The inclusion of interest and developmental costs as a part of the loan will provide a reserve base to meet debt service requirements. This will provide greater financial stability to the project in the early years of the loan and thus reduce substantially the potential need for repayment assistance.

All other changes in this subpart were technical in nature.

SUBPART J—INTRASTATE ALLOCATION OF FINANCIAL ASSISTANCE

The significant changes in this subpart since the publication of January 5, 1977, interim-final regulation are as follows:

(1) Provision has been made for a State to initiate a revision of its intrastate allocation process.

(2) Thresholds for the requirement of a preapproved intrastate allocation process have been established at \$250,000 in grants or \$2 million in credit assistance.

(3) The number of criteria/requirements for an approved process have been reduced from 12 to 8.

(4) Simplified requirements have been established for States that fall below the thresholds.

(5) An interim process for applications submitted before October 1, 1977, has been included.

A final environmental impact statement was prepared to accompany the interim-final regulations and was made available to the public on December 30, 1976. A supplement to this statement was made available on January 5, 1977. The supplement has been revised in light of changes made in the regulations since the publication of the interim-final regulations. This revised supplement is being made available to the public concurrent with the publication of these final regulations.

NOTE.—The National Oceanic and Atmospheric Administration has prepared Circular A-107 under Executive Order 11821 and OMB certifies that an inflationary impact statement has been prepared for regulations implementing the coastal energy impact program.

RICHARD A. FRANK,
Administrator, National Oceanic
and Atmospheric Administration.

FEBRUARY 10, 1978.

In consideration of the foregoing,
Part 931 is issued as follows:

Subpart A—Objectives

- Sec.
- 931.1 Overall objectives.
- 931.2 Planning grants.
- 931.3 Public facilities and public services assistance.
- 931.4 Repayment assistance.
- 931.5 Environmental and recreational grants.

Subpart B—General Definitions

- 931.9 Index to definitions.
- 931.10 Act.
- 931.11 Coastal zone.
- 931.12 Fund.
- 931.13 Coastal energy activity.
- 931.14 Significantly affected.
- 931.15 New or expanded coastal energy activity.
- 931.16 Outer Continental Shelf.
- 931.17 Outer Continental Shelf energy activity.
- 931.18 New or expanded Outer Continental Shelf energy activity.
- 931.19 Energy facility.
- 931.20 New or expanded energy facility.
- 931.21 [Reserved].
- 931.22 Unit of general purpose local government and unit of local government.
- 931.23 NOAA and OCZM.
- 931.24 Associate Administrator.

Subpart C—Basic Eligibility

- 931.25 Eligibility requirements.
- 931.26 Designation of State agencies.

Subpart D—Planning for the Consequences of Energy Facilities

- 931.30 General.

- Sec.
- 931.31 Objectives.
- 931.32 Definitions.
- 931.33 Purposes.
- 931.34 Sources.
- 931.35 Eligibility.
- 931.36 Allotment of financial assistance among eligible coastal States.
- 931.37 Application procedure.
- 931.38 Limitations.

Subpart E—Financing Public Facilities and Public Services

- 931.40 General.
- 931.41 Objectives.
- 931.42 Definitions.
- 931.43 Purposes.
- 931.44 Sources.
- 931.45 Eligibility.
- 931.46 Allotment of section 308(d) (1) and (2) credit assistance among coastal States.
- 931.47 Allotment of section 308(b) formula grants.
- 931.48 Application and requisition procedures.
- 931.49 [Reserved].
- 931.50 Special requirements of section 308(d)(1) loans.
- 931.51 Special requirements for section 308(d)(2) Federal guarantees.

Subpart F—Repayment Assistance

- 931.60 General.
- 931.61 Objectives.
- 931.62 Definitions.
- 931.63 Purposes.
- 931.64 Sources of repayment assistance.
- 931.65 General eligibility.
- 931.66 Application update.
- 931.67 Review for repayment assistance.
- 931.68 Award of repayment assistance.
- 931.69 Appeal procedure.

Subpart G—Grants for Unavoidable Losses of Coastal Environmental and Recreational Resources

- 931.70 General.
- 931.71 Objectives.
- 931.72 Definitions.
- 931.73 Sources.
- 931.74 Purposes.
- 931.75 Eligibility.
- 931.76 Allotment of formula grants (section 308(b)).
- 931.77 Allotment from the Fund (section 308(d)(4)).
- 931.78 Requisition and application procedures.
- 931.79 Limitations.

Subpart H—Lateral Seaward Boundaries

- 931.80 General.
- 931.81 Establishment of delimitation lines when agreements exist between States.
- 931.82 Establishment of demarcation lines when no agreement exists between States.
- 931.83 Establishment of delimitation lines under later compacts, agreements, or judicial decisions.
- 931.84 Procedures for defining delimitation lines by equidistance principles.
- 931.85 Formula grants impounded for disputed areas.

Subpart I—General Provisions

- 931.90 Allowable costs.
- 931.91 Administrative procedures.
- 931.92 Compliance with OMB Circular A-95 requirements.

Sec.
931.93 Other Federal requirements.
931.94 Environmental Impact Statements.
931.95 Records.
931.96 Audit.
931.97 Recovery of funds.
931.98 Coordination with other Federal agencies.

Subpart J—Intrastate Allocation of Financial Assistance

931.110 General.
931.111 Objective.
931.112 Process required for intra-State allocations.
931.113 Forms of assistance.
931.114 Review and appeal.

AUTHORITY: Sec. 308, Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280, 15 U.S.C. 1451 et seq.), as amended by Pub. L. 94-370 (90 Stat. 1013).

Subpart A—Objectives

§ 931.1 Overall objectives.

(a) The central objective of the Coastal Energy Impact Program (CEIP) established under section 308 of the Act is to provide coastal States and units of local government with financial assistance to mitigate the adverse on-shore effects of new or expanded coastal energy activity.

(b) A second objective of the CEIP is to strike a balance between two major national goals:

(1) To encourage development of domestic energy resources and thus to further the objective of increase energy self-sufficiency; and

(2) To protect and manage the Nation's coasts in a manner consistent with the coastal zone management programs and objectives of the individual States over both the short and the long term.

(c) A third objective of the CEIP is to provide assistance that is simple to administer and that permits the coastal States and units of local government a high degree of control and discretion.

§ 931.2 Planning grants.

The objective of providing planning assistance under the CEIP is to encourage rational, timely, and thorough planning for and management of the consequences in the coastal zone of energy facility siting and energy resource development.

§ 931.3 Public facilities and public services assistance.

The objectives of providing assistance under the CEIP for public facilities and public services are:

(a) To advance the national goal of attaining a greater degree of energy self sufficiency by providing assistance to meet those State and local needs for public facilities and services resulting from new or expanded coastal energy activity; and

(b) To discourage inappropriate development in the coastal zone by cre-

ating incentives to provide only those public facilities and public services actually needed because of new or expanded coastal energy activity.

§ 931.4 Repayment assistance.

The objective of providing repayment assistance under the CEIP is to shift to the Federal Government most of the risk of fiscal loss that might be borne by coastal States and units of general purpose local government in whose jurisdictions new or expanded coastal energy activity is expected to take place.

§ 931.5 Environmental and recreational grants.

The objectives of providing assistance under the CEIP for the prevention, reduction, or amelioration of unavoidable losses of valuable environmental or recreational resources are:

(a) To help coastal States and units of local government prevent, reduce, or ameliorate environmental degradation and recreational losses in the coastal zone when the degradation or losses are the unavoidable result of coastal energy activity; and

(b) To encourage the prevention of environmental or recreational losses by providing assistance only when the losses cannot be attributed to or charged against a specific person or persons.

Subpart B—General Definitions

§ 931.9 Index to definitions.

The following listing includes all terms defined in Part 931 of this title keyed to the section or paragraph where they are defined.

Term	Section
Act.....	931.10(a)
Associate Administrator.....	931.24
Borrower.....	931.62
Coastal energy activity.....	931.13
Coastal zone.....	931.11
Eligible energy facility.....	931.32
Energy facility.....	931.19
Energy facility directly required by OCS energy activity.....	931.17(b)
Environmental resource.....	931.72(c)
First landed.....	931.72(g)
Fiscal schedule.....	931.48(b)(2)
Fund.....	931.12
In close proximity to.....	931.13(d)
Joint funding.....	931.98(b)(1)
Loss.....	931.72(b)
New employment.....	931.72(f)
New or expanded coastal energy activity.....	931.15
New or expanded energy facility.....	931.20
New or expanded OCS energy activity.....	931.18
New or improved public facility.....	931.42(c)
New or improved public service.....	931.42(d)
NOAA.....	931.23
OCZM.....	931.23
Outer Continental Shelf.....	931.16
Outer Continental Shelf energy activity.....	931.17
Person.....	931.72(h)
Public facility.....	931.42(a)
Public service.....	931.42(b)
Public facilities and services required as a result of coastal energy activity.....	931.42(e)
Public facilities and services required as a direct result of OCS energy activities.....	931.42(f)

Term	Section
Recreational resource.....	931.72(d)
Section.....	931.10(b)
Significantly affected.....	931.14
Unavailability of credit assistance.....	931.42(g)
Unavoidable.....	931.72(a)
Unit of general purpose local government and unit of local government.....	931.22
Valuable.....	931.72(e)

§ 931.10 Act.

(a) The term "Act" means the Coastal Zone Management Act of 1972, Pub. L. 92-583, 86 Stat. 1280, as amended by Pub. L. 93-612, 88 Stat. 1974, and by Pub. L. 94-370, 90 Stat. 1013 (16 U.S.C. 1451 et seq.).

(b) The term "section" means a section of the Coastal Zone Management Act of 1972, as amended.

§ 931.11 Coastal zone.

The term "coastal zone" is that area of land and water whose boundaries are determined by a State under § 920.11 of this chapter for purposes of the development of a coastal zone management program under section 305, or under § 923.11 of this chapter for purposes of administering a coastal zone management program under section 306, or as part of a management program which is consistent with the policies set forth in section 303. Such boundaries must be approved by the Associate Administrator.

§ 931.12 Fund.

The term "Fund" means the Coastal Energy Impact Fund established under section 308(h).

§ 931.13 Coastal energy activity.

(a) The term "coastal energy activity" is limited to the following activities:

(1) Any Outer Continental Shelf energy activity;

(2) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas; or

(3) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in section 3(10) of the Deepwater Ports Act of 1974 (33 U.S.C. 1502(10)).

(b) An activity is a "coastal energy activity" only to the extent that:

(1) The conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and

(2) The Associate Administrator determines that a technical requirement exists which necessitates that such siting, construction, expansion, or operation be carried out in, or in close proximity to, the coastal zone of any coastal State.

(c) Such technical requirements are limited to:

- (1) Dependency on coastal waters;
- (2) Safety;

- (3) Proximity to oil or natural gas fields;
- (4) Location of markets;
- (5) Federal siting regulations or decisions;
- (6) Type and amount of required land; and
- (7) Competitive uses for any environmental or recreational resource affected by such siting, construction, expansion, or operation.

Comment: For each energy facility some of the above technical requirements will be significant and some not. Several examples might clarify this point.

Platform construction yards are usually located close to deep coastal waters, because deep water (20 ft. to 200 ft.) is used during different construction phases. Furthermore, such yards require about 20 acres of flat land for the construction of concrete platforms, and up to 1000 acres for the construction of steel platforms.

Service bases are also located close to coastal waters, because several thousand tons of supplies are transferred each month by vessels between the service bases and the platforms. For the same reason service bases have to be located close to oil and gas fields.

The location of some LNG facilities will be influenced by safety standards prevalent in the area. The location of LNG regasification facilities might be influenced by the location of the closest markets for natural gas.

Finally, the direction of a pipeline might be determined by the location of the oil fields and the closest refinery.

(d) The siting, construction, expansion, or operation of any equipment or facility shall be "in close proximity to" the coastal zone of any coastal State if such coastal zone has been or is likely to be significantly affected by such siting, construction, expansion, or operation.

§ 931.14 Significantly affected.

The coastal zone of a coastal State is "significantly affected" by the siting, construction, expansion, or operation of an energy facility if such siting, construction, expansion, or operation:

- (a) Causes population influxes in the coastal zone;
- (b) Changes employment patterns in the coastal zone, including those in fishing and tourism;
- (c) Makes necessary new or improved public facilities or public services in the coastal zone;
- (d) Damages or threatens to damage any valuable environmental or recreational resources in the coastal zone, including degradation of air or water quality, or potential violation of air or water quality standards; or
- (e) Increases or threatens to increase significantly risks to public safety and real property in or near navigational corridors or marine or land terminals and facilities in the coastal zone.

§ 931.15 New or expanded coastal energy activity.

The term "new or expanded coastal energy activity" means any coastal

energy activity if the siting, construction, expansion, initial operation, or replacement, in whole or in part, of any equipment or facility required by the conduct, support, or facilitation of such activity takes place after July 26, 1976.

(Comment: The term "expansion" is intended to include both the physical expansion of a facility itself and the expansion of the output of the facility. The term "initial operation" is intended to include the case in which a previously operating but then idle energy facility is reactivated after July 26, 1976.)

§ 931.16 Outer Continental Shelf.

The term "Outer Continental Shelf" or "OCS" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in 43 U.S.C. 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

§ 931.17 Outer Continental Shelf energy activity.

(a) The term "Outer Continental Shelf energy activity" means any exploration for, or any development or production of, oil or natural gas from the Outer Continental Shelf; or the siting, construction, expansion, or operation of any new or expanded energy facilities that are directly required by such exploration, development, or production.

(b) The term "directly required" refers to any new or expanded energy facilities that have technical requirements which necessitate their location in, or in close proximity to, the coastal zone and are:

- (1) Publicly owned transportation systems to the extent that they serve Outer Continental Shelf energy activities;
- (2) Owned or operated by OCS lessees or their contractors, subcontractors, or principal suppliers of equipment or facilities. Such equipment and facilities include and are limited to:
 - (i) Exploratory and development drilling rigs;
 - (ii) Platforms, subsea completions, and subsea production systems;
 - (iii) The following components of marine pipeline systems:
 - (A) Pressure source,
 - (B) Gathering lines,
 - (C) Pipelines,
 - (D) Intermediate pressure boosting facilities, and
 - (E) Landfall sites;
 - (iv) The following facilities to the extent that they serve Outer Continental Shelf energy activities:
 - (A) Offshore storage and loading facilities of oil and gas,
 - (B) Marine terminals,
 - (C) Construction yards for platforms and exploration rigs,
 - (D) Pipe coating yards,

(E) Bases supporting platform and pipeline installation,

(F) Electric generating plants,

(G) Temporary service bases used in exploration phase,

(H) Permanent service bases used in development phase, and

(I) Transportation facilities limited to helicopters, heliports, tug boats, crew boats, supply boats, production utility boats, ocean and seismic vessels, barges, "spread" vessels, workover rigs, diving tenders, and drilling tenders; or

(3) Determined by the Associate Administrator to be directly required by OCS exploration, development, or production.

§ 931.18 New or expanded Outer Continental Shelf energy activity.

The term "new or expanded Outer Continental Shelf energy activity" means:

(a) Any Outer Continental Shelf energy activity which supports exploration, development, or production according to plans, amendments to plans, or notices to drill approved or issued by the U.S. Department of the Interior after July 26, 1976; or

(b) The siting, construction, expansion, or operation of any new or expanded energy facilities that are directly required by exploration, development, or production of oil and gas from the Outer Continental Shelf.

§ 931.19 Energy facility.

(a) The term "energy facility" means any equipment or facility which is or will be used primarily:

(1) In the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

(2) For the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in the activities described in paragraph (a)(1) of this section.

(b) The term includes:

(1) Electric generating plants, including those involving fossil or biomass fuels, nuclear power, direct solar energy, ocean thermal energy conversion, tidal or wave power, wind power, or geothermal energy, and associated transmission systems;

(2) Petroleum refineries and associated facilities;

(3) Gasification plants;

(4) Facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas;

(5) Uranium enrichment or nuclear fuel processing facilities;

(6) Facilities to separate oil, water, and gas;

(7) Drilling rigs, platforms, subsea completions, and subsea production systems;

(8) Construction yards for platforms and exploration rigs, pipe coating yards, bases supporting platforms and

pipeline installation, and crew and supply bases;

(9) Oil and gas storage facilities, including salt domes;

(10) Marine pipeline systems, including pressure source, gathering lines, pipeline, intermediate pressure boosting facilities, and landfall sites;

(11) Oil and gas processing facilities; (12) Transportation systems for tankers or the vessels described in § 931.17(b)(2)(iv)(I) or to connect any of the facilities in this section with primary transportation systems;

(13) Facilities, including deepwater ports, for the transfer of petroleum;

(14) Facilities for geopressurized gas; and

(15) Terminals which are associated with any of the foregoing.

§ 931.20 New or expanded energy facility.

The term "new or expanded energy facility" refers to an energy facility whose siting, construction, expansion, initial operation, or replacement, in whole or in part, takes place after July 26, 1976.

§ 931.21 [Reserved]

§ 931.22 Unit of general purpose local government and unit of local government.

(a) The term "unit of general purpose local government" means:

(1) Any political subdivision of any coastal State that (in whole or in part) is located in or has authority over such State's coastal zone; or

(2) Any political subdivision of any coastal State that is located within a political subdivision of such coastal State that (in whole or in part) is located in or has authority over such State's coastal zone; or

(3) Any special entity created by such coastal State or political subdivision that (in whole or in part) is located in or has authority over such State's coastal zone.

(b) The term "unit of general purpose local government" is limited to those entities described in paragraph (a) of this section that:

(1) Have authority to levy taxes or establish and collect user fees; and

(2) Provide any public facility or public service that is financed in whole or in part by taxes or user fees.

(c) The term "unit of local government" means any unit of general purpose local government, as defined in paragraphs (a) and (b) of this section, or any agency recognized or designated as an areawide or regional comprehensive planning and development agency pursuant to Office of Management and Budget Circular A-95, under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, or under Title IV of the Intergovernmental Cooperation Act of 1968.

§ 931.23 NOAA and OCZM.

(a) The acronym "NOAA" means the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(b) The acronym "OCZM" means the Office of Coastal Zone Management of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 931.24 Associate Administrator.

The term "Associate Administrator" means the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

Subpart C—Basic Eligibility

§ 931.25 Eligibility requirements.

(a) No coastal State is eligible for an allotment or to receive any financial assistance under this part unless such State: (1) Has a management program which has been approved under section 306; or

(2) Is receiving a grant under sections 305 (c) or (d); or

(3) Is making, in the judgment of the Associate Administrator, satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303.

(b) The Associate Administrator shall judge that a State is making satisfactory progress toward the development of a management program consistent with the policies set forth in section 303 if one of the following conditions is met:

(1) A coastal State has exhausted its eligibility for program development funding under section 305 without achieving program implementation approval under section 306, but is still pursuing development and implementation of a management program consistent with the policies set forth in section 303; or

(2) A coastal State's eligibility for program funding under section 305 or section 306 has been suspended, but the State is making adequate efforts to reacquire eligibility under sections 305 or 306 and is still pursuing development of a management program consistent with the policies set forth in section 303; or

(3) A coastal State is otherwise pursuing a comprehensive management program which is consistent with the policies set forth in section 303 and for good cause shown is not developing or implementing such program under sections 305 or 306.

(c) The phrase "consistent with the policies set forth in section 303" refers to a management program which incorporates:

(1) Policies which provide for the preservation, protection, development, and, where possible, the restoration or

enhancement of the resources of the State's coastal zone;

(2) Provisions which insure wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values, as well as to needs for economic development. Such provisions shall include, but are not limited to:

(i) Identification of a coastal zone which is capable of being delineated and which is subject to management under the program;

(ii) Identification of permissible land and water uses for the area within the coastal zone;

(iii) Procedures for assuring that land and water uses of regional and national benefit are not arbitrarily restricted or excluded in policies or management mechanisms developed pursuant to the State's program;

(iv) State and local legal authorities and organizational structures sufficient to effectuate management over identified land and water uses within the coastal zone; and

(v) Coastal zone water pollution and air pollution control mechanisms which are consistent with the requirements of the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended;

(3) An opportunity for Federal agencies having interests affecting the State's coastal zone to participate in the development of the State's management program and have their views adequately considered; and

(4) An opportunity for local governments, State and regional agencies, commercial and industrial groups, and the general public to participate in the development of the State's management program and have their views adequately considered.

(d) Before allotting assistance to a coastal State and before awarding any of such allotted funds to a coastal State, the Associate Administrator will determine whether that State is eligible (as described in paragraph (a) of this section) for section 308 assistance. If the Associate Administrator determines that the State is not eligible, no moneys will be allotted to the State, and all previously allotted moneys not already awarded to the State or to units of local government within the State will be impounded in the Treasury of the United States by the Associate Administrator. If, after one year from the date the State was determined to be ineligible, the State has not regained eligibility in the determination of the Associate Administrator, he/she will allot the impounded moneys among eligible States according to the most recent annual allotment factors for section 308 assistance.

§ 931.26 Designation of State agencies.

(a) In order to receive any financial assistance under this part the Govern-

nor of a coastal State must designate a State agency or agencies;

(1) To apply for or requisition grant assistance and to submit applications for credit assistance under section 308;

(2) To assure, to the maximum extent practicable, that financial assistance provided under section 308 is apportioned, allocated, and granted to units of local government within such State on a basis which is proportional to the extent to which such units need such assistance; and

(3) To receive and administer section 305 grants pursuant to § 920.42 of this chapter, to receive and administer section 306 grants pursuant to § 923.23 of this chapter, or to administer a State coastal management program which is consistent with the policies set forth in section 303.

(i) In the event the coastal State is implementing a management program approved under section 306, all applications and requisitions for financial assistance under section 308 shall be reviewed for consistency with the State's management program by the State agency administering the State's coastal management program in accordance with the requirements of section 307(d).

(ii) In the event the coastal State is developing a management program pursuant to section 305 or in a manner consistent with the policies of section 303, all applications and requisitions for financial assistance under section 308 shall be reviewed for compatibility with the State's developing coastal management program by the State agency developing the management program.

(b) While preferable in terms of coordination, it is not required that a single State agency perform all three functions stated in subsection (a) of this section. The State coastal zone management agency designated pursuant to paragraph (a)(3) need not be the agency performing one or both of the functions required by paragraphs (a)(1) and (2) of this section. However, in the event different agencies are designated under paragraphs (a)(1), (2), and (3), one agency must be designated to assure coordination with the other agency or agencies.

Subpart D—Planning for the Consequences of Energy Facilities

§ 931.30 General.

This subpart sets forth policies and requirements for planning assistance to coastal States under sections 308(c) and 308(b). This subpart also states the overall objectives, the purposes for which the assistance may be used, and the basic eligibility requirements. It also describes procedures for allotting section 308(c) moneys among eligible coastal States, for applying for section 308(c) assistance, and for requisition-

ing the proceeds of section 308(b) grants. Procedures for the allotment of section 308(b) assistance are described in § 931.76.

§ 931.31 Objectives.

The objectives of assistance under this subpart are:

(a) To assist coastal States and units of local government in the study of an planning for any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in such State's coastal zone as a result of the siting, construction, expansion, or operation of new or expanded energy facilities;

(b) To encourage rational, timely, and thorough planning for the management of energy facility siting and the impacts from energy resource development;

(c) To help coastal States and units of local government study, plan for, and manage the provision of public facilities and public services required as a direct result of new or expanded OCS energy activity; and

(d) To redefine, integrate, and apply to specific locations and energy facilities the energy planning and impact management process included in State coastal zone management programs pursuant to section 305(b)(8) of the Act.

§ 931.32 Definitions.

"Eligible energy facility" means a new or expanded energy facility that significantly affects the coastal zone; and

(a) For which a major State or Federal license or permit has been applied for;

(b) Which is projected to be required as a result of a Federal lease sale scheduled by the U.S. Department of the Interior to occur no more than three years from the date of the allotment of planning assistance under § 931.36; or

(c) Which the Associate Administrator determines to be eligible because of reasonable evidence supplied by the coastal State that such a new or expanded energy facility is likely to be sited, expanded, or constructed in the near future. Such evidence might include a local license or permit, a notice of intent, or a request for a zoning variance.

§ 931.33 Purposes.

(a) Allowable uses of section 308(c) grants under this subpart include:

(1) Planning for economic, social, or environmental consequences of new or expanded energy facilities, coastal energy activities, or OCS energy activities significantly affecting the coastal zone, including:

(i) Analysis of government or private industry siting, licensing, or leasing policies and related data and information;

(ii) Devising strategies for the public purchase of land or the establishment of other enforceable land-use controls for lands upon or near which energy development is to take place;

(iii) Devising methods of protecting environmental or recreational resources threatened by the siting, construction, operation, or expansion of new or expanded energy facilities; or

(iv) Conducting risk management studies, hazard analyses, emergency contingency planning and coordination studies, and assessments of mitigating measures for maintaining or improving public safety threatened by the siting, construction, expansion, or operation of new or expanded energy facilities.

(2) Planning for the consequences of a specific new or expanded energy facility significantly affecting the coastal zone, including:

(i) Study of and planning for economic, social, or environmental consequences of the siting, construction, expansion, or operation of a new or expanded energy facility such as:

(A) Increased population;

(B) Changes in employment patterns, including those in fishing and tourism;

(C) Changes in demand for public facilities, public services, and housing;

(D) Local price inflation;

(E) Changes in patterns of tax and user fee revenues or intergovernmental transfers;

(F) Effects of fishing, tourism, and other economic resources;

(G) Effects on beaches, and dunes, air quality, water quality, or other environmental or recreational resources;

(H) Shoreline erosion;

(I) Ecological effects; and

(J) Effects on public safety.

(ii) Conducting analyses required for state or local regulatory decisions related to energy facilities, including licenses, leases, permits, and zoning ordinances;

(iii) Performing cost/benefit analyses or otherwise comparing the consequences of alternative energy facility sites or types;

(iv) Devising strategies for recovering compensation from appropriate parties for any adverse effects caused by the energy facility involved;

(v) Forecasting employment, population, public facility and public services needs and costs, and tax or user-fee revenues;

(vi) Planning for the public facilities eligible for financing under Subpart E of this part, including engineering feasibility;

(vii) Study of and planning for the secondary consequences, including environmental and economic consequences, of alternative types and sites of public facilities eligible for financing under Subpart E of this part; and

(viii) Study of and planning for the consequences of the phasing out of energy facilities.

(3) Carrying out projects necessary to administer assistance under section 308, including:

(i) Collecting data and analyzing information required in §§ 931.48(a)(5) and 931.78(c)(4) for environmental impact assessment;

(ii) Designing and carrying out an intrastate allocation process as described in Subpart J of this part; and

(iii) Paying other reasonable costs of administering assistance under section 308.

(b) Allowable uses of section 308(b) grants under this subpart include:

(1) Those allowable uses given in paragraph (a) of this section if they are directly related to the provision of new or improved public facilities and public services required as a direct result of new or expanded OCS energy activity; and

(2) Architectural and engineering services for the design and construction of public facilities required as a direct result of new or expanded OCS energy activity.

(Comment: The use of section 308(c) planning assistance must be related to new or expanded energy facilities, coastal energy activities, or OCS energy activities significantly affecting the coastal zone. There is no requirement, however, that the use of the planning assistance be tied to the specific new or expanded energy facilities developed as part of the allotment inventory in § 931.36(b)(2)(ii).)

§ 931.34 Sources.

The primary source of assistance for the purposes set forth in § 931.33 is section 308(c) grants that have been allotted to eligible coastal States. If such moneys have been applied for and such moneys, plus the necessary matching share, are insufficient in any fiscal year for the purposes set forth in § 931.33(b)(1), section 308(b) grants that have been allotted according to § 931.76 become a source of assistance.

§ 931.35 Eligibility.

(a) To be eligible for allotments and assistance under sections 308(c) and 308(b)(4)(B), a coastal State must meet the basic eligibility requirements of § 931.25.

(b) To be eligible for the use of section 308(b) grants under this subpart, a coastal State must show that its allotment under section 308(c) is insufficient for the purposes of § 931.33(b)(1).

§ 931.36 Allotment of financial assistance among eligible coastal States.

(a) Moneys appropriated to the Fund in any fiscal year for the purposes of section 308(c) will be allotted by a formula among eligible coastal States according to the procedures of this subpart. Moneys allotted to a coastal State will remain available for award to such State until the end of the fiscal year following the fiscal

year in which the allotment took place. Allotted moneys not awarded to such State by that time will be returned to the Fund for reallocation among eligible coastal States. The Associate Administrator may extend the period of availability of an allotment if he/she determines that such an extension is warranted.

(b) The following general process will be used to allot section 308(c) moneys.

(1) The Associate Administrator will divide fifteen percent of available section 308(c) moneys equally among eligible coastal States.

(2) The remaining 85 percent of available section 308(c) moneys will be allotted on the basis of planning need equivalencies as follows:

(i) The Associate Administrator will establish standardized planning need factors for various types of energy facilities at various levels of output, taking into account relative regional variations in temporary and permanent employment, environmental effects, and safety considerations.

(ii) The Associate Administrator will draw up for each coastal State a list of eligible energy facilities. The Associate Administrator will update this list each fiscal year by adding those eligible energy facilities identified during that fiscal year and by removing those energy facilities for which planning is no longer required. The Associate Administrator will remove a facility from the list in a fiscal year:

(A) If the operating phase of the facility began before the date of allotment;

(B) If the facility has been on the list for the preceding 4 fiscal years (unless the Associate Administrator determines that planning is still necessary); or

(C) If the Associate Administrator otherwise determines that planning for the facility is no longer necessary.

(iii) Coastal States will be provided with these standardized planning need factors and with the list of facilities. The States will have 45 days to submit comments to the Associate Administrator who will consider the State comments and will make revisions as appropriate.

(Comment: The State comment period is intended to bring to OCSM's attention those energy facilities for which the State wishes to initiate planning but which were not included in the list. The State must present evidence that each facility it wishes to add is likely to be constructed. Examples, of facilities that might not be included on OCSM's list, but which might be brought to light during the comment period, include energy facilities whose construction is expected to resume (under an old permit) after a period of dormancy, and facilities whose character has changed in a way that does not demand a permit but nevertheless motivates renewed planning efforts.)

(iv) The Associate Administrator will then apply the standardized planning

need factors described in paragraph (b)(2)(i) of this section to the list described in paragraph (b)(2)(ii) of this section to obtain a total planning need equivalency for each coastal State. Each eligible coastal State's share of such remaining part of section 308(c) moneys will be proportional to the State's planning-need equivalency divided by the sum of the planning-need equivalencies of all the eligible coastal States.

(3) A coastal State's allotment of section 308(c) moneys will be the sum of the State's shares under paragraphs (b)(1) and (b)(2) of this section.

(c) Procedures for allotment of section 308(b) assistance are discussed in § 931.76.

§ 931.37 Application procedure.

(a) An eligible coastal State may submit its application to the Associate Administrator for award of the section 308(c) moneys allotted to it as soon as it is notified of the amount of the allotment. An eligible coastal State may requisition proceeds of grants allotted to it under section 308(b) as soon as it is notified of the amount of the allotment.

(b) Applications for amounts allotted for section 308(c) planning assistance or requisitions for the amount of funds to be used for section 308(b) planning assistance must contain the following certifications and information:

(1) A certification by the State agency designated under § 931.26(a)(2) that the planning assistance has been allocated within the State in accord with the intrastate allocation process described in subpart J of this part;

(2) A certification by the State agency designated under § 931.26(a)(3) that the planning assistance will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) A showing, if the application or requisition for assistance has not been submitted to the Project Notification and Review System established by OMB Circular No. A-95 (Part I), that a memorandum of agreement for coordinating planning under section 308 with areawide comprehensive planning has been consummated with appropriate areawide clearinghouses in the State's coastal zone, pursuant to Part IV, Attachment A, of OMB Circular A-95; and

(4) A brief description of the activity or activities to be undertaken, indicating the relationship to allowable uses under § 931.33.

(c) Requisitions for proceeds of section 308(b) grants must contain such adequate assurances as are required by § 931.97(a).

(d) It is the Associate Administrator's intent to process completed appli-

cations and requisitions within 45 days of receipt.

§ 931.38 Limitations.

(a) Section 308(c) moneys awarded to a coastal State may not exceed 80 percent of the actual cost of the study or planning. States may use in-kind contributions as the non-Federal matching share in accord with Office of Management and Budget Circular A-102.

(b) Sections 308(c) and 308(b) planning assistance may not be used:

(1) To duplicate the development of the general planning process for energy facilities required of management programs under section 305(b)(8); or

(2) For general energy studies or plans divorced from actual, proposed, or likely new or expanded energy facilities, coastal energy activities, or OCS energy activities.

(Comment: According to the Act, States may use section 305 grants to develop the general planning process for coastal energy facilities required under section 305(b)(8).)

Subpart E—Financing Public Facilities and Public Services

§ 931.40 General.

This subpart sets forth policies governing assistance to coastal States and units of general purpose local government under sections 308(d) (1) and (2) and 308(b), the objectives of providing this assistance, the purposes for which it may be used, and the sources from which it will be drawn. This subpart also describes the procedures for allotting credit assistance among coastal States, for applying for credit assistance from the Fund (sections 308(d) (1) and (2)), and for requisitioning the proceeds of formula grants (section 308(b)).

§ 931.41 Objectives.

The objectives of assistance under this subpart are:

(a) To help coastal States and units of general purpose local government finance new or improved public facilities and public services needed because of coastal energy activity;

(b) To provide front-end financing that can be expected to be repaid later from revenues generated by the coastal energy activity, unless such revenues do not materialize; and

(c) To assure that necessary development in coastal areas is consistent with State coastal zone management objectives, the safeguarding of valuable national coastal environmental and recreational resources, and public safety.

§ 931.42 Definitions.

(a) The term "public facility" includes, but is not limited to, the fol-

lowing facilities to the extent that they are financed by any State or unit of general purpose local government; that they meet the requirements of Subpart I of this part; and that they do not primarily serve industrial facilities, except if the public facilities are wholly owned by a unit of general purpose local government and if industrial user charges from the facilities will be a primary source of revenue to repay the loan received or obligation guaranteed under this subpart.

(1) *Education.* Day care centers; primary, secondary, and general vocational schools, including portable classrooms and temporary facilities; school equipment; libraries, including books and equipment;

(2) *Environmental protection.* Facilities and equipment used to monitor or control air and water quality or noise standards, to insure the continued viability of fish, wildlife, and land resources, to prevent or control erosion; land acquisition for environmental protection;

(3) *Government administration.* Facilities and equipment essential for general government administration;

(4) *Health care.* Emergency medical facilities and equipment, including ambulances; clinic and hospital buildings and equipment; alcohol and drug abuse centers; emergency shelter and sanitary facilities;

(5) *Public safety and law enforcement.* Detention centers, police equipment and stations, fire stations and firefighting equipment, fire training centers, animal control facilities, communication facilities and equipment, and rescue facilities and equipment;

(6) *Recreation.* Facilities and equipment for amateur sports and performing arts, community recreational centers, local parks and playgrounds, acquisition of parkland or beaches or of public access to such land or beaches;

(7) *Transportation.* Street and street lighting, roads, bridges, road maintenance equipment, parking associated with public facilities, docks, air and water navigation aids, canals and navigation facilities, air terminals in remote areas, mass transit including bus and ferry systems;

(8) *Public utilities.* Electric generating plants and distribution systems; natural gas distribution systems; solid waste collection systems; waste collection and treatment systems, including drainage; water supply systems; and telephone systems.

(b) The term "public service" means any service authorized by law to be provided by a State or unit of general purpose local government to the extent that:

(1) It is financed by the State or unit of general purpose local government;

(2) It meets the requirements of Subpart I of this part; and

(3) It does not primarily serve industrial facilities.

(c) A public facility is considered "new or improved" if it is constructed, expanded, or renovated after July 26, 1976.

(d) A public service is considered "new or improved" if the proposed type or increased level of service was not offered in the fiscal year prior to the application or requisition for assistance for such service.

(e) A public facility or public service is "required as a result" of coastal energy activity if the employment and related population associated with such coastal energy activity has caused or is expected to cause substantial shortages of such public facilities or public services.

(f) A public facility or public service is "required as a direct result" of new or expanded OCS energy activity if the individuals (and their families) employed in such activity are expected to cause substantial shortages of such public facilities or public services.

(g) Adequate credit assistance is "unavailable" in a fiscal year only if:

(1) There is no institutional process which has ever been used or reasonably could have been used under constitutional or statutory authority as of July 26, 1976, through which credit assistance from the Fund could be obtained by the State or a unit of general purpose local government therein to finance projects or programs necessary to provide a new or improved public facility or public service which is required as a direct result of new or expanded OCS energy activity; or

(2) The Associate Administrator determines that revenues at current rates and methods will not be sufficient to amortize fully the cost of a new or improved public facility or public service that is required as a direct result of new or expanded OCS energy activity.

§ 931.43 Purposes.

(a) Credit assistance available from the Fund under sections 308(d) (1) and (2) is intended to help meet State and local needs to finance most of the new or improved public facilities and public services that are required as a result of coastal energy activity.

(b) Grant assistance from the formula grants under section 308(b) is intended to help meet State and local needs for new or improved public facilities and public services that are required as a direct result of new or expanded OCS energy activity.

§ 931.44 Sources.

The primary source of assistance for purposes set forth in § 931.43(a) is the allotment of credit assistance from the Fund (sections 308(d) (1) and (2)). If adequate credit assistance is unavailable (as defined in § 931.42(g)) from the Fund, the formula grants (section 308 (b)) become a source of assistance

for the purposes set forth in § 931.43(b).

§ 931.45 Eligibility.

(a) To be eligible for allotments and assistance from the Fund under sections 308(d) (1) or (2) or from formula grants under section 308(b)(4)(B), a coastal State must meet the basic eligibility requirements of § 931.25.

(b) To be eligible for the use of section 308 (b) grants under this subpart, adequate credit assistance from the Fund must be unavailable, as defined in § 931.42(g).

§ 931.46 Allotment of sections 308(d) (1) and (2) credit assistance among coastal States.

(a) Credit assistance available in any fiscal year through the Fund, to the extent provided for in appropriations Acts, will be allotted in each fiscal year among eligible coastal States according to the procedures of this section. Credit assistance allotted to a coastal state will remain available for award until the end of the second fiscal year following the fiscal year in which the allotment took place. Allotted credit assistance not awarded to a coastal State or its units of general purpose local government by that time will be reallocated among eligible coastal States. The Associate Administrator may extend the period of availability of an allotment if he/she determines that such an extension is warranted.

(b) The Associate Administrator will compile annually a list of new or expanded coastal energy activities:

(1) For which major Federal or State permits or licenses have been obtained;

(2) For which exploration plans are expected to be submitted to the U.S. Department of the Interior because an OCS lease sale has taken place;

(3) For which development plans have been approved by the Department of the Interior; or

(4) Which, in the determination of the Associate Administrator, are likely to necessitate the construction of new or improved public facilities or the provision of new or improved public services. It is on this list that the Associate Administrator will base his/her estimate of both the number of additional individuals who are expected to become employed in the activities and the related new population who are expected to reside in the respective coastal States.

(c) The Associate Administrator will determine annually standardized unit costs for public facilities and public services for new temporary and permanent population in the relevant coastal State. These costs will take into account regional cost differences.

(d) The Associate Administrator will furnish to the coastal States the data developed pursuant to paragraphs (b)

and (c) of this section. Coastal States will have 45 days to submit comments to the Associate Administrator who will then consider the State comments and make revisions as appropriate.

(e) The Associate Administrator will then compute a need factor for each new or expanded coastal energy activity from the data developed pursuant to paragraphs (b), (c), and (d) of this section. A State need factor will then be computed for each coastal State by summing these need factors within the state. A national need factor will be computed by summing all of the State need factors. Finally, a relative need factor will be calculated for each coastal State by dividing the State's need factor by the national need factor.

(f) The Associate Administrator will compute each coastal State's allotment of credit assistance from the Fund in proportion to that State's relative need factor and notify the coastal States of their respective allotments.

(1) The total amount of available funds allotted among the coastal States in any fiscal year will be the lesser of the following amounts:

(i) The national need factor as computed according to paragraph (e) of this section; or

(ii) The total amount of new credit assistance appropriated for that year plus any amount available in the Fund that can be allotted to the States.

(2) If the amount in paragraph (f)(1)(i) of this section is less than the amount in paragraph (f)(1)(ii) of this section, the unallotted credit assistance will be retained in the Fund for use in subsequent years.

§ 931.47 Allotment of section 308(b) formula grants.

The annual allotment of formula grants among coastal States is described in § 931.76.

§ 931.48 Application and requisition procedures.

(a)(1) After being notified of its allotment under § 931.46, an eligible coastal State may submit to the Associate Administrator applications for the award of section 308(d) loans and guarantees.

(2) A coastal State may requisition in any fiscal year the proceeds of its allotted formula grants for the purposes of § 931.43(b) after it has been notified of its credit assistance allotment for that year, if adequate credit assistance from the Fund is unavailable for such purposes. This requisition may be submitted along with or after the pertinent applications for credit assistance from the Fund.

(b) Applications for requisitions for credit assistance from the Fund or the proceeds of formula grants must contain the following certifications and information:

(1) A certification by the State agency designated under § 931.26(a)(2) that the assistance has been allocated within the State in accord with the intrastate allocation process described in Subpart J of this part;

(2) A certification by the State agency designated under § 931.26(a)(3) that the assistance will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) For construction projects, as defined in the Office of Management and Budget Circular A-102, factual information necessary to evaluate the project's environmental impacts, in detail sufficient to enable the Associate Administrator to determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and

(4) A showing that such applications or requisitions for assistance have complied with the requirements of the Project Notification and Review System established by Office of Management and Budget Circular A-95 (Part I).

(c) (1) Applications for credit assistance from the Fund must also contain the following information:

(i) A description of the coastal energy activity causing the impacts because of which the credit assistance is sought;

(ii) A description of the new or improved public facilities or public services, required as a result of coastal energy activity, for which the assistance is sought, including costs on an annualized basis;

(iii) An estimate of current levels of utilization of public facilities and public services in the borrower's jurisdiction similar to those for which credit assistance is sought; and

(iv) Appropriate fiscal schedules, including financial and economic information, required to evaluate the payback potential on the request for credit assistance. (Such fiscal schedules will include the best available historical data on the revenues and expenditures of the borrower for five years preceding the year of application.)

(Comment: Appropriate technical assistance will be provided by OCZM upon request.)

(2) The Associate Administrator will use the information contained in the fiscal schedules described in paragraph (b)(1)(iv) of this section to negotiate with the borrower the terms and conditions of the loan or guarantee agreements as described in § 931.50(c) and § 931.51(f). The fiscal schedules will be used in setting the conditions under which repayment assistance will

be available, as incorporated into the terms and conditions of the loan or guarantee agreements.

(3) Even when the likelihood of eventual repayment assistance seems high, it will not be the practice of the Associate Administrator to require that the borrower raise its tax rates above or alter its tax methods from those generally prevailing at the time the application is approved. However, in circumstances where the tax base or revenues available to the borrower are reduced for reasons unrelated to the failure of the economic growth connected with energy development to materialize, the borrower will be expected to meet its principal and interest payments according to the loan or guarantee.

(d)(1) Requisitions for the proceeds of formula grants must contain:

(i) Such adequate assurances as are required by § 931.97(a); and

(ii) A brief description of the proposed new or improved public facility or public service sufficient to enable the Associate Administrator to verify that the facility or service is required as a direct result of new or expanded OCS energy activity.

(2) Before awarding proceeds of allotted formula grants, the Associate Administrator will:

(i) Verify the certifications and information submitted pursuant to paragraphs (a) and (d)(1)(ii) of this section;

(ii) Determine whether credit assistance under the Fund is unavailable (as defined in § 931.42(g));

(iii) Determine that the State has provided such adequate assurances as are required by § 931.97(a); and

(iv) Determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) and prepare an EIS when necessary.

§ 931.49 [Reserved]

§ 931.50 Special requirements for section 308(d)(1) loans.

(a) *Interest rate.* The interest rate shall be the current average market yield for outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans. The Administrator of NOAA may under special circumstances approve lower interest rates.

(b) *Eligibility.* The Associate Administrator may make a loan to an otherwise eligible borrower even though the fiscal schedules described in § 931.48(b)(1)(iv) or other financial information does not indicate adequate coverage for debt service.

The Associate Administrator may also make loans under section 308(d)(1) to State agencies established for the purpose of financing public fa-

cilities. Such loans shall be subject to terms and conditions as the Associate Administrator may prescribe.

(c) *Loan agreements.* Each loan agreement will incorporate in detail the conditions under which the repayment assistance described in subpart F of this part will be available. These conditions will be binding upon the Associate Administrator and the borrower.

(d) *Repayment schedule.* Each loan agreement will contain a mutually agreed-upon repayment schedule, which will be tailored to the repayment ability of the borrower as indicated in the fiscal schedule described in § 931.48(b)(1)(iv) or in other financial information. This repayment schedule will set forth the borrower's annual loan service (principal and interest) payments. The borrower may accelerate payment with no prepayment penalties.

(e) *Maturity of loans.* Loans will be made for a period not to exceed the normal useful life of the project. In no event will a loan, including extensions and renewals thereof, be made with a maturity exceeding 30 years from the date of the final loan closing.

(f) *Security.* Loans made under section 308(d)(1) will be secured in the manner customary or legally allowed under respective State statute and local government charters and ordinances for projects of the type for which credit assistance is requested. The Associate Administrator's interest may be perfected, where appropriate, by a filing under the Uniform Commercial Code as adopted by the subject State, or, in any jurisdiction where the Uniform Commercial Code has not been enacted, by the recording of a mortgage.

(g) *Disbursement of loan funds.* The Associate Administrator may disburse loan funds on a phased basis. Approval of such loan advances will be made after receipt by the Associate Administrator of:

(i) A favorable preliminary approving opinion of bond counsel on the validity of the proposed interim and final bond or promissory note and,

(ii) Satisfactory evidence of receipt of firm construction, service, and/or supply bids as well as compliance with the other loan conditions required to be fulfilled before disbursement. Advances or partial purchases shall be made in units of not less than 25 percent spaced so as to enable the borrower to pay incurred costs as they come due. Advances must be deposited in a bank with Federal Deposit Insurance Corporation coverage, and the balances exceeding such coverage must be collaterally secured as provided in 12 U.S.C. 265.

(h) *Interim financing on loan projects.* The terms and conditions of the interim financing are subject to prior

approval by the Associate Administrator. The Associate Administrator, upon request by the borrower, will provide an appropriate letter of intent to aid the borrower in obtaining interim financing from sources other than OCZM.

(i) *Bond counsel.* The borrower shall retain bond counsel to represent it in each loan transaction. Such bond counsel must receive the prior approval of the Associate Administrator.

§ 931.51 Special requirements for section 308(d)(2) Federal guarantees.

(a) *Eligibility.* The Associate Administrator will consider eligible for guarantee under the Fund any legal debt of any eligible borrower, if the Secretary of the Treasury approves such debt and it meets other requirements set forth in section 308(f).

(b) *Taxable obligations.* The interest paid on any obligation which is guaranteed under section 308(d)(2) and which is received by the purchaser of such obligation (or the purchaser's successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

(c) *Interest subsidy.* The Associate Administrator may pay out of the Fund, pursuant to the terms of the bond or other evidence of indebtedness, to the coastal State or the unit of general purpose local government issuing an obligation guaranteed under section 308(d)(2) not more than the portion of the interest on such obligation as exceeds the amount of interest that would be due at a comparable rate for loans made under section 308(d)(1) at the time the obligation is guaranteed by the Associate Administrator.

(d) *Fees for guarantees.* The Associate Administrator will levy a fee for providing a Federal guarantee. This fee will be set on the basis of the administrative costs incurred in providing and monitoring such guarantee. The fee may be waived in the event repayment assistance (as described in Subpart F of this part) is required.

(e) *Default procedures and guarantee incontestability.* If a borrower defaults on a bond or other evidence of indebtedness guaranteed under the Fund, the holder of the bond or other evidence of indebtedness may demand, pursuant to the terms of the bond or other evidence of indebtedness, payment from the Associate Administrator of the principal and accrued interest of the obligation in accord with section 308(f)(5)(B). The validity of such a guarantee shall be considered incontestable, except when the holder of the obligation is guilty of fraud or misrepresentation or was aware of fraud or misrepresentation at the time he purchased the obligation.

(f) *Guarantee agreements.* Each obligation guaranteed under this subpart

will entail agreements setting forth in detail the conditions under which the repayment assistance described in subpart F of this part will be available. These conditions will be binding upon the Associate Administrator and the borrower. In addition, all provisions in the underlying documents for obligations guaranteed under section 308(d)(2) will be subject to the approval of the Associate Administrator and will contain such additional provisions as he/she may require.

(g) *Bond counsel.* The borrower shall retain bond counsel to represent it in each guarantee transaction. Such bond counsel must receive the prior approval of the Associate Administrator.

Subpart F—Repayment Assistance

§ 931.60 General.

This subpart sets forth policies and procedures for awarding various forms of repayment assistance under sections 308(d)(3) and 308(b)(4)(A).

§ 931.61 Objectives.

The objectives of the repayment assistance are to ensure that:

(a) Credit obligations will be modified and tailored according to ability to repay so that defaults can be avoided; and

(b) Net fiscal losses to the State or unit of general purpose local government resulting from coastal energy activity will be minimized.

§ 931.62 Definitions.

The term "borrower" refers to an eligible coastal State, a special purpose agency of the State, or a unit of general purpose local government that has been awarded credit assistance under sections 308(d)(1) or (d)(2).

§ 931.63 Purposes.

(a) The purpose of repayment assistance under sections 308(d)(3)(A-C) is to assist a borrower who is temporarily unable to meet scheduled repayments of loans or guaranteed obligation.

(b) The purpose of a repayment grant from the proceeds of a State's allotted formula grant under section 308(b) is to assist a borrower in meeting scheduled repayments of a guaranteed bond when the remedies of sections 308(d)(3)(A-C) are inadequate.

(c) The purpose of a repayment grant from a State's allotted credit assistance from the Fund section under 308(d)(3)(D) is to assist a borrower in meeting scheduled repayments of a loan or guaranteed obligation when the remedies of sections 308(d)(3)(A-C) are inadequate and formula grants are not available for that purpose. If the State's allotment is insufficient, a grant will be made from the Fund.

§ 931.64 Sources of repayment assistance.

(a) *Primary sources.* The primary sources of repayment assistance are

modification of credit assistance terms and conditions under section 308(d)(3)(A), refinancing of a loan under section 308(d)(3)(B), or making a supplemental loan under section 308(d)(3)(C) for meeting a loan or guarantee obligation.

(b) *Secondary sources.* If the borrower is unable to meet scheduled repayments by means of one or more of the primary sources of repayment assistance, and if the inability to repay results from a change in scope of the coastal energy activity or the related new population, the secondary sources of repayment assistance may be used to meet obligations. These secondary sources are the proceeds of the State's allotment of formula grants under section 308(b) and grants from the State's allotment of moneys from the Fund under section 308(e)(1), or directly from the Fund if the State's allotment is insufficient.

§ 931.65 General eligibility.

(a) A coastal State or unit of general purpose local government is eligible for repayment assistance only if:

(1) It has been awarded a loan under section 308(d)(1) or a guarantee under section 308(d)(2); and

(2) It has submitted a report, as required under § 931.66, updating the information described in § 931.48(b)(1).

(b) A borrower does not have to be in default before qualifying for repayment assistance. The default of a borrower will nevertheless automatically occasion review for repayment assistance by the Associate Administrator.

§ 931.66 Application update.

After submitting its original credit assistance application, and until the full repayment of its loan or guaranteed obligation, the borrower shall submit periodically to the Associate Administrator a report updating the information described in § 931.48(b)(1). The frequency of submission of this report will be established by the Associate Administrator in consultation with the borrower. This report should contain whatever new information the borrower has received and can document concerning the coastal energy activity and its likely effects on revenues and expenditures.

§ 931.67 Review for repayment assistance.

(a) At the request of the borrower or on his/her own initiative, the Associate Administrator shall undertake a review for repayment assistance. Prior to the initiation of this review by the Associate Administrator, the borrower must submit a report (described in § 931.66) updating the information described in § 931.48(b). The Associate Administrator will examine the information and forecasts contained in the report, particularly those relating to the status and effects of the coastal energy activity involved.

(b) All terms and conditions of the loan or guarantee, as enumerated in the loan or guarantee agreements, will remain in effect pending the review for repayment assistance.

§ 931.68 Award of repayment assistance.

(a) It is the Associate Administrator's intent to offer repayment assistance within 45 days after the request for repayment assistance described in § 931.67, upon a finding that, pursuant to the terms and conditions of the loan or guarantee agreements, the borrower is unable to meet its annual loan service payment or obligation under a guarantee in accord with its repayment schedule because the actual increase in employment and related population from coastal energy activity and associated facilities have failed to provide adequate revenues.

(b) Repayment assistance offered pursuant to paragraph (a) of this section will consist of one or more of the following types.

(1) *Modification of terms.* In the case of loans awarded under section 308(d)(1), the repayment schedule described in § 931.50(d) may be retailed in light of the information submitted in the report described in § 931.66. Such modification of terms and conditions may include an extension of the payback period; however, the payback period may not exceed 30 years from the closing date of the original loan.

(2) *Refinancing.* Outstanding loans under section 308(d)(1) or outstanding bond or other obligations guaranteed under section 308(d)(2) may be refinanced by means of a loan at the interest rate appropriate at the time of the refinancing.

(3) *Supplemental loans.* If the Associate Administrator determines that expected revenues will be temporarily insufficient to meet the borrower's guaranteed bond or other obligations or to meet a loan repayment schedule, he/she may offer to make a supplemental loan to the borrower.

(4) *Repayment grants.* If the Associate Administrator has taken action under paragraphs (b)(1-3) of this section and additional action under those paragraphs would not enable the borrower to meet its obligations within a reasonable time. The Associate Administrator, pursuant to the terms and conditions of the loan or guarantee agreements, will make a repayment grant in an amount sufficient to enable the borrower to meet its obligations.

(Comment: The award of repayment assistance can be based only on an objective comparison of the information submitted in the updating report as described in § 931.66 with the terms and conditions of the original loan or guarantee agreements.)

(c) When the Associate Administrator offers one of the courses of action in § 931.68(b)(1-4), the borrower may

submit to the Associate Administrator a formal acceptance of the recommended form of repayment assistance. In the case of a repayment grant from the proceeds of a State's formula grant under section 308(b) for a bond guaranteed under section 308(d)(2), the borrower shall submit this formal acceptance through the State agency designated under § 931.26(a)(1), and the acceptance shall include such adequate assurances as are required by § 931.97(a). The repayment assistance will take effect as soon as the Associate Administrator receives the formal acceptance.

(d) If the formula grants allotted the State are insufficient for all the repayment grants recommended by the Associate Administrator in a fiscal year, the State agency designated under § 931.26(a)(1) shall indicate which bonds it wishes to retire with the proceeds of available formula grants, giving priority to local bonds in accordance with section 308(b)(4)(A). Those borrowers whose bonds the State has indicated it cannot retire with the proceeds of formula grants may request repayment grants from the State's allotment of credit assistance and, when necessary, which will be awarded directly from the Fund. Borrowers in States that have no allotted formula grants may request the recommended repayment grants, which will be awarded from the State's allotment of credit assistance and, when necessary, directly from the Fund.

(e) If, after the review for repayment assistance, the Associate Administrator determines that no repayment assistance is warranted, or if the borrower does not formally accept such assistance, the borrower will remain subject to the terms and conditions of the loan or guarantee and to the requirements of Subpart I of this part.

§ 931.69 Appeal procedure.

(a) Whenever a dispute arises concerning the Associate Administrator's finding made pursuant to § 931.68(a) regarding the existence of conditions which require an offer of repayment assistance, the borrower may appeal the Associate Administrator's decision to the Administrator of NOAA by submitting a request for review to the Office of the Administrator of NOAA.

(b) The Administrator of NOAA, if requested, will order a formal hearing on the record to be conducted within 30 days of the borrower's request for review.

(c) The Administrator will issue a written decision on the appeal within 60 days of the borrower's request for review.

(d) The appeal procedure provided for in paragraphs (a)-(c) of this section is intended to provide a timely and impartial forum for resolving dis-

putes concerning repayment assistance. Such appeal procedures may be initiated by the borrower, but do not expressly or by implication limit the borrower's other remedies at law or in equity. The borrower may seek appropriate judicial relief in a court of competent jurisdiction without the consent of the Associate Administrator or the Administrator of NOAA, and without first having exhausted the appeal procedures provided in paragraphs (a)-(c) of this section.

Subpart G—Grants for Unavoidable Losses of Coastal Environmental and Recreational Resources

§ 931.70 General.

This subpart sets forth policies and requirements for awarding environmental and recreational grants to coastal States under sections 308(b) and 308(d)(4), and describes the objectives of awarding these moneys, the purposes for which they may be used, the sources from which they will be drawn, and the eligibility requirements.

§ 931.71 Objectives.

The objectives of providing assistance under sections 308(b) and 308(d)(4) are:

(a) To help States and units of local government prevent, reduce or ameliorate unavoidable losses of valuable environmental or recreational resources resulting from coastal energy activity; and

(b) To ensure that the person or persons responsible for these environmental or recreational losses pay for their full cost.

§ 931.72 Definitions.

(a) The term "unavoidable" refers to that part of damage to or loss of an environmental or recreational resource resulting from coastal energy activity or from the public facilities associated therewith that either:

(1) Cannot be attributed to any identifiable person or persons; or

(2) Whose costs of prevention, reduction, or amelioration cannot feasibly be directly or indirectly assessed against an identifiable person or persons through:

(A) Reasonable implementation or enforcement of the existing regulatory authorities of the State or of any political subdivision of the State; and

(B) For losses occurring after July 26, 1976, a reasonable effort by the State to recover money damages for the loss; and

(3) Cannot be paid for with funds that are available from any other Federal program.

(Comment: "Regulatory authorities" refers to statutes, local ordinances, or laws and implementing regulations, existing at the time that the loss occurred or at the

time of the date of application or requisition for anticipated losses, which set standards or conditions for development. Regulatory authorities include development regulations, such as zoning, subdivision, or energy facility siting laws, that apply to the siting or location of a new or expanded coastal energy activity or the public facilities associated therewith; and pollution or nuisance prevention regulations that apply to the operations of both new and preexisting development activity. Authorities that create a right to money damages on the part of the State or any of its political subdivisions are not included in this term, but are addressed in a separate provision, § 931.72(a)(B).

Losses occurring before July 26, 1976, will be unavoidable when there is no anticipated or continuing violation of pollution control or nuisance prevention regulations by the source of the loss, and when the loss cannot be paid for with funds that are available from any other Federal program.

For losses occurring after July 26, 1976 (the date on which section 308 became effective), a loss will be unavoidable when the conditions in the preceding paragraph are met and when the State can demonstrate that a reasonable effort has been made under State law to recover money damages for the loss. This means that a damage action must be resolved before disbursement of funds either through administrative or judicial proceedings or through a settlement among the parties; or the application or requisition must contain a statement from the responsible enforcement authority that there exists no reasonable cause of action for such a damage claim. This statement should address two factors: (1) the basis in law for the conclusion that no reasonable cause of action exists; and (2) the evidentiary support for the conclusion.

For losses that are anticipated at the time of requisition or application, the unavoidability that will be met where there has been reasonable enforcement or implementation of development regulations to prevent the loss. Reasonable enforcement or implementation of regulatory authorities in this situation would depend on the nature of the anticipated loss, and might include obtaining a significant contribution of land from the potential source of the loss, or the selection of different and more environmentally sound alternative sites or design for the proposed facility.

In addition, losses will be considered "unavoidable" for purposes of this subpart where funds are sought to design or implement strategies to prevent, reduce or ameliorate environmental or recreational losses resulting from coastal energy activity, or to cover costs incurred in the enforcement or legal defense of conditions imposed on new or expanded coastal energy activity to prevent a specific environmental or recreational loss.

It is intended that States or units of local government use other possible sources of Federal assistance before being able to use sections 308(b) and (d)(4) for environmental or recreational purposes. However, if assistance is not expected to be provided to a State or unit of local government in a timely manner, assistance under this subpart will be available.)

(b) The term "loss" refers to any damage to or degradation of an environmental or recreational resource, including the loss of public access to that resource.

(c) The term "environmental resource" refers to:

(1) Areas of land and/or water that are or have been largely in a natural state, or whose value derives primarily from ecological considerations;

(2) Important animal and plant populations, their habitat, and areas of human use;

(3) Air and water quality; or

(4) An area that has been designated under a State's approved coastal zone management program as an area of particular concern for environmental purposes.

(d) The term "recreational resource" refers to an area of land and/or water that has characteristics making it desirable for one or more types of recreational activities, and which has, in fact, been in use for such activities, or which has been designated under a State's approved coastal zone management program as an area of particular concern or potential use for recreational purposes.

(e) The term "valuable" is intended to include all relevant benefits, both quantifiable and non-quantifiable, attributable to the resource being valued, including the replacement cost for a similar resource.

(f) The term "new employment" means those persons who obtain employment during a given fiscal year in any new or expanded Outer Continental Shelf energy activity.

(g) The term "first landed" in a particular coastal State refers to oil and natural gas produced from the OCS that is first unloaded from tankers or barges at ports within that State, or is brought to shore in pipelines that first touch non-submerged land in that State.

(Comment: Suppose a pipeline comes ashore in State A where it connects to oil or natural gas processing or distribution facilities. On the way from the well to State A, the pipeline passes over a small island or a rock that belongs to State B without causing any impact. In this situation, State A will be considered the State in which the oil or gas is "first landed.")

(h) The term "person" means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any State; the Federal Government; any State, regional, or local government; or any entity of any such Federal, State, regional, or local government.

§ 931.73 Sources.

(a) The primary source of assistance for preventing, reducing, or ameliorating environmental or recreational resource losses resulting from coastal energy activity is the formula grants (section 308(b)(4)(C)) allotted to coastal States according to § 931.76.

(b) If a State has no allotment under section 308(b), or if the Associate Administrator determines that grant

moneys allotted the State under section 308(b) are insufficient, the State may apply for the grant moneys under section 308(d)(4) that are allotted it according to § 931.77.

§ 931.74 Purposes.

(a) Assistance is provided in sections 308(b)(4)(C) and 308(d)(4) to help States and units of local government design and implement projects to prevent, reduce or ameliorate past or future unavoidable environmental and recreational losses resulting from coastal energy activity.

(b) Assistance for the design and implementation of projects under this subpart is intended to pay for:

(1) Restoration, replacement, or acquisition of environmental or recreational resources to prevent, reduce, or ameliorate unavoidable environmental and recreational losses.

(2) The design and implementation of programs and strategies to prevent, reduce or ameliorate unavoidable environmental and recreational losses, including the cumulative effects of coastal energy activity.

(3) Costs incurred in the enforcement or legal defense of conditions imposed on new or expanded coastal energy activity to prevent a specific environmental or recreational loss.

(4) The cost differential between methods of providing a public facility required as a result of coastal energy activity which meet minimum State environmental and construction standards, and a higher cost method that reduces an environmental loss.

(Comment: Under subsection (b)(2), the design and implementation of programs or strategies to prevent, reduce, or ameliorate unavoidable losses, environmental and recreational grants are available to address certain cumulative impacts of development associated with coastal energy activity.

Subsection (b)(3) refers to conditions attached to permission for new development that may raise issues of fact and law. The public agent imposing the condition may require special expertise to substantiate his/her position relating to a potential environmental or recreational loss from new or expanded coastal energy activity. An associated need for legal services to clarify the authority of the public agent to impose the condition may also occur. When a requisition or application for such services addresses a specific loss, it would qualify for a grant under this subpart.

Finally, in certain situations, public authorities may only be authorized and funded for the construction of a public facility in a manner resulting in substantial environmental or recreational losses. In some instances these losses may be considered "unavoidable" under subsection (b)(4). The regulations require evidence that the lower cost facility design meets the applicable environmental and construction standards of the State in its "funded" form. A grant under this subpart would be available for the cost increment which reduces the environmental or recreational loss caused by the facility.)

§ 931.75 Eligibility.

(a) To be eligible for allotments and assistance under sections 308(b)(4)(C) and 308(d)(4), a coastal State must meet the basic eligibility requirements of subpart C of this part.

(b) To be eligible for assistance under section 308(d)(4), a State's allotment under section 308(b) must be insufficient. States that have no allotment of grants under section 308(b) are directly eligible for assistance under section 308(d)(4).

§ 931.76 Allotment of formula grants (section 308(b)).

Moneys appropriated in any fiscal year for the purposes of section 308(b) will be allotted among eligible coastal States according to the following procedures. Allotments will be made as soon as is practicable. The proceeds of allotted formula grants which are requisitioned by and awarded to a State in any fiscal year but which are not expended or obligated by the State by the end of the fiscal year after the fiscal year in which the grant proceeds were awarded are subject to recovery in accordance with § 931.97 of this part and are subject to subsequent reallocation among eligible coastal States. Allotted formula grant proceeds not requisitioned remain available for award until the end of fiscal year 1984, at which time proceeds not awarded will be returned to the United States Treasury.

(a) At the end of each fiscal year, the Associate Administrator will gather from appropriate Federal and other sources the following data:

(1) The amount by adjacent coastal State, of OCS acreage leased in that fiscal year;

(2) The amount, by adjacent coastal State, of oil and natural gas produced from the OCS that year;

(3) The amount of oil and natural gas produced from the OCS that is first landed in each coastal State that year; and

(4) The amount of new employment, as defined in § 931.72(f), residing in each coastal State.

(Comment: In computing the volumes of oil and gas in paragraphs (a)(2) and (a)(3), the Associate Administrator will consider 6,000 cubic feet of natural gas to be the equivalent of one barrel of oil.

(b) The Associate Administrator will provide these data to the States as soon as the data are collected. The States will have a comment period of 45 days during which to present evidence of errors in the data. At the end of the 45-day period, the allotment—incorporating any revised data—will be made.

(c) The data for each State in paragraphs (a)(1-4) of this section, when divided by the sum of these data for all States, constitute a set of weighting

coefficients which will be applied in the following manner to the amount appropriated for the purpose of section 308(b):

(1) The set of State coefficients derived from the data of paragraph (a)(1) of this section (acreage leased) will be applied to one-third of the amount appropriated;

(2) The set of coefficients derived from the data of paragraph (a)(2) of this section (oil and gas produced) will be applied to one-sixth of the amount appropriated;

(3) The set of coefficients derived from the data of paragraph (a)(3) of this section (oil and gas first landed) will be applied to one-sixth of the amount appropriated; and

(4) The set of coefficients derived from the data of paragraph (a)(4) of this section (new employment) will be applied to one-third of the amount appropriated.

(d) The procedure above will result in four separate amounts for each coastal State. The sum of these four amounts is the allotment for each State of the moneys appropriated for the purposes of section 308(b).

§ 931.77 Allotment from the Fund (section 308(d)(4)).

(a) Moneys appropriated for the purposes of section 308(d)(4) will be allotted to eligible coastal States according to the procedures outlined in Subpart E of this part for allotting sections 308(d) (1) and (2) assistance credit, except that OCS related facilities will be deleted from the annual list of new or expanded coastal energy activities.

(b) Moneys allotted a State under section 308(d)(4) that are not awarded to the State committed within the fiscal year following the fiscal year in which the allotment was made will be returned to the Fund for reallocation among eligible coastal States. The Associate Administrator will extend the period of availability of an allotment if he/she determines that there are extenuating circumstances that justify such an extension.

§ 931.78 Requisition and application procedures.

(a) An eligible coastal State may requisition the proceeds of its formula grants for the purposes set forth in § 931.74 as soon as it is notified of the amount of its allotment. If the State's allotted formula grant is insufficient or if the State has not been allotted formula grants, the State may apply for moneys allotted to it from the Fund.

(b) Requisitions for formula grant proceeds under section 308(b) and applications for moneys under section 308(d) must contain the following certifications and information:

(1) A certification by the State agency designated under § 931.26(a)(2)

that the assistance has been allocated within the State in accord with the intrastate allocation process described in subpart J of this part;

(2) A certification by the State agency designated under § 931.26(a)(3) that the assistance will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) A brief description of the proposed activity or activities sufficient to enable the Associate Administrator to verify that the activity or activities would prevent, reduce, or ameliorate an unavoidable loss of a valuable environmental or recreational resource pursuant to this subpart;

(4) For construction projects, as defined in Office of Management and Budget Circular A-102, factual information necessary to evaluate the project's environmental impacts, in detail sufficient to enable the Associate Administrator to determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and

(5) A showing that such applications or requisitions for assistance have complied with the requirements of the Project Notification and Review System established by Office of Management and Budget Circular A-95 (Part I).

(Comment: The description in subparagraph (1) must indicate how the loss is "unavoidable," as defined in § 931.72(a). For losses that occurred before July 26, 1976, the description must show that there is no continued violation of pollution control or nuisance prevention authorities. For losses that occurred after July 26, 1976 the description should demonstrate that a reasonable effort has been made under State law to recover money damages for the loss; if there has been no damage action resolved either through administrative or judicial proceedings or through a settlement among the parties, the application or requisition must contain a statement from the State Attorney General or other responsible enforcement authority that there exists no reasonable cause of action for such a damage claim.)

(c) Requisitions for proceeds under section 308(b) must also contain such adequate assurances as are required by § 931.97(a) of this part.

(e) It is the intent of the Associate Administrator that completed requisitions and applications will be processed within 45 days of completion of the required A-95 reviews, unless the Associate Administrator determines that an environmental impact statement is required.

(f) (1) Prior to being notified of any allotment under sections 308(b) and (d) (4), a coastal State agency designated under § 931.26 (a) (1) may submit to the Associate Administrator proposals for projects to reduce or

ameliorate the loss of or damage to valuable environmental/recreational resources that has resulted from coastal energy activity. Such proposals must contain information and certifications required under paragraph (c) of this section.

(2) Upon completion of the Associate Administrator's verification, and if he/she determines that no environmental impact statement is required, the State may requisition in any year proceeds of section 308(b) grants for the projects as described in subparagraph (1) of this paragraph, after notification of its allotment under section 308(b), without submission of any further information or further review and verification by the Associate Administrator, except for the adequate assurances required under paragraph (d) of this section. However, the State must notify the Associate Administrator of any changes in such projects proposed between the completion of the Associate Administrator's verification and the State's requisition of grant proceeds.

§ 931.79 Limitations.

The proceeds of formula grants under section 308(b) and moneys under section 308(d) (4) may not be used:

(a) For the prevention, reduction, or amelioration of any loss of an environmental or recreational resource that is directly attributable to the sale, lease, rental, or conversion to other uses of such resource by a State agency or unit of local government;

(b) To pay for that part of the cost of a project designed to prevent, reduce, or ameliorate the loss of a recreational resource, which is incommensurate with the value of the recreational resource;

(c) To pay for that part of the cost of a project, designed to prevent, reduce, or ameliorate the loss of an environmental resource, which is incommensurate with the value of the environmental resource; or

(d) For any prevention, reduction, or amelioration of an unavoidable environmental loss by means of a public facility eligible for funding under subpart E of this part, except for:

(1) Facilities for environmental protection as defined in § 931.42(a)(2) or for recreation as defined in § 931.42(a)(6);

(2) Facilities to prevent, reduce, or ameliorate environmental losses from freshwater or saltwater intrusion or erosion;

(3) Payment of the cost differential between methods of providing a public facility required as a result of coastal energy activity which meet minimum State environmental and construction standards, and a higher cost method that reduces a environmental loss; and

(4) Any such facility or modification of an existing facility that is deter-

mined by the Associate Administrator to be necessary primarily for the protection, reduction, or amelioration of environmental or recreational losses.

Subpart H—Lateral Seaward Boundaries

§ 931.80 General.

For the calculations of formula grant allotments under § 931.76, Outer Continental Shelf acreage and production shall be considered adjacent to a particular coastal State if such acreage and production lie on that State's side of the extended lateral seaward boundaries of that State. These extended lateral seaward boundaries of a coastal State shall be determined by delimitation lines established by the Associate Administrator according to the procedures of this subpart. These delimitation lines are to be established solely for determining a State's adjacency to Outer Continental Shelf acreage and production for the purposes of section 308(b), and they are not intended to have application under any other law or treaty of the United States.

§ 931.81 Establishment of delimitation lines when agreements exist between States.

If a lateral seaward boundary extending to a State's seaward boundary (see the Submerged Lands Act, 43 U.S.C. §§ 1301(b) and 1312) has been clearly defined or fixed by an inter-State compact, agreement, or judicial decision as of July 26, 1976, a delimitation line extending the lateral seaward boundary through the Outer Continental Shelf shall be based on the principles used to delimit or define the lateral seaward boundary in such compact, agreement, or decision. A copy of all such compacts, agreements, or decisions must be submitted to the Associate Administrator before calculations of State allotments are made and before March 4, 1977.

If a portion of a lateral seaward boundary has been clearly defined or fixed by an inter-State compact, agreement or judicial decision as of July 26, 1976, a delimitation line shall be based on the principles used to delimit or define the lateral seaward boundary in such compact, agreement or decision to the extent that such principles are applicable.

§ 931.82 Establishment of delimitation lines when no agreements exist between States.

If no lateral seaward boundary, or any portion thereof, has been clearly defined or fixed by inter-State compact, agreement, or judicial decision, a delimitation line extending from the State's seaward boundary through the Outer Continental Shelf shall be established in the following manner:

(a) If, on or before August 4, 1977, a lateral seaward boundary to the

State's seaward boundary is delimited or defined by an inter-State compact or agreement, the Associate Administrator will establish a delimitation line through the Outer Continental Shelf based upon the same principles used to delimit or define the lateral seaward boundary in such compact or agreement. A lateral seaward boundary established by inter-State compact or agreement may be based on any principles which are mutually acceptable to the States involved. When such a boundary requires a measurement from a baseline, that baseline will be as defined in § 931.84(a). The lateral seaward boundary delimited or defined by such a compact or agreement, must be appropriately documented to the Associate Administrator no later than August 4, 1977. Appropriate documentation shall include data sufficient to define the lateral seaward boundary and may include dimensionally stable base maps, geographic positions, azimuths, computations, and written descriptions.

(b) If a lateral seaward boundary is not defined or delimited by compact or agreement on or before August 4, 1977, delimitation lines will be established by the Associate Administrator based on applicable principles of law, including but not limited to the principles enumerated in the Convention on the Territorial Sea and the Contiguous Zone, the Convention on the Continental Shelf, and relevant judicial decisions. The Associate Administrator will extend this time period up to February 4, 1978, if the Governors of the States concerned each request such an extension. The Associate Administrator may also at his/her discretion extend the time period for other delimitation lines which may be affected by the one for which an extension has been requested. Prior to establishing these delimitation lines, the Associate Administrator will allow an additional 6-month period during which time the States failing to delimit or define a lateral seaward boundary may submit written arguments in support of their respective positions. Within 2 months after expiration of the period allowed for submission of arguments by States, the Associate Administrator will establish the required delimitation lines according to the applicable principles of law. The procedures of this paragraph may be invoked at any time after these regulations become effective if the States concerned jointly seek a determination by the Associate Administrator.

If the lateral seaward boundary is a matter in litigation prior to the time of delimitation by the Associate Administrator, such delimitation may be deferred by the Associate Administrator until a final judicial decision is rendered.

(c) If after July 26, 1976, a judicial decision is rendered to clearly define

or fix a lateral seaward boundary such a decision may be used by the Associate Administrator in establishing a line of delimitation.

§ 931.83 Establishment of delimitation lines under later compacts or agreements.

If, after February 4, 1977, two or more States enter into or amend an interstate compact or agreement, in order to clearly define or fix a lateral seaward boundary, delimitation lines extending such a boundary through the outer Continental Shelf will be based on principles used to delimit or define the lateral seaward boundary in such compact or agreement. However, delimitation lines so extended or altered will not affect grants made previously in accord with calculations under § 931.76.

§ 931.84 Procedures utilizing baselines for defining delimitation lines.

(a) In the event that the Associate Administrator establishes a line of delimitation based on measurement from a baseline, that baseline will be the intersection of the National Ocean Survey (NOS) low water datum of reference with the land, as described and published by the NOS on large scale nautical charts of the area, as modified by the application of the principles of the Convention on the Territorial Sea and the Contiguous Zone, as interpreted by the Ad Hoc Committee on U.S. Coastline Delimitation.

This committee, which has the responsibility to apply principles of international law and the Convention on the Territorial Sea and the Contiguous Zone in delimiting the territorial sea and the contiguous zone of the United States, will be charged with the identification of the baseline, including closing lines, on NOS charts as required to establish the baselines.

(b) If delimitation lines established by the Associate Administrator are based on a measurement from the baseline, they shall be delineated by the NOS, which shall determine the geographic positions of these points by either graphical or analytical procedures, and document the delimitation lines for review and comment by the above Ad Hoc Committee and final approval by the Associate Administrator.

§ 931.85 Formula grants impounded for disputed areas.

(a) That portion of a State's allotment of section 308(b) formula grants which is dependent on Outer Continental Shelf acreage and production in disputed areas, as determined by the Associate Administrator, will be impounded in the Treasury of the United States until such time as the required delimitation lines have been established by the Associate Administrator using the procedures outlined in § 931.82.

(b) That portion of a State's allotment of section 308(b) formula grants which is dependent on outer Continental Shelf acreage, production and landings in areas disputed between the Federal Government and the State will be impounded in the Treasury of the United States until such time as the issue is resolved.

Subpart I—General Provisions

§ 931.90 Allowable costs.

(a) Allowable costs will be determined in accord with Federal Management Circular 74-4, Cost Principles Applicable to Grants and Contracts with State and Local Governments (34 CFR 255), the grant/loan agreement, and with the unique requirements of the Coastal Energy Impact Program. Specifically, project costs must:

(1) Be necessary and reasonable for proper and efficient administration of the program, not be a general expense required to carry out the overall responsibilities of States or units of local governments;

(2) Be authorized or not prohibited under State or local laws or regulations;

(3) Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items;

(4) Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the recipient is a part;

(5) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances;

(6) Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period; and

(7) Be net of all applicable credits.

(b) Applications and requisitions for assistance under this part for projects or programs to provide new or improved public facilities or for construction projects to prevent, reduce, or ameliorate unavoidable environmental or recreational losses will be subject to the following additional requirements.

(1) Design and performance standards must conform to professionally recognized national standards. Costs must be reasonable and comparable to the cost of similar work awarded through open competitive bidding in the geographic area of the project.

(2) Compensation for engineering, architectural, or similar services shall not be based on a cost plus a percentage-of-construction cost.

(3) The following will be allowable project costs when necessary and reasonable for the completion of projects or programs assisted under this part.

(i) Land acquisition (including less-than-fee simple), easements, and rights-of-way.

(ii) Architectural, engineering, and other necessary technical service fees.

(iii) Lease or rental of essential moveable equipment.

(iv) Construction expenses, including construction materials, fixtures, appurtenances, and fixed machinery and equipment.

(v) Site preparation and improvement.

(vi) Capitalized interest during construction for a project in which it is necessary or advantageous for the recipient to borrow funds to finance construction costs and where State law permits such a loan. (This is an allowable cost for section 308(d) (1) and (2) credit assistance only.)

(vii) Capitalized interest during development, only when a section 308(d) loan or guarantee has been made for the project. (The allowable amount is limited to that which is required to meet interest payments after the project is operating but before income is sufficient to provide such payment. However, such amounts will be an eligible project cost only to the extent that the recipient does not have any other funds or sources of revenue for such interest payments.)

(viii) Initial public service expenses (operating costs) including supply inventories, salaries and utilities, only when a section 308(d) loan or guarantee has been made for the project. (The allowable amount is limited to that which is required to meet these public service expenses after the project is operating but before income is sufficient to provide for such services. However, such amounts will be an eligible project cost only to the extent that the recipient does not have any other funds or sources of revenue for such public service expense.)

(4) Activities conducted, or assets acquired, prior to approval of an assistance application or requisition are allowable costs only when specifically provided for in the grant or loan contract or agreement. Previously acquired assets not covered by an agreement may, however, be included in the State's matching share to the extent that they meet the requirements set forth in paragraph (a) of this section, and of Federal Management Circular 74-7. Purchase options for land and materials essential to the project or program may be an allowable project cost.

§ 931.91 Administrative procedures.

Administrative procedures for grants and credit assistance are based to the maximum extent possible upon Office of Management and Budget Circular, Office Administrative Requirements for Grants-in-Aid to State and Local Governments (34 CFR 256).

§ 931.92 Compliance with OMB Circular A-95 requirements.

(a) Preapplications, if used, applications, and requisitions for assistance

for public facilities and public services and for environmental and recreational grants for construction projects are subject to the Project Notification and Review System established by Office of Management and Budget Circular No. A-95 (Part I), as implemented by regulations promulgated by NOAA, 15 CFR 905.

(b) Applications and requisitions for assistance for planning under sections 308(c) and 308(b)(4)(B) and for non-construction projects or programs for environmental/recreational purposes under sections 308(b)(4)(C) and 308(d)(4) are not subject to Part I of OMB Circular No. A-95 if a memorandum of agreement for coordinating planning under section 308 has been executed between the state agency designated under § 931.26(a)(1) and the appropriate areawide clearing-houses in the State's coastal zone pursuant to Part IV, Attachment A, of OMB Circular No. A-95.

§ 931.93 Other Federal requirements.

Compliance with all other Federal statutory provisions and regulations which are applicable to federal assistance programs and recipients of such assistance is a condition of CEIP assistance.

§ 931.94 Environmental Impact Statements.

Under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and the guidelines 40 CFR 1500.1 et seq., the Associate Administrator will conduct an environmental impact assessment on each proposed use of assistance for construction projects under Subparts E and G of this part to determine whether an environmental impact statement (EIS) will be required. Such assessment will be based on threshold criteria which will be provided in OCZM guidelines. It is not anticipated that proposed uses of assistance under Subparts D (Planning) and F (Repayment Assistance) of this part, as well as for non-construction projects under Subparts E and G of this part, will require EIS preparation; however, the Associate Administrator will monitor the uses of assistance under these subparts with the requirements of NEPA in mind and will determine whether an EIS will be required. Initial data and information on the environmental impacts of a proposed project will be provided by the potential recipient of assistance under this part, according to OCZM guidelines. When the Associate Administrator determines that an EIS will be required, he/she will also consider the preparation of a regional or programmatic EIS on a group of similar or related projects, if appropriate. If, prior to receiving notice of its allotment under Subpart E of this part, a State wishes to seek an advance determination as to

whether an EIS will be required for a proposed project, such State may submit the information required under § 931.48(a)(5) to the Associate Administrator. The Associate Administrator will review the information submitted and will make a determination within 45 days of receipt of such information.

§ 931.95 Records.

(a) All initial recipients of financial assistance under section 308 shall keep and preserve, and shall require each unit of local government to which it passes the assistance to keep and preserve, detailed project control records reflecting acquisitions, work progress, expenditures, and commitments, indicating in each instance their relationship to estimated costs and schedules. All recipients shall also keep and preserve such full written financial records, accurately disclosing the amount and the disposition of the assistance, together with the amounts and disposition of other funds applied to the project, program, or other undertaking, as shall adequately establish compliance with the requirements of section 308, the terms and conditions upon which such financial assistance was made, and the standards for financial management systems contained in Attachment G to Office of Management and Budget Circular A-102. Such records shall be retained until:

- (1) Completion of the project, program, or other undertaking for which a grant was made or used, and thereafter for a period of at least 3 years; or
- (2) Full repayment of a loan or guaranteed indebtedness for which such financial assistance was provided, and thereafter for a period of at least 3 years.

§ 931.96 Audit.

The Associate Administrator, the Secretary of Commerce, and/or his/her designee and the Comptroller General shall have access for purposes of audit and examination to any records, books, documents, and papers which belong to, or are used under this part or controlled by, any recipient of the assistance or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if such financial assistance is being or was used in accordance with section 308, the terms and conditions upon which such financial assistance was made, Office of Management and Budget Circular A-102, and Federal Management Circular 74-4.

§ 931.97 Recovery of funds.

This section sets forth requirements and procedures to ensure that grant proceeds received by States may be recovered by NOAA if such proceeds have not been expended or obligated

for the purposes and activities covered by the grant award approved program activities and budget, and if 308(b) grant proceeds have not been expended or obligated by the State before the close of the fiscal year immediately following the fiscal year of project award.

(a) *Adequate assurances.* (1) Each requisition for the proceeds of section 308(b) grants submitted by a State under Subparts D, E, F, or G of this part shall contain a written statement that:

(i) The State will repay to the the United States the amount of an awarded grant which has been determined by the Associate Administrator not to have been expended or obligated by the State for purposes other than those set forth in §§ 931.33(b), 931.43(b), 931.63(b), and 931.74; and

(ii) The State will repay to the United States the amount of any grant which has been determined by NOAA not to have been expended or obligated by the State before the close of the fiscal year immediately following the fiscal year in which the grant proceeds were disbursed awarded.

(b) *Procedures for the recovery of funds.* (1) Upon receipt from NOAA of a written request for repayment which contains a finding that the proceeds of a grant received by the State have been expended or obligated by the State for purposes other than those set forth in the grant award, or, in the case of 308(b) grant proceeds, and if 308(b) grant funds or have not been expended or obligated were awarded before the close of the fiscal year immediately following the fiscal year in which the grant proceeds were awarded, such State shall provide a written response within 15 days to either refute or admit such findings.

(2) NOAA shall make a determination that repayment by the State will or will not be required, and shall notify the State of this determination no later than 45 days from the receipt by the State of the request for repayment described in paragraph (b)(1) of this section.

(3) If NOAA determines that repayment is required, the State shall have 30 days from the date of receipt of such determination to file a request for reconsideration with NOAA or 60 days from the date of receipt of such determination to make a repayment by check in the amount stated in such determination.

(i) If the State's request for reconsideration is denied, the State shall have 15 days from the date of such denial to make a repayment by check in the amount determined to be owed to the United States.

(ii) If, as a result of the State's request for reconsideration, NOAA modifies its determination of the amount required to be repaid by the

State, such State shall have 15 days from the date of such modification to make the repayment, if any, by check.

(4) If no repayment is received within the time period established by paragraph (b)(3) of this section, NOAA shall take necessary action to recover the amount due. Methods of recovery may include, but are not limited to:

(i) The modification or termination of a grant being received by such State under section 308(b);

(ii) The modification or termination of financial assistance under sections of the Act other than section 308(b);

(iii) The withholding of future financial assistance to the State under any section of the Act; and

(iv) The modification or termination of financial assistance being received by such State under other programs administered by the Department of Commerce, or the withholding of future financial assistance to such State under these programs.

(5) Actions undertaken under paragraph (b) of this section shall not in any way prejudice any rights of NOAA to pursue such other remedies as may be legally available and appropriate under the circumstances, including the referral of the claim against the State to the Department of Justice.

(c) If a State has received a written request for repayment under § 931.97(b)(1) NOAA may require such additional assurances as it finds necessary to protect the interests of the United States in the making of grants to the State.

§ 931.98 Coordination with other Federal agencies.

(a) No financial assistance for studying and planning provided under sections 308(b)(4)(B) and 308(c), for public facilities and public services provided under sections 308(b)(4)(B) and (d) (1) and (2), or for environmental and recreational projects provided under sections 308(b)(4)(C) and (d)(4) shall be awarded or disbursed if other Federal funds are available for such purposes, unless the Associate Administrator is assured that the Federal assistance to be received under section 308:

(1) Is to be used in addition to, and not in lieu of, any Federal funds which any coastal State or unit of local government may obtain under any other law; and

(2) Is not duplicative of other funding assistance.

(b)(1) The term "joint funding" means the coordination of multiple Federal assistance under the authority and provisions of the Joint Funding Simplification Act of 1974 (Pub. L. 93-510) in support of and consistent with the CEIP.

(2) When assistance from other Federal programs is insufficient to cover a

project or when combinations of assistance from multiple Federal programs are appropriate and beneficial, States and units of local government may request joint funding by the CEIP and other Federal programs in accordance with OMB Circular A-111, 41 FR 32040.

Subpart J—Intrastate Allocation of Financial Assistance

§ 931.110 General.

This subpart sets forth policies, requirements, and criteria required by sections 308 (e)(2) and (g)(2) and related to the intrastate allocation of financial assistance provided under section 308.

§ 931.111 Objective.

The objective of these requirements is to assure, to the maximum extent feasible, that section 308 assistance allotted to coastal States is distributed among units of local government in amounts which are proportional to need and in a manner which is equitable and expeditious.

§ 931.112 Intrastate allocation.

Each coastal State must establish a process to allocate its allotted section 308 assistance among State agencies and units of local government based on need for such assistance. This process may be periodically reviewed by the Associate Administrator to determine whether its application results in a distribution of assistance which, to the maximum extent practicable is proportional to need. States may amend or modify their intrastate allocation process subject to approval by the Associate Administrator. The extent of the process and the degree of documentation required will depend on the amount of assistance allotted to the State.

(a) The States which receive an allotment of \$250K or more in 308 grants and/or \$2 million in credit assistance in any fiscal year must develop an intrastate allocation process for approval by the Associate Administrator which must:

(1) Indicate the State agency designated under § 931.26 which will assume the lead role for administering the process;

(2) Describe the methods and procedures used to assure direct and effective participation by affected State agencies and units of local Government throughout the development and implementation of the allocation process;

(3) Describe the methods to be used to determine the priorities for the needs for financial assistance resulting from coastal energy activity;

(4) Include a method of assigning priority to projects for which assistance is not otherwise available from Federal, State, or private sources;

(5) Describe the methods to be used to allocate financial assistance and to evaluate and select projects based on criteria which include need, immediacy or severity of impacts, the fiscal capacity of units of local Government, and protection of the environment;

(6) Assure that information on the allocation of financial assistance is available to the public throughout the allocation process;

(7) Stipulate reasonable time limits for the allocation of financial assistance; and

(8) Establish a timely procedure by which units of local government may appeal to the State:

(i) the results of its allocation decisions; or

(ii) whether the State complied with the intrastate allocation process described in this section and approved by the Associate Administrator.

(b) Those States which receive an allotment of less than \$250K in 308 grants and/or \$2 million in credit assistance in any fiscal year provide an allocation process which will be submitted along with applications and requisitions for section 308 assistance. This process will not be subject to prior approval of the Associate Administrator. The submission by the State must describe:

(1) The methods used to determine the priorities for the needs for financial assistance resulting from coastal energy activity;

(2) The methods used to evaluate and select projects and to allocate financial assistance.

(3) The methods used to provide for formal notification of, direct consultation with, and comments by, affected State agencies and units of local government in the allocation of all 308 funds.

(c) Application/Requisition for 308 funds through September 30, 1977, from all coastal States will be subject to § 931.112(b) only.

(d) Eligible U.S. Territories are exempt from the requirements to provide an intrastate allocation process.

§ 931.113 Forms of assistance.

To the maximum extent practicable and in accord with the intrastate allocation process established pursuant to § 931.112:

(a) States that requisition the proceeds of grants under section 308 for purposes specified in Subparts D and G of this part must pass this assistance through to State agencies and units of local government in the form of grants;

(b) States that requisition the proceeds of grants under section 308 for purposes specified in Subparts E and F of this part must pass this assistance through to State agencies and units of general purpose local government in the form of grants;

(c) States that are allotted credit assistance under section 308 (d)(1) and (d)(2) must pass this assistance through to State agencies and units of general purpose local government using one of the following methods:

(1) State agencies may borrow to provide public facilities and public services needed to meet either State or local needs;

(2) State agencies may borrow to reloan or to grant this assistance to units of general purpose local government for public facilities and public services needed to meet local needs; or

(3) State agencies and units of general purpose local government may submit applications to the State to borrow from the Fund to provide needed public facilities and public services.

§ 931.114 Appeal to Associate Administrator.

(a) A unit of local government may appeal to the Associate Administrator to determine whether the State complied with the intrastate allocation process described in § 931.112 and approved by the Associate Administrator. Such an appeal must be made within 30 days after the unit of local government has exhausted the appeal procedure described in § 931.112. Such an appeal will be limited to the application of the State's process and the Associate Administrator may require additional information necessary to make an objective review and finding. The Associate Administrator will notify the State and unit of local government of his/her findings within 45 days of the receipt of the appeal.

(b) If the Associate Administrator finds that the State has not substantially complied with the approved process, section 308 assistance will be withheld until the State reallocates the assistance in accord with the approved process.

[FR Doc. 78-4788 Filed 2-22-78; 8:45 am]

THURSDAY, FEBRUARY 23, 1978
PART V



**ENVIRONMENTAL
PROTECTION
AGENCY**

KRAFT PULP MILLS

**Standards of Performance for
New Stationary Sources and
Availability of Draft Guideline
Document**

Register
of
Proposed
Rules

[6560-01]

THE STANDARDS

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION
AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 833-1]

PART 60—STANDARDS OF PERFORMANCE
FOR NEW STATIONARY SOURCES

Kraft Pulp Mills

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The standards limit emissions of total reduced sulfur (TRS) and particulate matter from new, modified, and reconstructed kraft pulp mills. The standards implement the Clean Air Act and are based on the Administrator's determination that emissions from kraft pulp mills contribute significantly to air pollution. The intended effect of these standards is to require new, modified, and reconstructed kraft pulp mills to use the best demonstrated system of continuous emission reduction.

EFFECTIVE DATE: February 23, 1978.

ADDRESSES: The Standards Support and Environmental Impact Statement (SSEIS) may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, N.C. 27711 (specify "Standards Support and Environmental Impact Statement, Volume 2: Promulgated Standards of Performance for Kraft Pulp Mills" (EPA-450/2-76-014b)). Copies of all comment letters received from interested persons participating in this rulemaking are available for inspection and copying during normal business hours at EPA's Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION
CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone No. 919-541-5271.

SUPPLEMENTARY INFORMATION: On September 24, 1976 (41 FR 42012), standards of performance were proposed for new, modified, and reconstructed kraft pulp mills under section 111 of the Clean Air Act, as amended. The significant comments that were received during the public comment period have been carefully reviewed and considered and, where determined by the Administrator to be appropriate, changes have been included in this notice of final rulemaking.

The standards limit emissions of particulate matter from three affected facilities at kraft pulp mills. The limits are: 0.10 gram per dry standard cubic meter (g/dscm) at 8 percent oxygen for recovery furnaces, 0.10 gram per kilogram of black liquor solids (dry weight) (g/kg BLS) for smelt dissolving tanks, 0.15 g/dscm at 10 percent oxygen for lime kilns when burning gas, and 0.30 g/dscm at 10 percent oxygen for lime kilns when burning oil. Visible emissions from recovery furnaces are limited to 35 percent opacity.

The standards also limit emissions of TRS from eight affected facilities at kraft pulp mills. The limits are: 5 parts per million (ppm) by volume at 10 percent oxygen from the digester systems, multiple-effect evaporator systems, brown stock washer systems, black liquor oxidation systems, and condensate stripper systems; 5 ppm by volume at 8 percent oxygen from straight kraft recovery furnaces, 8 ppm by volume at 10 percent oxygen from lime kilns; and 25 ppm by volume at 8 percent oxygen from cross recovery furnaces, which are defined as furnaces burning at least 7 percent neutral sulfite semi-chemical (NSSC) liquor and having a green liquor sulfidity of at least 28 percent. In addition, TRS emissions from smelt dissolving tanks are limited to 0.0084 g/kg BLS.

The proposed TRS standard for the lime kiln has been changed, a separate TRS standard for cross recovery furnaces has been developed, and the proposed format of the standards for smelt dissolving tanks, digesters, multiple-effect evaporators, brown stock washers, black liquor oxidation and condensate strippers have been changed. The TRS, particulate matter and opacity standards for the other facilities, however, are essentially the same as those proposed.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best adequately demonstrated technological system of continuous emission reduction considering the cost of achieving such emission reductions and any nonair quality health, environmental, and energy impacts. State implementation plans (SIPs) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIPs must in some cases require greater emission reductions than those required by standards of performance for new sources. Section 173(2) of the Clean Air Act, as amended in 1977, requires, among other things, that a new

or modified source constructed in an area which exceeds the NAAQS must reduce emissions to the level which reflects the "lowest achievable emission rate" for such category of source, unless the owner or operator demonstrates that the source cannot achieve such an emission rate. In no event can the emission rate exceed any applicable standard of performance.

A similar situation may arise when a major emitting facility is to be constructed in a geographic area which falls under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require, among other things, that major emitting facilities to be constructed in such areas are to be subject to best available control technology. The term "best available control technology" (BACT) means "an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines it achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of 'best available control technology' result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act."

Standards of performance should not be viewed as the ultimate in achievable emission control and should not preclude the imposition of a more stringent emission standard, where appropriate. For example, cost of achievement may be an important factor in determining standards of performance applicable to all areas of the country (clean as well as dirty). Costs must be accorded far less weight in determining the "lowest achievable emission rate" for new or modified sources locating in areas violating statutorily-mandated health and welfare standards. Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. This in no way should preclude its use in situations where cost is a lesser consideration, such as determination of the "lowest achievable emission rate."

In addition, States are free under section 116 of the Act to establish even more stringent emission limits than

those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new sources may in some cases be subject to limitations more stringent than standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

ENVIRONMENTAL AND ECONOMIC IMPACT

The promulgated standards will reduce particulate emissions about 50 percent below requirements of the average existing State regulations. TRS emissions will be reduced by about 80 percent below requirements of the average existing State regulations, and this reduction will prevent odor problems from arising at most new kraft pulp mills. The secondary environmental impacts of the promulgated standard will be slight increases in water demand and wastewater treatment requirements. The energy impact of the promulgated standards will be small, increasing national energy consumption in 1980 by the equivalent of only 1.4 million barrels per year of No. 6 oil. The economic impact will be small with fifth-year annualized costs being estimated at \$33 million.

PUBLIC PARTICIPATION

Prior to proposal of the standards, interested parties were advised by public notice in the *FEDERAL REGISTER* of a meeting of the National Air Pollution Control Techniques Advisory Committee. In addition, copies of the proposed standards and the Standards Support and Environmental Impact Statement (SSEIS) were distributed to members of the kraft pulp industry and several environmental groups at the time of proposal. The public comment period extended from September 24, 1976, to March 14, 1977, and resulted in 42 comment letters with 28 of these letters coming from the industry, 12 from various regulatory agencies, and two from U.S. citizens. Several comments resulted in changes to the proposed standards. A detailed discussion of the comments and changes which resulted is presented in Volume 2 of the SSEIS. A summary is presented here.

SIGNIFICANT COMMENTS AND CHANGES MADE IN THE PROPOSED REGULATIONS

Most of the comment letters received contained multiple comments. The most significant comments and changes made to the proposed regulations are discussed below.

IMPACTS OF THE PROPOSED STANDARDS

Several commenters expressed concern about the increased energy consumption which would result from

compliance with proposed standards. These commenters felt that this would conflict with the Department of Energy's goal to reduce total energy consumption in the pulp and paper industry by 14 percent. This factor was considered in the analysis of the energy impact associated with the standards and is discussed in the SSEIS. Although the standards will increase the difficulty of attaining this energy reduction goal, the 4.3 percent increase in energy usage that will be required by new, modified, or reconstructed kraft pulp mills to comply with the standards is considered reasonable in comparison to the benefits which will result from the corresponding reduction in TRS and particulate matter emissions.

EMISSION CONTROL TECHNOLOGY

Most of the comments received regarding emission control technology concerned the application of this technology to either lime kilns or recovery furnaces. A few comments, however, expressed concern with the use of the oxygen correction factor included in the proposed standards for both lime kilns and recovery furnaces. These commenters pointed out that adjusting the concentration of particulate matter and TRS emissions to 10 percent oxygen for lime kilns and 8 percent oxygen for recovery furnaces only when the oxygen concentration exceeded these values effectively placed more stringent standards on the most energy-efficient operators. To ensure that the standard is equitable for all operators, these commenters suggested that the measured particulate matter and TRS concentrations should always be adjusted to 10 percent oxygen for the lime kiln and 8 percent oxygen for the recovery furnace.

These comments are valid. Requiring a lime kiln or recovery furnace with a low oxygen concentration to meet the same emission concentration as a lime kiln or recovery furnace with a high oxygen concentration would effectively place a more stringent emission limit on the kiln or furnace with the low oxygen concentration. Consequently, the promulgated standards require correction of particulate matter and TRS concentrations to 10 percent or 8 percent oxygen, as appropriate, in all cases.

Lime Kilns. Numerous comments were received on the emission control technology for lime kilns. The main points questioned by the commenters were: (a) Whether caustic scrubbing is effective in reducing TRS emissions from lime kilns; (b) whether an overdesign of the mud washing facilities at lime kiln E was responsible for the lower TRS emissions observed at this lime kiln; and (c) the adequacy of the data base used in developing the TRS standard.

The effectiveness of caustic scrubbing is substantiated by comparison of TRS emissions during brief periods when caustic was not being added to the scrubber at lime kiln E, with TRS emissions during normal operation at lime kiln E when caustic is being added to the scrubber. These observations clearly indicate that TRS emissions would be higher if caustic was not used in the scrubber. The ability of caustic scrubbing to reduce TRS emissions is also substantiated by the experience at another kraft pulp mill which was able to reduce TRS emissions from its lime kiln from 40-50 ppm to about 20 ppm merely by adding caustic to the scrubber. These factors, coupled with the emission data showing higher TRS emissions from those lime kilns which employed only efficient mud washing and good lime kiln process control, clearly show that caustic scrubbing reduces TRS emissions.

The mud washing facilities at lime kiln E are larger than those at other kraft pulp mills of equivalent pulp capacity. This "overdesign" resulted from initial plans of the company to process lime mud from waste water treatment. These waste water treatment plans were later abandoned. Since the quality or efficiency of mud washing has been shown to be a significant factor in reducing TRS emissions from lime kilns, the larger mud washing facilities at lime kiln E undoubtedly contributed to the low TRS emissions observed at this kiln. With the data available, however, it is not possible to separate the relative contribution of these mud washing facilities to the low TRS emissions observed from the relative contributions of good process operation of the lime kiln and caustic scrubbing.

Comments questioning the adequacy of the data base used in developing the standards for lime kilns were mainly directed toward the following points: the TRS standard was based on only one lime kiln; sampling losses which may have occurred during testing were not taken into account; and no lime kiln met both the TRS standard and the particulate standard.

As mentioned above, the TRS standard is based upon the emission control system installed at lime kiln E (i.e., efficient mud washing, good lime kiln process operation, and caustic scrubbing). While it is true that no other lime kiln in the United States is currently achieving the TRS emission levels observed at lime kiln E, there is no other lime kiln in the United States which is using the same emission control system that is employed at this facility. As discussed in the SSEIS, an analysis of the various parameters influencing TRS emissions from lime kilns indicates that this system of emission reduction could be applied to

all new, modified, or reconstructed lime kilns and achieve the same reduction in emissions as observed at lime kiln E. Section 111 of the Clean Air Act requires that "standards of performance reflect the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated for that category of sources." Litigation of standards of performance has resulted in clarification of the term "adequately demonstrated." In *Portland Cement Association v. Ruckelshaus* (486 F. 2d 375, D.C. Circuit, 1973), the standards of performance were viewed by the Court as "technology-forcing." Thus, while a system of emission reduction must be available for use to be considered adequately demonstrated, it does not have to be in routine use. However, in order to ensure that the numerical emission limit selected was consistent with proper operation and maintenance of the emission control system on lime kiln E, continuous monitoring data was examined. This analysis indicated that an emission source test of lime kiln E would have found TRS emission above 5 ppm greater than 5 percent of the time. This analysis also indicated, however, that it was very unlikely that an emission source test of lime kiln E would have found TRS emissions above 8 ppm. Thus, it appeared that the 5 ppm TRS numerical emission limit included in the proposed standard for lime kilns was too stringent. Accordingly, the numerical emission limit included in the promulgated TRS standard for lime kilns has been revised to 8 ppm. As discussed later in this preamble, consistent with this change in the numerical emission limit, the excess emissions allowance included within the emission monitoring requirements has been eliminated.

This does not reflect a change in the basis for the standard. The standard is still based on the best system of emission reduction, considering costs, for controlling TRS emissions from lime kilns (i.e., efficient mud washing, good lime kiln process operation, and caustic scrubbing). This system, or one equivalent to it, will still be required to comply with the standard.

Since proposal of the standards, sample losses of up to 20 percent during emission source testing have been confirmed. Although these losses were not considered in selecting the numerical emission limit included in the proposed TRS emission standard, they have been considered in selecting the numerical emission limit included in the promulgated standard. Also, since the amount of sample loss that

occurs within the TRS emission measurement system during source testing can be determined, procedures have been added to Reference Method 16 requiring determination of these losses during each source test and adjustment of the emission data obtained to take these losses into account.

With regard to the ability of a lime kiln to comply with both the TRS emission standard and the particulate emission standard simultaneously, caustic scrubbing will tend to increase particulate emissions due to release of sodium fume from the scrubbing liquor. Compared to the concentration of particulate matter permitted in the gases discharged to the atmosphere, however, the potential contribution of sodium fume from caustic scrubbing is quite small. Consequently, with proper operation and maintenance, sodium fume due to caustic scrubbing will not cause particulate emissions from a lime kiln to exceed the numerical emission limit included in the promulgated standard.

Recovery Furnace. A number of comments were received regarding both the proposed TRS emission standard and the proposed particulate emission standard for recovery furnaces. Basically, the major issue was whether a cross recovery furnace could comply with the 5 ppm TRS standard or whether a separate standard was necessary.

Review of the data and information submitted with these comments indicates that the operation of cross recovery furnaces is substantially different from that of straight kraft recovery furnaces. The sulfidity of the black liquor burned in cross recovery furnaces and the heat content of the liquor, both of which are significant factors influencing TRS emissions, are considerably different from the levels found in straight kraft recovery furnaces.

Analysis of the data indicated that TRS emissions were generally less than 25 ppm, with only occasional excursions exceeding this level. Consequently, the promulgated TRS emission standard has been revised to include a separate TRS numerical emission limit of 25 ppm for cross recovery furnaces.

Smelt Dissolving Tank. Numerous comments were received concerning the format of the proposed TRS and particulate emission standards for smelt dissolving tanks. These comments pointed out that standards in terms of emissions per unit of air-dried pulp were inequitable for kraft pulp mills which produced low-yield pulps since both TRS and particulate emissions from the smelt dissolving tanks are proportional to the tons of black liquor solids fed into the tanks. The black liquor solids produced per ton of air-dried pulp, however, can vary sub-

stantially from mill to mill. A standard in terms of emissions per unit of air-dried pulp, therefore, requires greater control of emissions at kraft pulp mills which use low-yield pulps (higher solids-to-pulp ratio).

Review of these comments does indeed indicate that the format of the proposed standards was inequitable. The format of the promulgated standards, therefore, has been revised to emissions per unit of black liquor solids fed to the smelt dissolving tanks. Since the percent solids and black liquor flow rate to the recovery furnace is routinely monitored at kraft pulp mills, the weight of black liquor solids corresponding to a particular emissions period will be easy to determine.

Brown Stock Washers. Several comments expressed concern about combustion of the high volume-low TRS concentration gases discharged from brown stock washers and black liquor oxidation facilities in recovery furnaces without facing a serious risk of explosions. As discussed in the SSEIS, information obtained from two kraft pulp mill operators indicates that this practice is both safe and reliable when it is accompanied by careful engineering and operating practices. Danger of an explosion occurring is essentially eliminated by introducing the gases high in the furnace. Since some older furnaces do not have the capability to accept large volumes of gases at higher combustion ports, this practice may not be safe for some existing furnaces. In addition, the costs associated with altering these furnaces to accept these gases are frequently prohibitive. Consequently, the promulgated standards include an exemption for new, modified, or reconstructed brown stock washers and black liquor oxidation facilities within existing kraft pulp mills where combustion of these gases in an existing facility is not feasible from a safety or economic standpoint.

CONTINUOUS MONITORING

Numerous comments were received concerning the proposed continuous monitoring requirements. Generally, these comments questioned the requirement to install TRS monitors in light of the absence of performance specifications for these monitors.

At the time of proposal of the standards, both EPA and the kraft pulp mill industry were engaged in developing performance specifications for TRS continuous emission monitoring systems. It was expected that this work would lead to performance specifications for these monitoring systems by the time the standards of performance were promulgated. Unfortunately, this is not the case. In a joint EPA/industry effort, the compatibility of various TRS emission monitoring

methods with Reference Method 16, which is the performance test method to determine TRS emissions, is still under study. There is little doubt but that these TRS emission monitoring systems will be shown to be compatible with Reference Method 16, and that performance specifications for these systems will be developed. Consequently, the promulgated standards include TRS continuous emission monitoring requirements. These requirements, however, will not become effective until performance specifications for TRS continuous emission monitoring systems have been developed. To accommodate this situation, not only for the promulgated standards for kraft pulp mills, but also for standards of performance that may be developed in the future that may also face this situation, section 60.13 of the General Provisions for subpart 60 is amended to provide that continuous monitoring systems need not be installed until performance specifications for these systems are promulgated under Appendix B to subpart 60. This will ensure that all facilities which are covered by standards of performance will eventually install continuous emission monitoring systems where required.

EXCESS EMISSIONS

Numerous comments were received which were concerned with the excess emission allowances and the reporting requirements for excess emissions. In general, these comments reflected a lack of understanding with regard to the concept of excess emissions. Consequently, a brief review of this concept is appropriate.

Standards of performance have two major objectives. The first is installation of the best system of emission reduction, considering costs; and the second is continued proper operation and maintenance of the system throughout its useful life. Since the numerical emission limit included in standards of performance is selected to reflect the performance of the best system of emission reduction under conditions of proper operation and maintenance, the performance test, under 40 CFR 60.8 represents the ability of the source to meet these objectives. Performance tests, however, are often time consuming and complex. As a result, while the performance test is an excellent mechanism for achieving these objectives, it is rather cumbersome and inconvenient for routinely achieving these objectives. Therefore, the Agency believes that continuous monitors must play an important role in meeting these objectives.

Excess emissions are defined as emissions exceeding the numerical emission limit included in a standard of performance. Continuous emission monitoring, therefore, identifies periods of excess emissions and when com-

bined with the requirement that these periods be reported to EPA, it provides the Agency with a useful mechanism for achieving the previously mentioned objectives.

Continuous emission monitoring, however, will identify all periods of excess emissions, including those which are not the result of improper operation and maintenance. Excess emissions due to start-ups, shutdowns, and malfunctions, for example, are unavoidable or beyond the control of an owner or operator and cannot be attributed to improper operation and maintenance. Similarly, excess emissions as a result of some inherent variability or fluctuation within a process which influences emissions cannot be attributed to improper operation and maintenance, unless these fluctuations could be controlled by more carefully attending to those process operating parameters during routine operation which have little effect on operation of the process, but which may have a significant effect on emissions.

To quantify the potential for excess emissions due to inherent variability in a process, continuous monitoring data are used whenever possible to calculate an excess emission allowance. For TRS emissions at kraft pulp mills, this allowance is defined as follows. If a calendar quarter is divided into discrete contiguous 12-hour time periods, the excess emission allowance is expressed as the percentage of these time periods. Excess emissions may occur as the result of unavoidable variability within the kraft pulping process. Thus, the excess emissions allowance represents the potential for excess emissions under conditions of proper operation and maintenance in the absence of start-ups, shutdowns and malfunctions, and is used as a guideline or screening mechanism for interpreting the data generated by the excess emission reporting requirements.

Although the excess emission reporting requirements provide a mechanism for achieving the objective of proper operation and maintenance of the best system of emission reduction, this mechanism is not necessarily a direct indicator of improper operation and maintenance. Consequently, excess emission reports must be reviewed and interpreted for proper decisionmaking.

In general, the comments received concerning the excess emission reporting requirements questioned: (1) The adequacy of the TRS excess emission allowance for lime kilns and (2) the lack of a TRS excess emission allowance for recovery furnaces.

With regard to the adequacy of the TRS excess emissions allowance for lime kilns, a reevaluation of the TRS emission data from lime kiln E led the Agency to the conclusion that, for a TRS emission limit of 5 ppm, an

excess emission allowance of 6 percent was appropriate. However, a similar analysis also indicates that an excess emission allowance is not appropriate at a TRS emission level of 8 ppm. Accordingly, the excess emission reporting requirements included in the promulgated standard for lime kilns contains no excess emission allowance. This does not represent a change in the basis of the standard. The standard will still require installation of the best system of emission reduction, considering costs (i.e., efficient mud washing, good lime kiln process operation, and caustic scrubbing; or an alternative system equivalent to the performance of this system).

With regard to the lack of a TRS excess emission allowance for recovery furnaces, at the time of proposal of the standards, no TRS continuous emission monitoring data were available from a well-controlled and well operated recovery furnace which could be used to determine an excess emission allowance. Several months of TRS continuous emission monitoring data, however, were submitted with the comments received from the operator of recovery furnace D concerning this point.

A review of the data indicates that, while some of the excursions of TRS emissions above 5 ppm reflected either improper operation and maintenance, or start-ups, shutdowns, or malfunctions, most of these excursions reflected unavoidable normal variability in the operation of a kraft pulp mill recovery furnace. Discounting those excursions in emissions from the data which were due to improper operation and maintenance, or start-ups, shutdowns, or malfunctions indicates that an excess emission allowance of 1 percent is appropriate for all recovery furnaces.

Including an excess emissions allowance in the promulgated standards for recovery furnaces, but not for lime kilns, is a reversal of the proposed requirements. Including such an allowance for recovery furnaces but not for lime kilns, however, is consistent with the nature of the different emission control systems which were selected as the bases for these standards. The emission control system upon which the TRS standard for recovery furnaces is based consists of black liquor oxidation and good process operation of the recovery furnace for direct recovery furnaces, and good process operation alone for indirect recovery furnaces. Neither of these emission control systems are particularly well suited to controlling fluctuations in the kraft pulping process. Thus, fluctuations in the process tend to pass through the emission control system and show up as fluctuations in TRS emissions.

The emission control system upon which the TRS standard for lime kilns

is based consists of efficient mud washing, good process operation of the lime kiln, and caustic scrubbing of the gases discharged from the lime kiln. As with the emission control system upon which the standard for recovery furnaces is based, the first two emission control techniques (i.e., mud washing and good process operation) are not particularly well suited to controlling fluctuations in the kraft pulping process. The third emission control technique, however, caustic scrubbing, is an "add-on" emission control technique that can be designed to accommodate fluctuations in TRS emissions and minimize or essentially eliminate these fluctuations.

EMISSION TESTING

A few comments were received which questioned the validity of the results obtained by Reference Method 16, due to sample losses and sulfur dioxide (SO_2) interference.

With regard to the validity of the results obtained by Reference Method 16, as mentioned earlier, during the emission testing program, it was not widely known that sample losses could occur within the TRS emission measurement system. Since proposal of the standards, however, sample losses of up to 20 percent during emission source testing have been confirmed. Although these losses were not considered in selecting the numerical emission limits included in the proposed TRS emission standards, they have been considered in selecting the numerical emission limit included in the promulgated standards. Also, since the amount of sample loss that occurs within the TRS emission measurement system during source testing can be determined, procedures have been added to Reference Method 16 requiring determination of these losses during each source test and adjustment of the emission data obtained to take these losses into account. This will ensure that the TRS emission data obtained during a performance test are accurate.

It has also been confirmed that high concentrations of SO_2 will interfere with the determination of TRS emissions to some extent. At this point, however, it is not known what SO_2 concentration levels will result in a significant loss of accuracy in determining TRS emissions. The ability of a citrate scrubber to selectively remove SO_2 prior to measurement of TRS emissions is now being tested. In addition, various chromatographic columns might exist which would effectively resolve this problem. As soon as an appropriate technique is developed to overcome this problem, Reference Method 16 will be amended.

This problem of SO_2 interference will not present major difficulties to the use of Reference Method 16. Relatively high SO_2 concentration levels were observed in only one EPA emission source test. Accordingly, high SO_2 concentration levels are probably not a frequent occurrence within kraft pulp mills. More importantly, however, high SO_2 concentrations only interfere with the determination of methyl mercaptan in the emission measurement system outlined in Reference Method 16. Since methyl mercaptan is usually only a small contributor to total TRS emissions, neglecting methyl mercaptan where this interference occurs should not seriously affect the determination of TRS emissions. Consequently, Reference Method 16 can be used to enforce the promulgated standards without major difficulties.

Miscellaneous: The effective date of this regulation is February 24, 1976. Section 111(b)(1)(B) of the Clean Air Act provides that standards of performance or revisions of them become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (September 24, 1976).

NOTE.—An economic assessment has been prepared as required under section 317 of the Act. This also satisfies the requirements of Executive Orders 11821 and OMB Circular A-107.

Dated: February 10, 1978.

BARBARA BLUM,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. Section 60.13 is amended to clarify the provisions in paragraph (a) by revising paragraph (a) to read as follows:

§ 60.13 Monitoring requirements.

(a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring system under Appendix B to this part, unless:

(1) The continuous monitoring system is subject to the provisions of paragraphs (c)(2) and (c)(3) of this section, or

(2) otherwise specified in an applicable subpart or by the Administrator.

2. Part 60 is amended by adding subpart BB as follows:

Subpart BB—Standards of Performance for Kraft Pulp Mills

Sec.

60.280 Applicability and designation of affected facility.

60.281 Definitions.

60.282 Standard for particulate matter.
60.283 Standard for total reduced sulfur (TRS).
60.284 Monitoring of emissions and operations.
60.285 Test methods and procedures.

AUTHORITY: Secs. 111, 301(a) of the Clean Air Act, as amended [42 U.S.C. 7411, 7601(a)], and additional authority as noted below.

Subpart BB—Standards of Performance for Kraft Pulp Mills

60.280 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills where kraft pulping is combined with neutral sulfite semichemical pulping, the provisions of this subpart are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

(b) Any facility under paragraph (a) of this section that commences construction or modification after September 24, 1976, is subject to the requirements of this subpart.

§ 60.281 Definitions.

As used in this subpart, all terms not defined herein shall have the same meaning given them in the Act and in Subpart A.

(a) "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

(b) "Neutral sulfite semichemical pulping operation" means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating (grinding).

(c) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and measured by Reference Method 16.

(d) "Digester system" means each continuous digester or each batch digester used for the cooking of wood in white liquor, and associated flash tank(s), below tank(s), chip steamer(s), and condenser(s).

(e) "Brown stock washer system" means brown stock washers and associated knotters, vacuum pumps, and fil-

trate tanks used to wash the pulp following the digester system.

(f) "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid that is separated from the pulp (black liquor).

(g) "Black liquor oxidation system" means the vessels used to oxidize, with air or oxygen, the black liquor, and associated storage tank(s).

(h) "Recovery furnace" means either a straight kraft recovery furnace or a cross recovery furnace, and includes the direct-contact evaporator for a direct-contact furnace.

(i) "Straight kraft recovery furnace" means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains 7 weight percent or less of the total pulp solids from the neutral sulfite semichemical process or has green liquor sulfidity of 28 percent or less.

(j) "Cross recovery furnace" means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains more than 7 weight percent of the total pulp solids from the neutral sulfite semichemical process and has a green liquor sulfidity of more than 28 percent.

(k) "Black liquor solids" means the dry weight of the solids which enter the recovery furnace in the black liquor.

(l) "Green liquor sulfidity" means the sulfidity of the liquor which leaves the smelt dissolving tank.

(m) "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the recovery furnace.

(n) "Lime kiln" means a unit used to calcine lime mud, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

(o) "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, TRS compounds from condensate streams from various processes within a kraft pulp mill.

§ 60.282 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any recovery furnace any gases which:

(i) Contain particulate matter in excess of 0.10 g/dscm (0.044 gr/dscf) corrected to 8 percent oxygen.

(ii) Exhibit 35 percent opacity or greater.

(2) From any smelt dissolving tank any gases which contain particulate

matter in excess of 0.1 g/kg black liquor solids (dry weight) [0.2 lb/ton black liquor solids (dry weight)].

(3) From any lime kiln any gases which contain particulate matter in excess of:

(i) 0.15 g/dscm (0.067 gr/dscf) corrected to 10 percent oxygen, when gaseous fossil fuel is burned.

(ii) 0.30 g/dscm (0.13 gr/dscf) corrected to 10 percent oxygen, when liquid fossil fuel is burned.

§ 60.283 Standard for total reduced sulfur (TRS).

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system any gases which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to 10 percent oxygen, unless the following conditions are met:

(i) The gases are combusted in a lime kiln subject to the provisions of paragraph (a)(5) of this section; or

(ii) The gases are combusted in a recovery furnace subject to the provisions of paragraphs (a)(2) or (a)(3) of this section; or

(iii) The gases are combusted with other waste gases in an incinerator or other device, or combusted in a lime kiln or recovery furnace not subject to the provisions of this subpart, and are subjected to a minimum temperature of 1200° F. for at least 0.5 second; or

(iv) It has been demonstrated to the Administrator's satisfaction by the owner or operator that incinerating the exhaust gases from a new, modified, or reconstructed black liquor oxidation system or brown stock washer system in an existing facility is technologically or economically not feasible. Any exempt system will become subject to the provisions of this subpart if the facility is changed so that the gases can be incinerated.

(2) From any straight kraft recovery furnace any gases which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(3) From any cross recovery furnace any gases which contain TRS in excess of 25 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(4) From any smelt dissolving tank any gases which contain TRS in excess of 0.0084 g/kg black liquor solids (dry weight) [0.0168 lb/ton liquor solids (dry weight)].

(5) From any lime kiln any gases which contain TRS in excess of 8 ppm by volume on a dry basis, corrected to 10 percent oxygen.

§ 60.284 Monitoring of emissions and operations.

(a) Any owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring systems:

(1) A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 70 percent opacity.

(2) Continuous monitoring systems to monitor and record the concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry basis in the gases discharged into the atmosphere from any lime kiln, recovery furnace, digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system, except where the provisions of § 60.283(a)(1)(iii) or (iv) apply. These systems shall be located downstream of the control device(s) and the span(s) of these continuous monitoring system(s) shall be set:

(i) At a TRS concentration of 30 ppm for the TRS continuous monitoring system, except that for any cross recovery furnace the span shall be set at 50 ppm.

(ii) At 20 percent oxygen for the continuous oxygen monitoring system.

(b) Any owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device which measures the combustion temperature at the point of incineration of effluent gases which are emitted from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system where the provisions of § 60.283(a)(1)(iii) apply. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 percent of the temperature being measured.

(2) For any lime kiln or smelt dissolving tank using a scrubber emission control device:

(i) A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device is to be certified by the manufacturer to be accurate to within a gage pressure of ± 500 pascals (ca. ± 2 inches water gage pressure).

(ii) A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 15 percent of design scrubbing liquid supply pressure. The pressure sensor or tap is to

be located close to the scrubber liquid discharge point. The Administrator may be consulted for approval of alternative locations.

(c) Any owner or operator subject to the provisions of this subpart shall, except where the provisions of § 60.283(a)(1)(iv) or § 60.283(a)(4) apply.

(1) Calculate and record on a daily basis 12-hour average TRS concentrations for the two consecutive periods of each operating day. Each 12-hour average shall be determined as the arithmetic mean of the appropriate 12 contiguous 1-hour average total reduced sulfur concentrations provided by each continuous monitoring system installed under paragraph (a)(2) of this section.

(2) Calculate and record on a daily basis 12-hour average oxygen concentrations for the two consecutive periods of each operating day for the recovery furnace and lime kiln. These 12-hour averages shall correspond to the 12-hour average TRS concentrations under paragraph (c)(1) of this section and shall be determined as an arithmetic mean of the appropriate 12 contiguous 1-hour average oxygen concentrations provided by each continuous monitoring system installed under paragraph (a)(2) of this section.

(3) Correct all 12-hour average TRS concentrations to 10 volume percent oxygen, except that all 12-hour average TRS concentration from a recovery furnace shall be corrected to 8 volume percent using the following equation:

$$C_{\text{corr}} = C_{\text{meas}} \times (21 - X/21 - Y)$$

where:

C_{corr} = the concentration corrected for oxygen.

C_{meas} = the concentration uncorrected for oxygen.

X = the volumetric oxygen concentration in percentage to be corrected to (8 percent for recovery furnaces and 10 percent for lime kilns, incinerators, or other devices).

Y = the measured 12-hour average volumetric oxygen concentration.

(d) For the purpose of reports required under § 60.7(c), any owner or operator subject to the provisions of this subpart shall report periods of excess emissions as follows:

(1) For emissions from any recovery furnace periods of excess emissions are:

(i) All 12-hour averages of TRS concentrations above 5 ppm by volume for straight kraft recovery furnaces and above 25 ppm by volume for cross recovery furnaces.

(ii) All 6-minute average opacities that exceed 35 percent.

(2) For emissions from any lime kiln, periods of excess emissions are all 12-hour average TRS concentration above 8 ppm by volume.

(3) For emissions from any digester system, brown stock washer system,

multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system periods of excess emissions are:

(i) All 12-hour average TRS concentrations above 5 ppm by volume unless the provisions of § 60.283(a)(1)(i), (ii), or (iv) apply; or

(ii) All periods in excess of 5 minutes and their duration during which the combustion temperature at the point of incineration is less than 1200° F. where the provisions of § 60.283(a)(1)(ii) apply.

(e) The Administrator will not consider periods of excess emissions reported under paragraph (d) of this section to be indicative of a violation of § 60.11(d) provided that:

(1) The percent of the total number of possible contiguous periods of excess emissions in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the facility is not operating) during which excess emissions occur does not exceed:

(i) One percent for TRS emissions from recovery furnaces.

(ii) Six percent for average opacities from recovery furnaces.

(2) The Administrator determines that the affected facility, including air pollution control equipment, is maintained and operated in a manner which is consistent with good air pollution control practice for minimizing emissions during periods of excess emissions.

§ 60.285 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.282(a) as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content.

(2) Method 1 for sample and velocity traverses.

(3) When determining compliance with § 60.282(a)(2), Method 2 for velocity and volumetric flow rate.

(4) Method 3 for gas analysis, and

(5) Method 9 for visible emissions.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5.

(c) Method 17 (in-stack filtration) may be used as an alternate method for Method 5 for determining compliance with § 60.282(a)(1)(i). Provided, That a constant value of 0.009 g/dscm (0.004 gr/dscf) is added to the results of Method 17 and the stack tempera-

ture is no greater than 205° C (ca. 400° F). Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 17.

(d) For the purpose of determining compliance with § 60.283(a)(1), (2), (3), (4), and (5), the following reference methods shall be used:

(1) Method 16 for the concentration of TRS.

(2) Method 3 for gas analysis, and

(3) When determining compliance with § 60.283(a)(4), use the results of Method 2, Method 16, and the black liquor solids feed rate in the following equation to determine the TRS emission rate.

$$E = (C_{\text{H}_2\text{S}}F_{\text{H}_2\text{S}} + C_{\text{MeSH}}F_{\text{MeSH}} + C_{\text{DMS}}F_{\text{DMS}} + C_{\text{DMDS}}F_{\text{DMDS}}) (Q_{\text{sd}})/BLS$$

Where:

E = mass of TRS emitted per unity of black liquor solids (g/kg) (lb/ton)

$C_{\text{H}_2\text{S}}$ = average concentration of hydrogen sulfide (H_2S) during the test period, PPM.

C_{MeSH} = average concentration of methyl mercaptan (MeSH) during the test period, PPM.

C_{DMS} = average concentration of dimethyl sulfide (DMS) during the test period, PPM.

C_{DMDS} = average concentration of dimethyl disulfide (DMDS) during the test period, PPM.

$F_{\text{H}_2\text{S}}$ = 0.001417 g/m³ PPM for metric units
= 0.08844 lb/ft³ PPM for English units

F_{MeSH} = 0.00200 g/m³ PPM for metric units
= 0.1248 lb/ft³ PPM for English units

F_{DMS} = 0.002583 g/m³ PPM for metric units
= 0.1612 lb/ft³ PPM for English units

F_{DMDS} = 0.003917 g/m³ PPM for metric units
= 0.2445 lb/ft³ PPM for English units

Q_{sd} = dry volumetric stack gas flow rate corrected to standard conditions, dscm/hr (dscf/hr)

BLS = black liquor solids feed rate, kg/hr (lb/hr)

(4) When determining whether a furnace is straight kraft recovery furnace or a cross recovery furnace, TAPPI Method T.624 shall be used to determine sodium sulfide, sodium hydroxide and sodium carbonate. These determinations shall be made three times daily from the green liquor and the daily average values shall be converted to sodium oxide (Na_2O) and substituted into the following equation to determine the green liquor sulfidity:

$$GLS = 100 \quad C_{\text{Na}_2\text{S}}^8 / C_{\text{Na}_2\text{S}}^8 + C_{\text{NaOH}} + C_{\text{Na}_2\text{CO}_3}$$

Where:

GLS = percent green liquor sulfidity
 $C_{\text{Na}_2\text{S}}^8$ = average concentration of Na_2S expressed as Na_2O (mg/l)

C_{NaOH} = average concentration of NaOH expressed as Na_2O (mg/l)

$C_{\text{Na}_2\text{CO}_3}$ = average concentration of Na_2CO_3 expressed as Na_2O (mg/l)

(e) All concentrations of particulate matter and TRS required to be measured by this section from lime kilns or incinerators shall be corrected 10 volume percent oxygen and those concentrations from recovery furnaces

shall be corrected to 8 volume percent oxygen. These corrections shall be made in the manner specified in § 60.284(c)(3).

APPENDIX A—REFERENCE METHODS

(3) Method 16 and Method 17 are added to Appendix A as follows:

METHOD 16. SEMICONTINUOUS DETERMINATION OF SULFUR EMISSIONS FROM STATIONARY SOURCES

Introduction

The method described below uses the principle of gas chromatographic separation and flame photometric detection. Since there are many systems or sets of operating conditions that represent usable methods of determining sulfur emissions, all systems which employ this principle, but differ only in details of equipment and operation, may be used as alternative methods, provided that the criteria set below are met.

1. Principle and Applicability.

1.1 Principle. A gas sample is extracted from the emission source and diluted with clean dry air. An aliquot of the diluted sample is then analyzed for hydrogen sulfide (H₂S), methyl mercaptan (MeSH), dimethyl sulfide (DMS) and dimethyl disulfide (DMDS) by gas chromatographic (GC) separation and flame photometric detection (FPD). These four compounds are known collectively as total reduced sulfur (TRS).

1.2 Applicability. This method is applicable for determination of TRS compounds from recovery furnaces, lime kilns, and smelt dissolving tanks at kraft pulp mills.

2. Range and Sensitivity.

2.1 Range. Coupled with a gas chromatographic system utilizing a ten milliliter sample size, the maximum limit of the FPD for each sulfur compound is approximately 1 ppm. This limit is expanded by dilution of the sample gas before analysis. Kraft mill gas samples are normally diluted tenfold (9:1), resulting in an upper limit of about 10 ppm for each compound.

For sources with emission levels between 10 and 100 ppm, the measuring range can be best extended by reducing the sample size to 1 milliliter.

2.2 Using the sample size, the minimum detectable concentration is approximately 50 ppb.

3. Interferences.

3.1 Moisture Condensation. Moisture condensation in the sample delivery system, the analytical column, or the FPD burner block can cause losses or interferences. This potential is eliminated by heating the sample line, and by conditioning the sample with dry dilution air to lower its dew point below the operating temperature of the GC/FPD analytical system prior to analysis.

3.2 Carbon Monoxide and Carbon Dioxide. CO and CO₂ have substantial desensitizing effect on the flame photometric detector even after 9:1 dilution. Acceptable systems must demonstrate that they have eliminated this interference by some procedure such as eluting these compounds before any of the compounds to be measured. Compliance with this requirement can be demonstrated by submitting chromatograms of calibration gases with and without CO₂ in the diluent gas. The CO₂ level should be approximately 10 percent for the case with CO₂ present. The two chromatograms should show agreement within the precision limits of Section 4.1.

3.3 Particulate Matter. Particulate matter in gas samples can cause interference by eventual clogging of the analytical system. This interference must be eliminated by use of a probe filter.

3.4 Sulfur Dioxide. SO₂ is not a specific interferent but may be present in such large amounts that it cannot be effectively separated from other compounds of interest. The procedure must be designed to eliminate this problem either by the choice of separation columns or by removal of SO₂ from the sample.

Compliance with this section can be demonstrated by submitting chromatograms of calibration gases with SO₂ present in the same quantities expected from the emission source to be tested. Acceptable systems shall show baseline separation with the amplifier attenuation set so that the reduced sulfur compound of concern is at least 50 percent of full scale. Base line separation is defined as a return to zero $\pm$ percent in the interval between peaks.

4. Precision and Accuracy.

4.1 GC/FPD and Dilution System Calibration Precision. A series of three consecutive injections of the same calibration gas, at any dilution, shall produce results which do not vary by more than ± 3 percent from the mean of the three injections.

4.2 GC/FPD and Dilution System Calibration Drift. The calibration drift determined from the mean of three injections made at the beginning and end of any 8-hour period shall not exceed $\pm$ percent.

4.3 System Calibration Accuracy. The complete system must quantitatively transport and analyze with an accuracy of 20 percent. A correction factor is developed to adjust calibration accuracy to 100 percent.

5. Apparatus (See Figure 16-1).

5.1.1 Probe. The probe must be made of inert material such as stainless steel or glass. It should be designed to incorporate a filter and to allow calibration gas to enter the probe at or near the sample entry point. Any portion of the probe not exposed to the stack gas must be heated to prevent moisture condensation.

5.1.2 Sample Line. The sample line must be made of Teflon,¹ no greater than 1.3 cm (1/2) inside diameter. All parts from the probe to the dilution system must be thermostatically heated to 120° C.

5.1.3 Sample Pump. The sample pump shall be a leakless Teflon-coated diaphragm type or equivalent. If the pump is upstream of the dilution system, the pump head must be heated to 120° C.

5.2 Dilution System. The dilution system must be constructed such that all sample contacts are made of inert materials (e.g., stainless steel or Teflon). It must be heated to 120° C. and be capable of approximately a 9:1 dilution of the sample.

5.3 Gas Chromatograph. The gas chromatograph must have at least the following components:

5.3.1 Oven. Capable of maintaining the separation column at the proper operating temperature $\pm 1^\circ$ C.

5.3.2 Temperature Gauge. To monitor column oven, detector, and exhaust temperature $\pm 1^\circ$ C.

5.3.3 Flow System. Gas metering system to measure sample, fuel, combustion gas, and carrier gas flows.

¹Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

5.3.4 Flame Photometric Detector.

5.3.4.1 Electrometer. Capable of full scale amplification of linear ranges of 10⁻⁸ to 10⁻⁴ amperes full scale.

5.3.4.2 Power Supply. Capable of delivering up to 750 volts.

5.3.4.3 Recorder. Compatible with the output voltage range of the electrometer.

5.4 Gas Chromatograph Columns. The column system must be demonstrated to be capable of resolving the four major reduced sulfur compounds: H₂S, MeSH, DMS, and DMDS. It must also demonstrate freedom from known interferences.

To demonstrate that adequate resolution has been achieved, the tester must submit a chromatograph of a calibration gas containing all four of the TRS compounds in the concentration range of the applicable standard. Adequate resolution will be defined as base line separation of adjacent peaks when the amplifier attenuation is set so that the smaller peak is at least 50 percent of full scale. Base line separation is defined in Section 3.4. Systems not meeting this criteria may be considered alternate methods subject to the approval of the Administrator.

5.5 Calibration System. The calibration system must contain the following components.

5.5.1 Tube Chamber. Chamber of glass or Teflon of sufficient dimensions to house permeation tubes.

5.5.2 Flow System. To measure air flow over permeation tubes at ± 2 percent. Each flowmeter shall be calibrated after a complete test series with a wet test meter. If the flow measuring device differs from the wet test meter by 5 percent, the completed test shall be discarded. Alternatively, the tester may elect to use the flow data that would yield the lowest flow measurement. Calibration with a wet test meter before a test is optional.

5.5.3 Constant Temperature Bath. Device capable of maintaining the permeation tubes at the calibration temperature within $\pm 0.1^\circ$ C.

5.5.4 Temperature Gauge. Thermometer or equivalent to monitor bath temperature within $\pm 1^\circ$ C.

6. Reagents.

6.1 Fuel. Hydrogen (H₂) prepurified grade or better.

6.2 Combustion Gas. Oxygen (O₂) or air, research purity or better.

6.3 Carrier Gas. Prepurified grade or better.

6.4 Diluent. Air containing less than 50 ppb total sulfur compounds and less than 10 ppm each of moisture and total hydrocarbons. This gas must be heated prior to mixing with the sample to avoid water condensation at the point of contact.

6.5 Calibration Gases. Permeation tubes, one each of H₂S, MeSH, DMS, and DMDS, gravimetrically calibrated and certified at some convenient operating temperature. These tubes consist of hermetically sealed FEP Teflon tubing in which a liquefied gaseous substance is enclosed. The enclosed gas permeates through the tubing wall at a constant rate. When the temperature is constant, calibration gases covering a wide range of known concentrations can be generated by varying and accurately measuring the flow rate of diluent gas passing over the tubes. These calibration gases are used to calibrate the GC/FPD system and the dilution system.

7. Pretest Procedures. The following procedures are optional but would be helpful in preventing any problem which might occur later and invalidate the entire test.

7.1 After the complete measurement system has been set up at the site and deemed to be operational, the following procedures should be completed before sampling is initiated.

7.1.1 Leak Test. Appropriate leak test procedures should be employed to verify the integrity of all components, sample lines, and connections. The following leak test procedure is suggested: For components upstream of the sample pump, attach the probe end of the sample line to a manometer or vacuum gauge, start the pump and pull greater than 50 mm (2 in.) Hg vacuum, close off the pump outlet, and then stop the pump and ascertain that there is no leak for 1 minute. For components after the pump, apply a slight positive pressure and check for leaks by applying a liquid (detergent in water, for example) at each joint. Bubbling indicates the presence of a leak.

7.1.2 System Performance. Since the complete system is calibrated following each test, the precise calibration of each component is not critical. However, these components should be verified to be operating properly. This verification can be performed by observing the response of flowmeters or of the GC output to changes in flow rates or calibration gas concentrations and ascertaining the response to be within predicted limits. In any component, or if the complete system fails to respond in a normal and predictable manner, the source of the discrepancy should be identified and corrected before proceeding.

8. Calibration. Prior to any sampling run, calibrate the system using the following procedures. (If more than one run is performed during any 24-hour period, a calibration need not be performed prior to the second and any subsequent runs. The calibration must, however, be verified as prescribed in Section 10, after the last run made within the 24-hour period.)

8.1 General Considerations. This section outlines steps to be followed for use of the GC/FPD and the dilution system. The procedure does not include detailed instructions because the operation of these systems is complex, and it requires a understanding of the individual system being used. Each system should include a written operating manual describing in detail the operating procedures associated with each component in the measurement system. In addition, the operator should be familiar with the operating principles of the components; particularly the GC/FPD. The citations in the Bibliography at the end of this method are recommended for review for this purpose.

8.2 Calibration Procedure. Insert the permeation tubes into the tube chamber. Check the bath temperature to assure agreement with the calibration temperature of the tubes within $\pm 0.1^\circ\text{C}$. Allow 24 hours for the tubes to equilibrate. Alternatively equilibration may be verified by injecting samples of calibration gas at 1-hour intervals. The permeation tubes can be assumed to have reached equilibrium when consecutive hourly samples agree within the precision limits of Section 4.1.

Vary the amount of air flowing over the tubes to produce the desired concentrations for calibrating the analytical and dilution systems. The air flow across the tubes must at all times exceed the flow requirement of the analytical systems. The concentration in parts per million generated by a tube containing a specific permeant can be calculated as follows:

$$C = K \frac{P_r}{L}$$

Equation 16-1

where:

C = Concentration of permeant produced in ppm.

P_r = Permeation rate of the tube in $\mu\text{g}/\text{min}$.

M = Molecular weight of the permeant (g/g-mole).

L = Flow rate, l/min, of air over permeant @ 20°C , 760 mm Hg.

K = Gas constant at 20°C and 760 mm Hg = 24.04 l/g mole.

8.3 Calibration of analysis system. Generate a series of three or more known concentrations spanning the linear range of the FPD (approximately 0.05 to 1.0 ppm) for each of the four major sulfur compounds. Bypassing the dilution system, inject these standards into the GC/FPD analyzers and monitor the responses. Three injections for each concentration must yield the precision described in Section 4.1. Failure to attain this precision is an indication of a problem in the calibration or analytical system. Any such problem must be identified and corrected before proceeding.

8.4 Calibration Curves. Plot the GC/FPD response in current (amperes) versus their causative concentrations in ppm on log-log coordinate graph paper for each sulfur compound. Alternatively, a least squares equation may be generated from the calibration data.

8.5 Calibration of Dilution System. Generate a known concentration of hydrogen sulfide using the permeation tube system. Adjust the flow rate of diluent air for the first dilution stage so that the desired level of dilution is approximated. Inject the diluted calibration gas into the GC/FPD system and monitor its response. Three injections for each dilution must yield the precision described in Section 4.1. Failure to attain this precision in this step is an indication of a problem in the dilution system. Any such problem must be identified and corrected before proceeding. Using the calibration data for H_2S (developed under 8.3) determine the diluted calibration gas concentration in ppm. Then calculate the dilution factor as the ratio of the calibration gas concentration before dilution to the diluted calibration gas concentration determined under this paragraph. Repeat this procedure for each stage of dilution required. Alternatively, the GC/FPD system may be calibrated by generating a series of three or more concentrations of each sulfur compound and diluting these samples before injecting them into the GC/FPD system. This data will then serve as the calibration data for the unknown samples and a separate determination of the dilution factor will not be necessary. However, the precision requirements of Section 4.1 are still applicable.

9. Sampling and Analysis Procedure.

9.1 Sampling. Insert the sampling probe into the test port making certain that no dilution air enters the stack through the port. Begin sampling and dilute the sample approximately 9:1 using the dilution system. Note that the precise dilution factor is that which is determined in paragraph 8.5. Condition the entire system with sample for a minimum of 15 minutes prior to commencing analysis.

9.2 Analysis. Aliquots of diluted sample are injected into the GC/FPD analyzer for analysis.

9.2.1 Sample Run. A sample run is composed of 16 individual analyses (injects) performed over a period of not less than 3 hours or more than 6 hours.

9.2.2 Observation for Clogging of Probe. If reductions in sample concentrations are observed during a sample run that cannot be explained by process conditions, the sampling must be interrupted to determine if the sample probe is clogged with particulate matter. If the probe is found to be clogged, the test must be stopped and the results up to that point discarded. Testing may resume after cleaning the probe or replacing it with a clean one. After each run, the sample probe must be inspected and, if necessary, dismantled and cleaned.

10. Post-Test Procedures.

10.1 Sample Line Loss. A known concentration of hydrogen sulfide at the level of the applicable standard, ± 20 percent, must be introduced into the sampling system at the opening of the probe in sufficient quantities to insure that there is an excess of sample which must be vented to the atmosphere. The sample must be transported through the entire sampling system to the measurement system in the normal manner. The resulting measured concentration should be compared to the known value to determine the sampling system loss. A sampling system loss of more than 20 percent is unacceptable. Sampling losses of 0-20 percent must be corrected for by dividing the resulting sample concentration by the fraction of recovery. The known gas sample may be generated using permeation tubes. Alternatively, cylinders of hydrogen sulfide mixed in air may be used provided they are traceable to permeation tubes. The optional pretest procedures provide a good guideline for determining if there are leaks in the sampling system.

10.2 Recalibration. After each run, or after a series of runs made within a 24-hour period, perform a partial recalibration using the procedures in Section 8. Only H_2S (or other permeant) need be used to recalibrate the GC/FPD analysis system (8.3) and the dilution system (8.5).

10.3 Determination of Calibration Drift. Compare the calibration curves obtained prior to the runs, to the calibration curves obtained under paragraph 10.1. The calibration drift should not exceed the limits set forth in paragraph 4.2. If the drift exceeds this limit, the intervening run or runs should be considered not valid. The tester, however, may instead have the option of choosing the calibration data set which would give the highest sample values.

11. Calculations.

11.1 Determine the concentrations of each reduced sulfur compound detected directly from the calibration curves. Alternatively, the concentrations may be calculated using the equation for the least square line.

11.2 Calculation of TRS. Total reduced sulfur will be determined for each analysis made by summing the concentrations of each reduced sulfur compound resolved during a given analysis.

$$\text{TRS} = \Sigma (\text{H}_2\text{S}, \text{MeSH}, \text{DMS}, 2\text{DMDS})d$$

Equation 16-2

where:

TRS = Total reduced sulfur in ppm, wet basis.

H_2S = Hydrogen sulfide, ppm.

MeSH = Methyl mercaptan, ppm.

DMS = Dimethyl sulfide, ppm.

DMDS = Dimethyl disulfide, ppm.

d = Dilution factor, dimensionless.

11.3 Average TRS. The average TRS will be determined as follows:

$$\text{Average TRS} = \frac{\sum_{i=1}^N \text{TRS}_i}{N(1-B_{wo})}$$

Average TRS=Average total reduced sulfur in ppm, dry basis.

TRS_i=Total reduced sulfur in ppm as determined by Equation 16-2.

N=Number of samples.

B_{wo}=Fraction of volume of water vapor in the gas stream as determined by method 4—Determination of Moisture in Stack Gases (36 FR 24837).

11.4 Average concentration of individual reduced sulfur compounds.

$$C = \frac{\sum_{i=1}^N S_i}{N}$$

Equation 16-3

where:

S_i=Concentration of any reduced sulfur compound from the *i*th sample injection, ppm.

C=Average concentration of any one of the reduced sulfur compounds for the entire run, ppm.

N=Number of injections in any run period.

12. Example System. Described below is a system utilized by EPA in gathering NSPS data. This system does not now reflect all the latest developments in equipment and column technology, but it does represent one system that has been demonstrated to work.

12.1 Apparatus.

12.1.1 Sampling System.

12.1.1.1 Probe. Figure 16-1 illustrates the probe used in lime kilns and other sources where significant amounts of particulate matter are present. The probe is designed with the deflector shield placed between the sample and the gas inlet holes and the glass wool plugs to reduce clogging of the filter and possible adsorption of sample gas. The exposed portion of the probe between the sampling port and the sample line is heated with heating tape.

12.1.1.2 Sample Line. 1/8 inch inside diameter Teflon tubing, heated to 120° C. This temperature is controlled by a thermostatic heater.

12.1.1.3 Sample Pump. Leakless Teflon coated diaphragm type or equivalent. The pump head is heated to 120° C by enclosing it in the sample dilution box (12.2.4 below).

12.1.2 Dilution System. A schematic diagram of the dynamic dilution system is given in Figure 16-2. The dilution system is constructed such that all sample contacts are made of inert materials. The dilution system which is heated to 120° C must be capable of a minimum of 9:1 dilution of sample. Equipment used in the dilution system is listed below:

12.1.2.1 Dilution Pump. Model A-150 Kohmyr Teflon positive displacement type, nonadjustable 150 cc/min. ±2.0 percent, or equivalent, per dilution stage. A 9:1 dilution of sample is accomplished by com-

binning 150 cc of sample with 1,350 cc of clean dry air as shown in Figure 16-2.

12.1.2.2 Valves. Three-way Teflon solenoid or manual type.

12.1.2.3 Tubing. Teflon tubing and fittings are used throughout from the sample probe to the GC/FPD to present an inert surface for sample gas.

12.1.2.4 Box. Insulated box, heated and maintained at 120° C, of sufficient dimensions to house dilution apparatus.

12.1.2.5 Flowmeters. Rotameters or equivalent to measure flow from 0 to 1500 ml/min ±1 percent per dilution stage.

12.1.3 Gas Chromatograph Columns. Two types of columns are used for separation of low and high molecular weight sulfur compounds:

12.1.3.1 Low Molecular Weight Sulfur Compounds Column (GC/FPD-1).

12.1.3.1.1 Separation Column. 11 m by 2.16 mm (36 ft by 0.085 in) inside diameter Teflon tubing packed with 30/60 mesh Teflon coated with 5 percent polyphenyl ether and 0.05 percent orthophosphoric acid, or equivalent (see Figure 16-3).

12.1.3.1.2 Stripper or Precolumn. 0.6 m by 2.16 mm (2 ft by 0.085 in) inside diameter Teflon tubing packed as in 5.3.1.

12.1.3.1.3 Sample Valve. Teflon 10-port gas sampling valve, equipped with a 10 ml sample loop, actuated by compressed air (Figure 16-3).

12.1.3.1.4 Oven. For containing sample valve, stripper column and separation column. The oven should be capable of maintaining an elevated temperature ranging from ambient to 100° C, constant within ±1° C.

12.1.3.1.5 Temperature Monitor. Thermocouple pyrometer to measure column oven, detector, and exhaust temperature ±1° C.

12.1.3.1.6 Flow System. Gas metering system to measure sample flow, hydrogen flow, and oxygen flow (and nitrogen carrier gas flow).

12.1.3.1.7 Detector. Flame photometric detector.

12.1.3.1.8 Electrometer. Capable of full scale amplification of linear ranges of 10⁻⁶ to 10⁻⁴ amperes full scale.

12.1.3.1.9 Power Supply. Capable of delivering up to 750 volts.

12.1.3.1.10 Recorder. Compatible with the output voltage range of the electrometer.

12.1.3.2 High Molecular Weight Compounds Column (GC/FPD-11).

12.1.3.2.1 Separation Column. 3.05 m by 2.16 mm (10 ft by 0.085 in) inside diameter Teflon tubing packed with 30/60 mesh Teflon coated with 10 percent Triton X-305, or equivalent.

12.1.3.2.2 Sample Valve. Teflon 6-port gas sampling valve equipped with a 10 ml sample loop, actuated by compressed air (Figure 16-3).

12.1.3.2.3 Other Components. All components same as in 12.1.3.1.4 to 12.1.3.1.10.

12.1.4 Calibration. Permeation tube system (figure 16-4).

12.1.4.1 Tube Chamber. Glass chamber of sufficient dimensions to house permeation tubes.

12.1.4.2 Mass Flowmeters. Two mass flowmeters in the range 0-3 l/min. and 0-10 l/min. to measure air flow over permeation tubes at ±2 percent. These flowmeters shall be cross-calibrated at the beginning of each test. Using a convenient flow rate in the measuring range of both flowmeters, set and monitor the flow rate of gas over the permeation tubes. Injection of calibration

gas generated at this flow rate as measured by one flowmeter followed by injection of calibration gas at the same flow rate as measured by the other flowmeter should agree within the specified precision limits. If they do not, then there is a problem with the mass flow measurement. Each mass flowmeter shall be calibrated prior to the first test with a wet test meter and thereafter, at least once each year.

12.1.4.3 Constant Temperature Bath. Capable of maintaining permeation tubes at certification temperature of 30° C. within ±0.1° C.

12.2 Reagents

12.2.1 Fuel. Hydrogen (H₂) prepurified grade or better.

12.2.2 Combustion Gas. Oxygen (O₂) research purity or better.

12.2.3 Carrier Gas. Nitrogen (N₂) prepurified grade or better.

12.2.4 Diluent. Air containing less than 50 ppb total sulfur compounds and less than 10 ppm each of moisture and total hydrocarbons, and filtered using MSA filters 46727 and 79030, or equivalent. Removal of sulfur compounds can be verified by injecting dilution air only, described in Section 8.3.

12.2.5 Compressed Air. 60 psig for GC valve actuation.

12.2.6 Calibrated Gases. Permeation tubes gravimetrically calibrated and certified at 30.0° C.

12.3 Operating Parameters.

12.3.1 Low-Molecular Weight Sulfur Compounds. The operating parameters for the GC/FPD system used for low molecular weight compounds are as follows: nitrogen carrier gas flow rate of 50 cc/min, exhaust temperature of 110° C, detector temperature of 105° C, oven temperature of 40° C, hydrogen flow rate of 80 cc/min, oxygen flow rate of 20 cc/min, and sample flow rate between 20 and 80 cc/min.

12.3.2 High-Molecular Weight Sulfur Compounds. The operating parameters for the GC/FPD system for high molecular weight compounds are the same as in 12.3.1 except: oven temperature of 70° C, and nitrogen carrier gas flow of 100 cc/min.

12.4 Analysis Procedure.

12.4.1 Analysis. Aliquots of diluted sample are injected simultaneously into both GC/FPD analyzers for analysis. GC/FPD-I is used to measure the low-molecular weight reduced sulfur compounds. The low molecular weight compounds include hydrogen sulfide, methyl mercaptan, and dimethyl sulfide. GC/FPD-II is used to resolve the high-molecular weight compound. The high-molecular weight compound is dimethyl disulfide.

12.4.1.1 Analysis of Low-Molecular Weight Sulfur Compounds. The sample valve is actuated for 3 minutes in which time an aliquot of diluted sample is injected into the stripper column and analytical column. The valve is then deactivated for approximately 12 minutes in which time, the analytical column continues to be flushed, the stripper column is backflushed, and the sample loop is refilled. Monitor the responses. The elution time for each compound will be determined during calibration.

12.4.1.2 Analysis of High-Molecular Weight Sulfur Compounds. The procedure is essentially the same as above except that no stripper column is needed.

13. Bibliography.

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sis." *Analytical Chemical Journal*, 38,760 (1966).

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Compounds Related to Kraft Mill Activities." Presented at the 12th Conference on Methods in Air Pollution and Industrial Hygiene Studies, University of Southern California, Los Angeles, CA. April 6-8, 1971.

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13.5 Grimley, K. W., W. S. Smith, and R. M. Martin. "The Use of a Dynamic Dilution System in the Conditioning of Stack Gases for Automated Analysis by a Mobile Sampling Van." Presented at the 63rd Annual APCA Meeting in St. Louis, Mo. June 14-19, 1970.

13.6 General Reference. *Standard Methods of Chemical Analysis Volume III A and B Instrumental Methods*. Sixth Edition. Van Nostrand Reinhold Co.

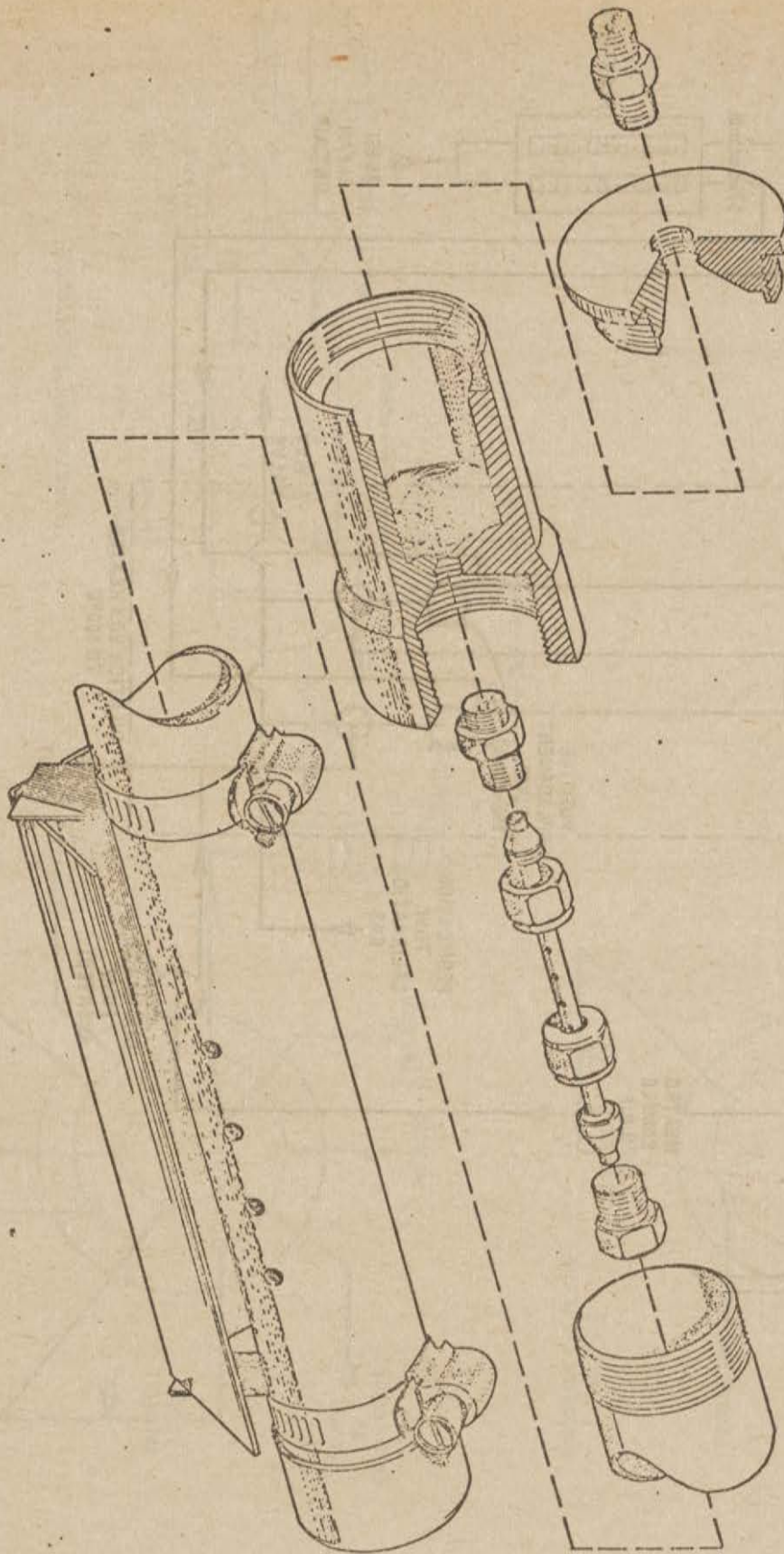


Figure 16-1. Probe used for sample gas containing high particulate loadings.

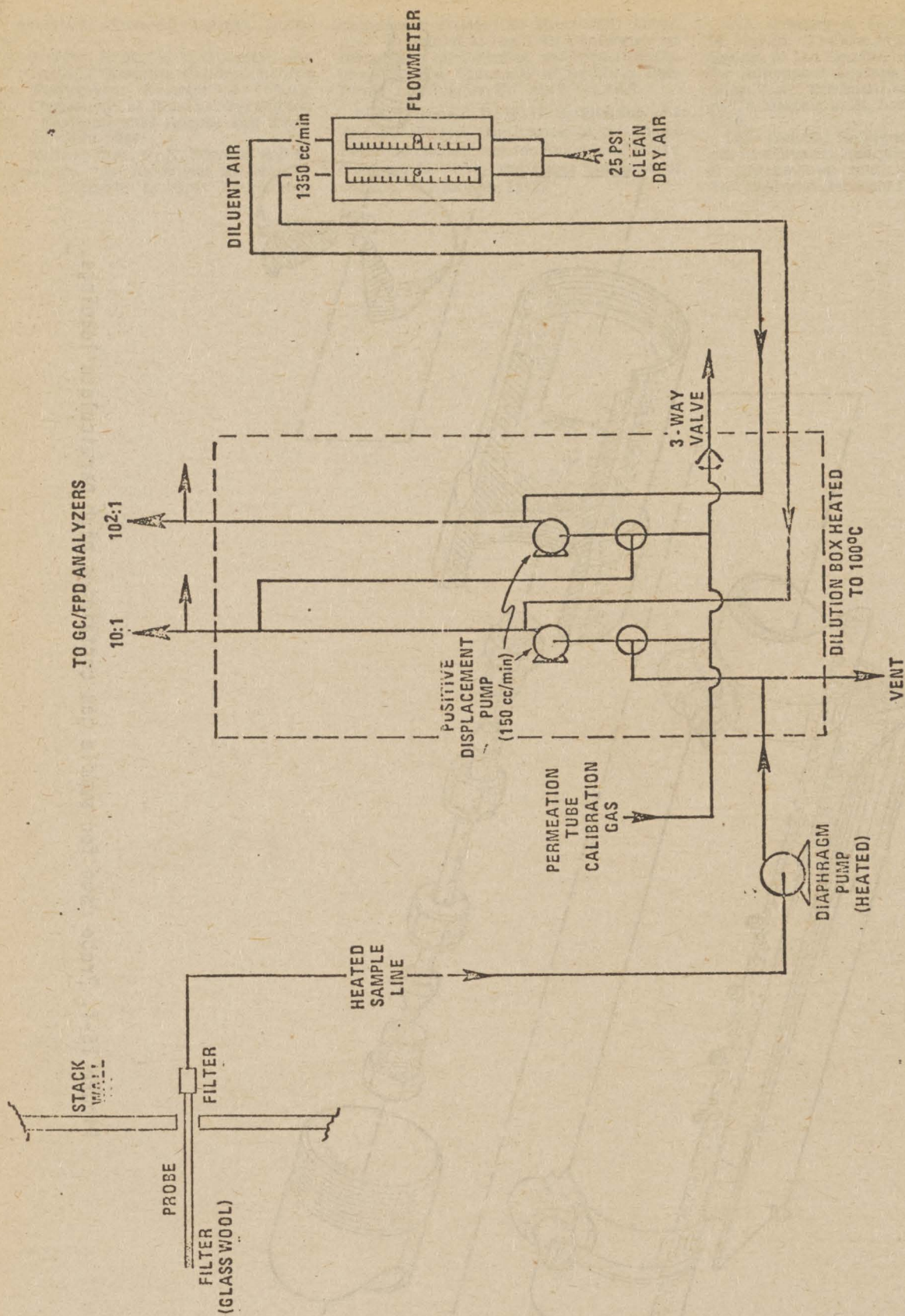


Figure 16-2. Sampling and dilution apparatus.

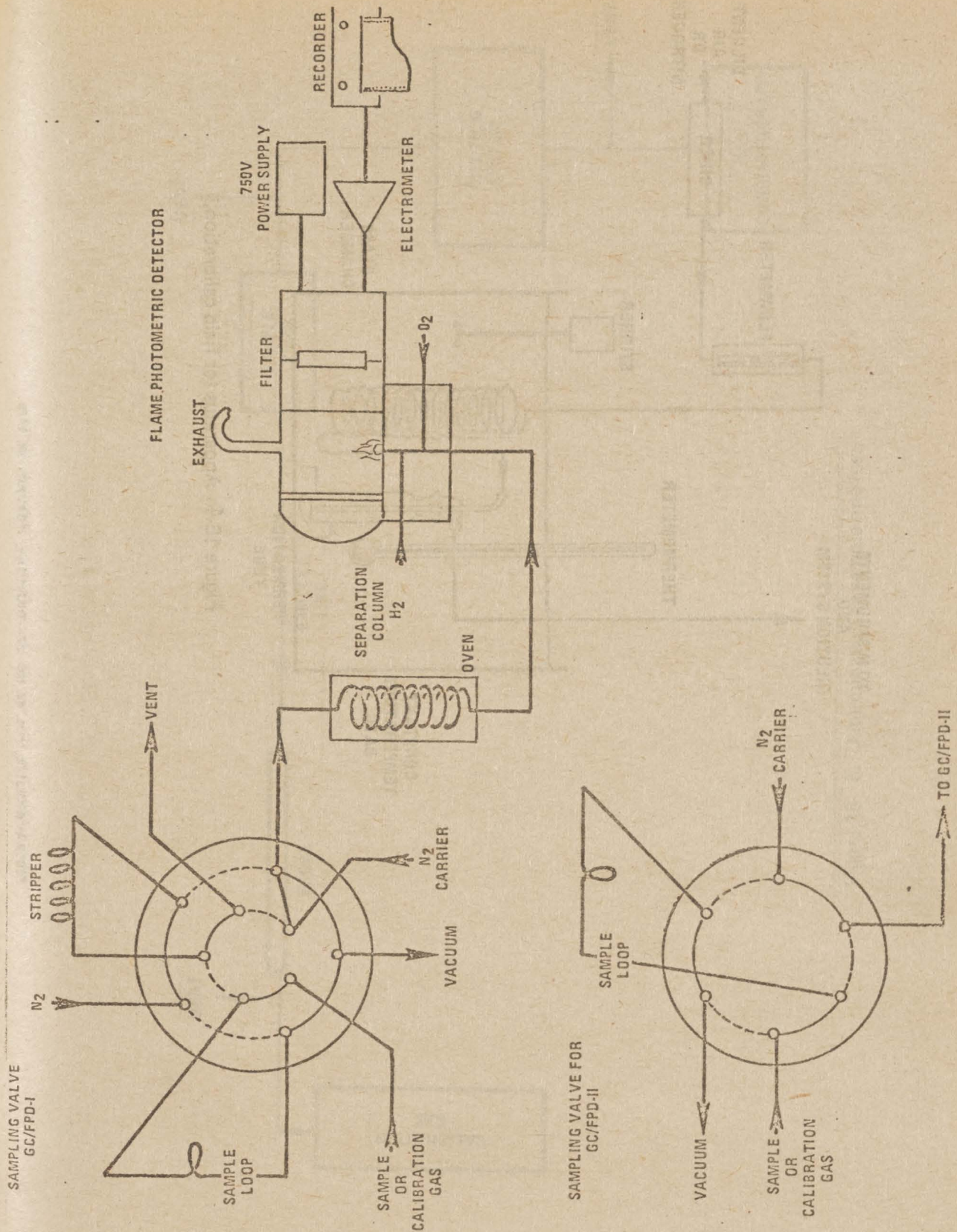


Figure 16-3. Gas chromatographic-flame photometric analyzers.

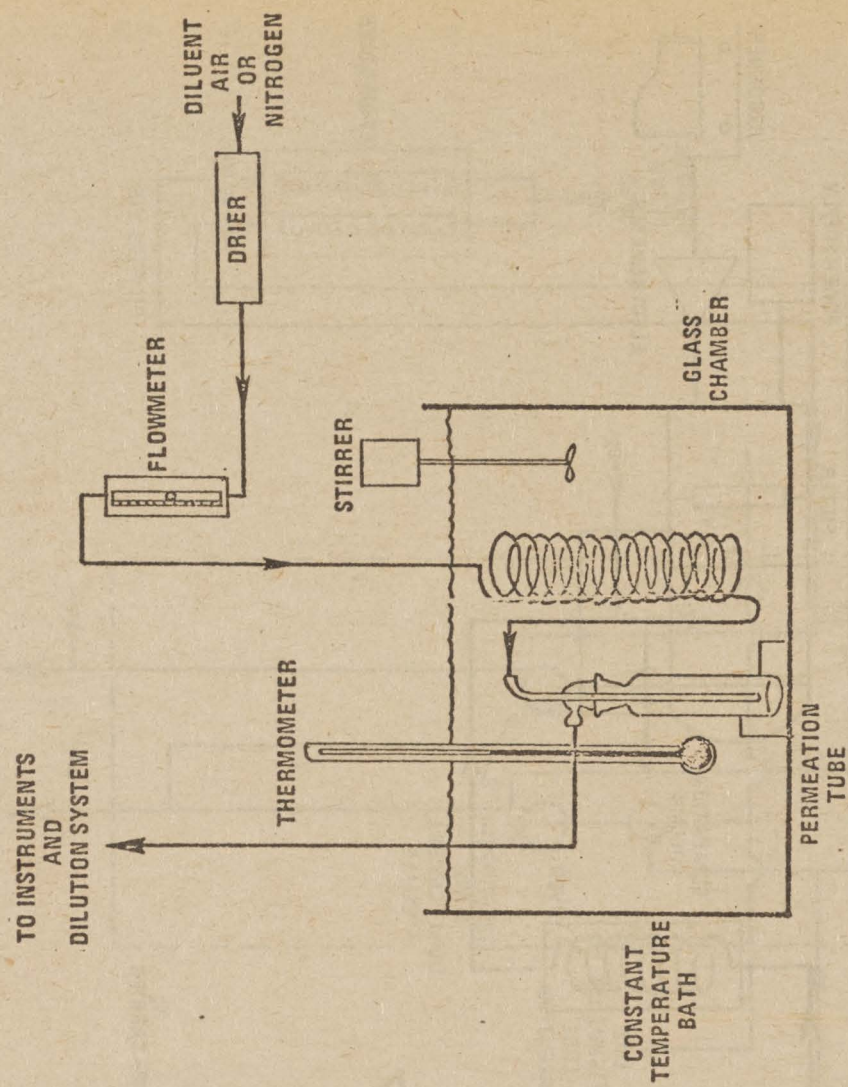


Figure 16-4. Apparatus for field calibration.

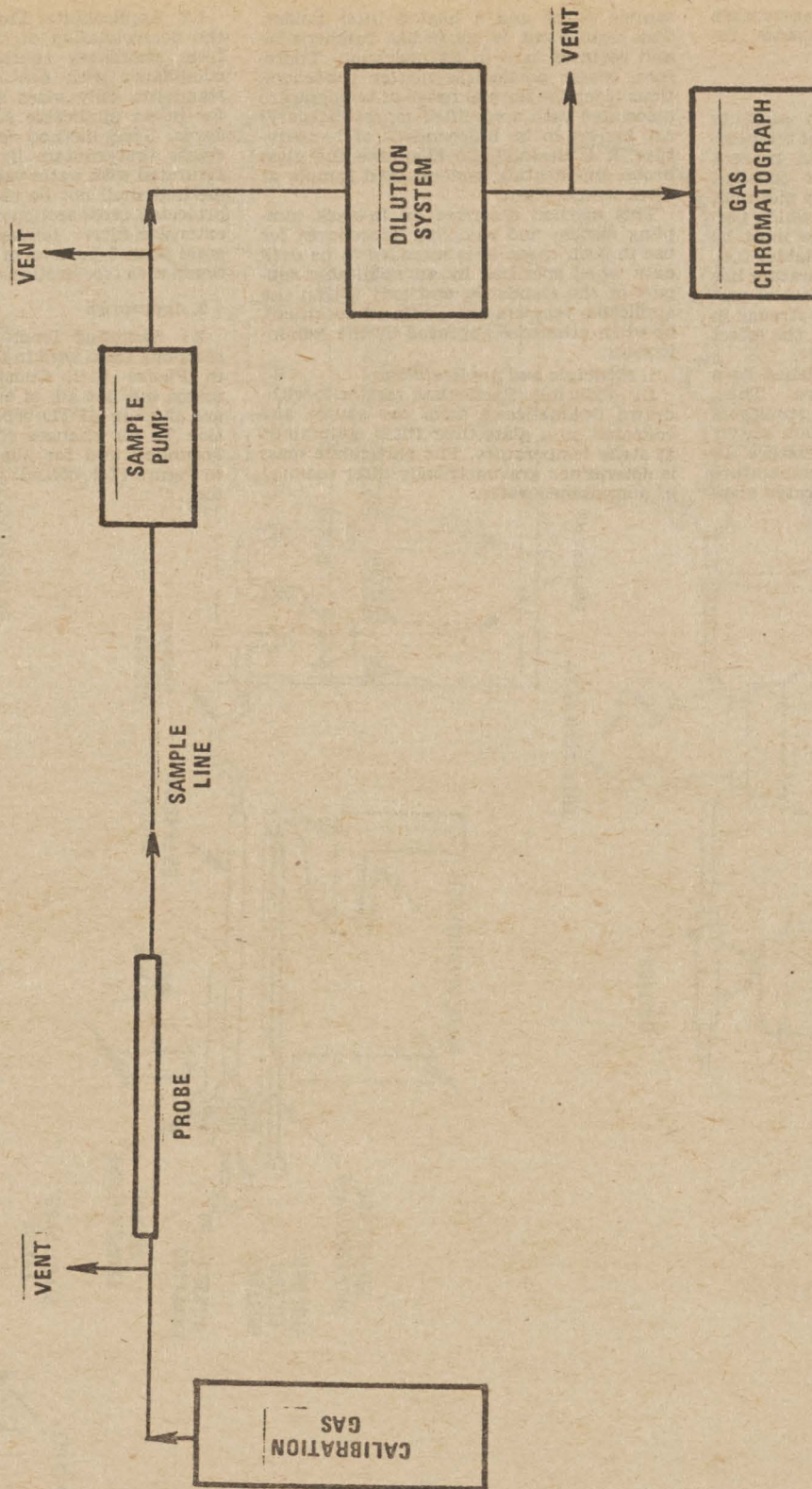


Figure 16- 5. Determination of sample line loss.

METHOD 17. DETERMINATION OF PARTICULATE EMISSIONS FROM STATIONARY SOURCES (IN-STACK FILTRATION METHOD)

Introduction

Particulate matter is not an absolute quantity; rather, it is a function of temperature and pressure. Therefore, to prevent variability in particulate matter emission regulations and/or associated test methods, the temperature and pressure at which particulate matter is to be measured must be carefully defined. Of the two variables (i.e., temperature and pressure), temperature has the greater effect upon the amount of particulate matter in an effluent gas stream; in most stationary source categories, the effect of pressure appears to be negligible.

In method 5, 250° F is established as a nominal reference temperature. Thus, where Method 5 is specified in an applicable subpart of the standards, particulate matter is defined with respect to temperature. In order to maintain a collection temperature of 250° F, Method 5 employs a heated glass

sample probe and a heated filter holder. This equipment is somewhat cumbersome and requires care in its operation. Therefore, where particulate matter concentrations (over the normal range of temperature associated with a specified source category) are known to be independent of temperature, it is desirable to eliminate the glass probe and heating systems, and sample at stack temperature.

This method describes an in-stack sampling system and sampling procedures for use in such cases. It is intended to be used only when specified by an applicable subpart of the standards, and only within the applicable temperature limits (if specified), or when otherwise approved by the Administrator.

1. Principle and Applicability.

1.1 Principle. Particulate matter is withdrawn isokinetically from the source and collected on a glass fiber filter maintained at stack temperature. The particulate mass is determined gravimetrically after removal of uncombined water.

1.2 Applicability. This method applies to the determination of particulate emissions from stationary sources for determining compliance with new source performance standards, only when specifically provided for in an applicable subpart of the standards. This method is not applicable to stacks that contain liquid droplets or are saturated with water vapor. In addition, this method shall not be used as written if the projected cross-sectional area of the probe extension-filter holder assembly covers more than 5 percent of the stack cross-sectional area (see Section 4.1.2).

2. Apparatus.

2.1 Sampling Train. A schematic of the sampling train used in this method is shown in Figure 17-1. Construction details for many, but not all, of the train components are given in APTD-0581 (Citation 2 in Section 7); for changes from the APTD-0581 document and for allowable modifications to Figure 17-1, consult with the Administrator.

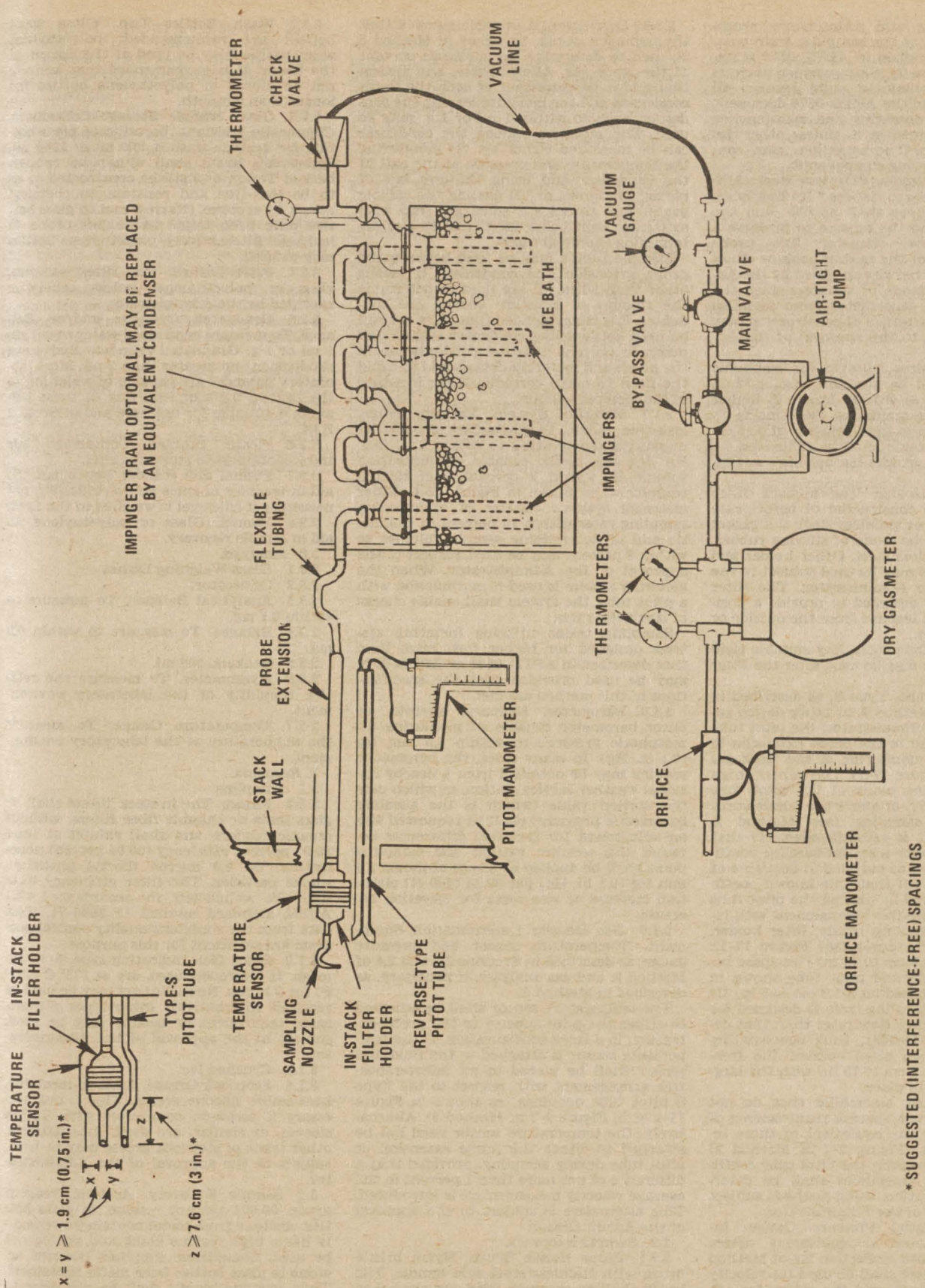


Figure 17-1. Particulate-Sampling Train, Equipped with In-Stack Filter.

The operating and maintenance procedures for many of the sampling train components are described in APTD-0576 (Citation 3 in Section 7). Since correct usage is important in obtaining valid results, all users should read the APTD-0576 document and adopt the operating and maintenance procedures outlined in it, unless otherwise specified herein. The sampling train consists of the following components:

2.1.1 Probe Nozzle. Stainless steel (316) or glass, with sharp, tapered leading edge. The angle of taper shall be 030° and the taper shall be on the outside to preserve a constant internal diameter. The probe nozzle shall be of the button-hook or elbow design, unless otherwise specified by the Administrator. If made of stainless steel, the nozzle shall be constructed from seamless tubing. Other materials of construction may be used subject to the approval of the Administrator.

A range of sizes suitable for isokinetic sampling should be available, e.g., 0.32 to 1.27 cm ($\frac{1}{8}$ to $\frac{1}{2}$ in.)—or larger if higher volume sampling trains are used—inside diameter (ID) nozzles in increments of 0.16 cm ($\frac{1}{16}$ in.). Each nozzle shall be calibrated according to the procedures outlined in Section 5.1.

2.1.2 Filter Holder. The in-stack filter holder shall be constructed of borosilicate or quartz glass, or stainless steel; if a gasket is used, it shall be made of silicone rubber, Teflon, or stainless steel. Other holder and gasket materials may be used subject to the approval of the Administrator. The filter holder shall be designed to provide a positive seal against leakage from the outside or around the filter.

2.1.3 Probe Extension. Any suitable rigid probe extension may be used after the filter holder.

2.1.4 Pitot Tube. Type S, as described in Section 2.1 of Method 2, or other device approved by the Administrator; the pitot tube shall be attached to the probe extension to allow constant monitoring of the stack gas velocity (see Figure 17-1). The impact (high pressure) opening plane of the pitot tube shall be even with or above the nozzle entry plane during sampling (see Method 2, Figure 2-6b). It is recommended: (1) that the pitot tube have a known baseline coefficient, determined as outlined in Section 4 of Method 2; and (2) that this known coefficient be preserved by placing the pitot tube in an interference-free arrangement with respect to the sampling nozzle, filter holder, and temperature sensor (see Figure 17-1). Note that the 1.9 cm (0.75 in.) free-space between the nozzle and pitot tube shown in Figure 17-1, is based on a 1.3 cm (0.5 in.) ID nozzle. If the sampling train is designed for sampling at higher flow rates than that described in APTD-0581, thus necessitating the use of larger sized nozzles, the free-space shall be 1.9 cm (0.75 in.) with the largest sized nozzle in place.

Source-sampling assemblies that do not meet the minimum spacing requirements of Figure 17-1 (or the equivalent of these requirements, e.g., Figure 2-7 of Method 2) may be used; however, the pitot tube coefficients of such assemblies shall be determined by calibration, using methods subject to the approval of the Administrator.

2.1.5 Differential Pressure Gauge. Inclined manometer or equivalent device (two), as described in Section 2.2 of Method 2. One manometer shall be used for velocity head (Δp) readings, and the other, for orifice differential pressure readings.

2.1.6 Condenser. It is recommended that the impinger system described in Method 5 be used to determine the moisture content of the stack gas. Alternatively, any system that allows measurement of both the water condensed and the moisture leaving the condenser, each to within 1 ml or 1 g, may be used. The moisture leaving the condenser can be measured either by: (1) monitoring the temperature and pressure at the exit of the condenser and using Dalton's law of partial pressures; or (2) passing the sample gas stream through a silica gel trap with exit gases kept below 20° C (68° F) and determining the weight gain.

Flexible tubing may be used between the probe extension and condenser. If means other than silica gel are used to determine the amount of moisture leaving the condenser, it is recommended that silica gel still be used between the condenser system and pump to prevent moisture condensation in the pump and metering devices and to avoid the need to make corrections for moisture in the metered volume.

2.1.7 Metering System. Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 3° C (5.4° F), dry gas meter capable of measuring volume to within 2 percent, and related equipment, as shown in Figure 17-1. Other metering systems capable of maintaining sampling rates within 10 percent of isokinetic and of determining sample volumes to within 2 percent may be used, subject to the approval of the Administrator. When the metering system is used in conjunction with a pitot tube, the system shall enable checks of isokinetic rates.

Sampling trains utilizing metering systems designed for higher flow rates than that described in APTD-0581 or APTD-0576 may be used provided that the specifications of this method are met.

2.1.8 Barometer. Mercury, aneroid, or other barometer capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby national weather service station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.1.9 Gas Density Determination Equipment. Temperature sensor and pressure gauge, as described in Sections 2.3 and 2.4 of Method 2, and gas analyzer, if necessary, as described in Method 3.

The temperature sensor shall be attached to either the pitot tube or to the probe extension, in a fixed configuration. If the temperature sensor is attached in the field; the sensor shall be placed in an interference-free arrangement with respect to the Type S pitot tube openings (as shown in Figure 17-1 or in Figure 2-7 of Method 2). Alternatively, the temperature sensor need not be attached to either the probe extension or pitot tube during sampling, provided that a difference of not more than 1 percent in the average velocity measurement is introduced. This alternative is subject to the approval of the Administrator.

2.2 Sample Recovery.

2.2.1 Probe Nozzle Brush. Nylon bristle brush with stainless steel wire handle. The brush shall be properly sized and shaped to brush out the probe nozzle.

2.2.2 Wash Bottles—Two. Glass wash bottles are recommended; polyethylene wash bottles may be used at the option of the tester. It is recommended that acetone not be stored in polyethylene bottles for longer than a month.

2.2.3 Glass Sample Storage Containers. Chemically resistant, borosilicate glass bottles, for acetone washes, 500 ml or 1000 ml. Screw cap liners shall either be rubber-backed Teflon or shall be constructed so as to be leak-free and resistant to chemical attack by acetone. (Narrow mouth glass bottles have been found to be less prone to leakage.) Alternatively, polyethylene bottles may be used.

2.2.4 Petri Dishes. For filter samples; glass or polyethylene, unless otherwise specified by the Administrator.

2.2.5 Graduated Cylinder and/or Balance. To measure condensed water to within 1 ml or 1 g. Graduated cylinders shall have subdivisions no greater than 2 ml. Most laboratory balances are capable of weighing to the nearest 0.5 g or less. Any of these balances is suitable for use here and in Section 2.3.4.

2.2.6 Plastic Storage Containers. Air tight containers to store silica gel.

2.2.7 Funnel and Rubber Policeman. To aid in transfer of silica gel to container; not necessary if silica gel is weighed in the field.

2.2.8 Funnel. Glass or polyethylene, to aid in sample recovery.

2.3 Analysis.

2.3.1 Glass Weighing Dishes.

2.3.2 Desiccator.

2.3.3 Analytical Balance. To measure to within 0.1 mg.

2.3.4 Balance. To measure to within 0.5 mg.

2.3.5 Beakers. 250 ml.

2.3.6 Hygrometer. To measure the relative humidity of the laboratory environment.

2.3.7 Temperature Gauge. To measure the temperature of the laboratory environment.

3. Reagents.

3.1 Sampling.

3.1.1 Filters. The in-stack filters shall be glass mats or thimble fiber filters, without organic binders, and shall exhibit at least 99.95 percent efficiency (00.05 percent penetration) on 0.3 micron dioctyl phthalate smoke particles. The filter efficiency tests shall be conducted in accordance with ASTM standard method D 2986-71. Test data from the supplier's quality control program are sufficient for this purpose.

3.1.2 Silica Gel. Indicating type, 6- to 16-mesh. If previously used, dry at 175° C (350° F) for 2 hours. New silica gel may be used as received. Alternatively, other types of desiccants (equivalent or better) may be used, subject to the approval of the Administrator.

3.1.3 Crushed Ice.

3.1.4 Stopcock Grease. Acetone-insoluble, heat-stable silicone grease. This is not necessary if screw-on connectors with Teflon sleeves, or similar, are used. Alternatively, other types of stopcock grease may be used, subject to the approval of the Administrator.

3.2 Sample Recovery. Acetone, reagent grade, 00.001 percent residue, in glass bottles. Acetone from metal containers generally has a high residue blank and should not be used. Sometimes, suppliers transfer acetone to glass bottles from metal containers. Thus, acetone blanks shall be run prior to field use and only acetone with low blank

values (00.001 percent) shall be used. In no case shall a blank value of greater than 0.001 percent of the weight of acetone used be subtracted from the sample weight.

3.3 Analysis.

3.3.1 Acetone. Same as 3.2.

3.3.2 Desiccant. Anhydrous calcium sulfate, indicating type. Alternatively, other types of desiccants may be used, subject to the approval of the Administrator.

4. Procedure.

4.1 Sampling. The complexity of this method is such that, in order to obtain reliable results, testers should be trained and experienced with the test procedures.

4.1.1 Pretest Preparation. All components shall be maintained and calibrated according to the procedure described in APTD-0576, unless otherwise specified herein.

Weigh several 200 to 300 g portions of silica gel in air-tight containers to the nearest 0.5 g. Record the total weight of the silica gel plus container, on each container. As an alternative, the silica gel need not be preweighed, but may be weighed directly in its impinger or sampling holder just prior to train assembly.

Check filters visually against light for irregularities and flaws or pinhole leaks. Label filters of the proper size on the back side near the edge using numbering machine ink. As an alternative, label the shipping containers (glass or plastic petri dishes) and keep the filters in these containers at all times except during sampling and weighing.

Desiccate the filters at $20 \pm 5.6^\circ \text{C}$ ($68 \pm 10^\circ \text{F}$) and ambient pressure for at least 24 hours and weigh at intervals of at least 6 hours to a constant weight, i.e., 00.5 mg change from previous weighing; record results to the nearest 0.1 mg. During each weighing the filter must not be exposed to the laboratory atmosphere for a period greater than 2 minutes and a relative humidity above 50 percent. Alternatively (unless otherwise specified by the Administrator), the filters may be oven dried at 105°C (220°F) for 2 to 3 hours, desiccated for 2 hours, and weighed. Procedures other than those described, which account for relative humidity effects, may be used, subject to the approval of the Administrator.

4.1.2 Preliminary Determinations. Select the sampling site and the minimum number of sampling points according to Method 1 or as specified by the Administrator. Make a

projected-area model of the probe extension-filter holder assembly, with the pitot tube face openings positioned along the centerline of the stack, as shown in Figure 17-2. Calculate the estimated cross-section blockage, as shown in Figure 17-2. If the blockage exceeds 5 percent of the duct cross sectional area, the tester has the following options: (1) a suitable out-of-stack filtration method may be used instead of in-stack filtration; or (2) a special in-stack arrangement, in which the sampling and velocity measurement sites are separate, may be used; for details concerning this approach, consult with the Administrator (see also Citation 10 in Section 7). Determine the stack pressure, temperature, and the range of velocity heads using Method 2; it is recommended that a leak-check of the pitot lines (see Method 2, Section 3.1) be performed. Determine the moisture content using Approximation Method 4 or its alternatives for the purpose of making isokinetic sampling rate settings. Determine the stack gas dry molecular weight, as described in Method 2, Section 3.6; if integrated Method 3 sampling is used for molecular weight determination, the integrated bag sample shall be taken simultaneously with, and for the same total length of time as, the particular sample run.

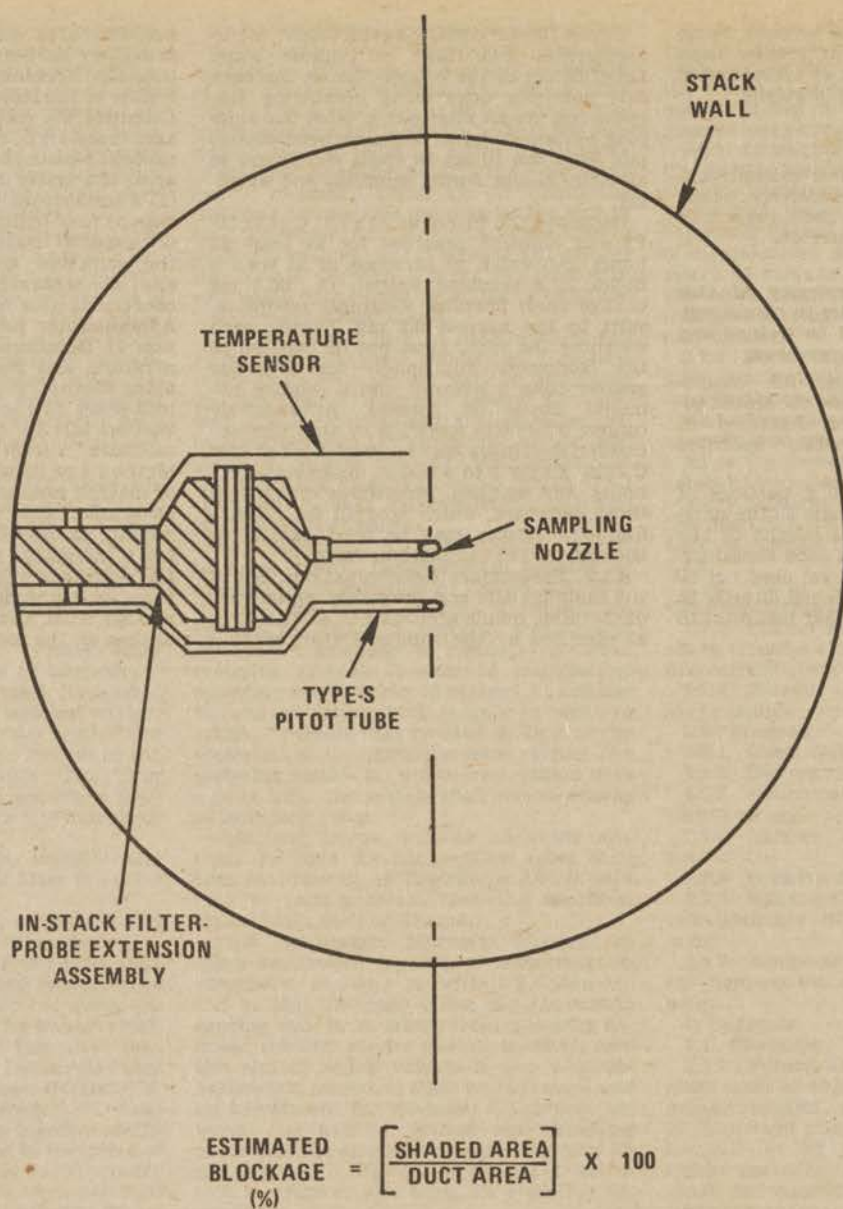


Figure 17-2. Projected-area model of cross-section blockage (approximate average for a sample traverse) caused by an in-stack filter holder-probe extension assembly.

Select a nozzle size based on the range of velocity heads, such that it is not necessary to change the nozzle size in order to maintain isokinetic sampling rates. During the run, do not change the nozzle size. Ensure that the proper differential pressure gauge is chosen for the range of velocity heads encountered (see Section 2.2 of Method 2).

Select a probe extension length such that all traverse points can be sampled. For large stacks, consider sampling from opposite sides of the stack to reduce the length of probes.

Select a total sampling time greater than or equal to the minimum total sampling time specified in the test procedures for the specific industry such that (1) the sampling time per point is not less than 2 minutes (or some greater time interval if specified by the Administrator), and (2) the sample volume taken (corrected to standard conditions) will exceed the required minimum total gas sample volume. The latter is based on an approximate average sampling rate.

It is recommended that the number of minutes sampled at each point be an integer or an integer plus one-half minute, in order to avoid timekeeping errors.

In some circumstances, e.g., batch cycles, it may be necessary to sample for shorter times at the traverse points and to obtain smaller gas sample volumes. In these cases, the Administrator's approval must first be obtained.

4.1.3 Preparation of Collection Train. During preparation and assembly of the sampling train, keep all openings where contamination can occur covered until just prior to assembly or until sampling is about to begin.

If impingers are used to condense stack gas moisture, prepare them as follows: place 100 ml of water in each of the first two impingers, leave the third impinger empty, and transfer approximately 200 to 300 g of preweighed silica gel from its container to the fourth impinger. More silica gel may be used, but care should be taken to ensure that it is not entrained and carried out from the impinger during sampling. Place the container in a clean place for later use in the sample recovery. Alternatively, the weight of the silica gel plus impinger may be determined to the nearest 0.5 g and recorded.

If some means other than impingers is used to condense moisture, prepare the condenser (and, if appropriate, silica gel for condenser outlet) for use.

Using a tweezer or clean disposable surgical gloves, place a labeled (identified) and

weighed filter in the filter holder. Be sure that the filter is properly centered and the gasket properly placed so as not to allow the sample gas stream to circumvent the filter. Check filter for tears after assembly is completed. Mark the probe extension with heat resistant tape or by some other method to denote the proper distance into the stack or duct for each sampling point.

Assemble the train as in Figure 17-1, using a very light coat of silicone grease on all ground glass joints and greasing only the outer portion (see APTD-0576) to avoid possibility of contamination by the silicone grease. Place crushed ice around the impingers.

4.1.4 Leak Check Procedures.

4.1.4.1 Pretest Leak-Check. A pretest leak-check is recommended, but not required. If the tester opts to conduct the pretest leak-check, the following procedure shall be used.

After the sampling train has been assembled, plug the inlet to the probe nozzle with a material that will be able to withstand the stack temperature. Insert the filter holder into the stack and wait approximately 5 minutes (or longer, if necessary) to allow the system to come to equilibrium with the temperature of the stack gas stream. Turn on the pump and draw a vacuum of at least 380 mm Hg (15 in. Hg); note that a lower vacuum may be used, provided that it is not exceeded during the test. Determine the leakage rate. A leakage rate in excess of 4 percent of the average sampling rate or 0.00057 m³/min. (0.02 cfm), whichever is less, is unacceptable.

The following leak-check instructions for the sampling train described in APTD-0576 and APTD-0581 may be helpful. Start the pump with by-pass valve fully open and coarse adjust valve completely closed. Partially open the coarse adjust valve and slowly close the by-pass valve until the desired vacuum is reached. Do not reverse direction of by-pass valve. If the desired vacuum is exceeded, either leak-check at this higher vacuum or end the leak-check as shown below and start over.

When the leak-check is completed, first slowly remove the plug from the inlet to the probe nozzle and immediately turn off the vacuum pump. This prevents water from being forced backward and keeps silica gel from being entrained backward.

4.1.4.2 Leak-Checks During Sample Run. If, during the sampling run, a component (e.g., filter assembly or impinger) change becomes necessary, a leak-check shall be conducted immediately before the change is

made. The leak-check shall be done according to the procedure outlined in Section 4.1.4.1 above, except that it shall be done at a vacuum equal to or greater than the maximum value recorded up to that point in the test. If the leakage rate is found to be no greater than 0.00057 m³/min (0.02 cfm) or 4 percent of the average sampling rate (whichever is less), the results are acceptable, and no correction will need to be applied to the total volume of dry gas metered; if, however, a higher leakage rate is obtained, the tester shall either record the leakage rate and plan to correct the sample volume as shown in Section 6.3 of this method, or shall void the sampling run.

Immediately after component changes, leak-checks are optional; if such leak-checks are done, the procedure outlined in Section 4.1.4.1 above shall be used.

4.1.4.3 Post-Test Leak-Check. A leak-check is mandatory at the conclusion of each sampling run. The leak-check shall be done in accordance with the procedures outlined in Section 4.1.4.1, except that it shall be conducted at a vacuum equal to or greater than the maximum value reached during the sampling run. If the leakage rate is found to be no greater than 0.00057 m³/min (0.02 cfm) or 4 percent of the average sampling rate (whichever is less), the results are acceptable, and no correction need be applied to the total volume of dry gas metered. If, however, a higher leakage rate is obtained, the tester shall either record the leakage rate and correct the sample volume as shown in Section 6.3 of this method, or shall void the sampling run.

4.1.5 Particulate Train Operation. During the sampling run, maintain a sampling rate such that sampling is within 10 percent of true isokinetic, unless otherwise specified by the Administrator.

For each run, record the data required on the example data sheet shown in Figure 17-3. Be sure to record the initial dry gas meter reading. Record the dry gas meter readings at the beginning and end of each sampling time increment, when changes in flow rates are made, before and after each leak check, and when sampling is halted. Take other readings required by Figure 17-3 at least once at each sample point during each time increment and additional readings when significant changes (20 percent variation in velocity head readings) necessitate additional adjustments in flow rate. Level and zero the manometer. Because the manometer level and zero may drift due to vibrations and temperature changes, make periodic checks during the traverse.

Clean the portholes prior to the test run to minimize the chance of sampling the deposited material. To begin sampling, remove the nozzle cap and verify that the pitot tube and probe extension are properly positioned. Position the nozzle at the first traverse point with the tip pointing directly into the gas stream. Immediately start the pump and adjust the flow to isokinetic conditions. Nomographs are available, which aid in the rapid adjustment to the isokinetic sampling rate without excessive computations. These nomographs are designed for use when the Type S pitot tube coefficient is 0.85 ± 0.02 , and the stack gas equivalent density (dry molecular weight) is equal to 29 ± 4 . APTD-0576 details the procedure for using the nomographs. If C_p and M_d are outside the above stated ranges, do not use the nomographs unless appropriate steps (see Citation 7 in Section 7) are taken to compensate for the deviations.

When the stack is under significant negative pressure (height of impinger stem), take care to close the coarse adjust valve before inserting the probe extension assembly into the stack to prevent water from being forced backward. If necessary, the pump may be turned on with the coarse adjust valve closed.

When the probe is in position, block off the openings around the probe and porthole to prevent unrepresentative dilution of the gas stream.

Traverse the stack cross section, as required by Method 1 or as specified by the Administrator, being careful not to bump the probe nozzle into the stack walls when sampling near the walls or when removing or inserting the probe extension through the portholes, to minimize chance of extracting deposited material.

During the test run, take appropriate steps (e.g., adding crushed ice to the impinger ice bath) to maintain a temperature of less than 20°C (68°F) at the condenser outlet; this will prevent excessive moisture losses. Also, periodically check the level and zero of the manometer.

If the pressure drop across the filter becomes too high, making isokinetic sampling difficult to maintain, the filter may be replaced in the midst of a sample run. It is recommended that another complete filter holder assembly be used rather than attempting to change the filter itself. Before a new filter holder is installed, conduct a leak check, as outlined in Section 4.1.4.2. The total particulate weight shall include the summation of all filter assembly catches.

A single train shall be used for the entire sample run, except in cases where simultaneous sampling is required in two or more separate ducts or at two or more different locations within the same duct, or, in cases where equipment failure necessitates a change of trains. In all other situations, the use of two or more trains will be subject to the approval of the Administrator. Note that when two or more trains are used, a separate analysis of the collected particulate from each train shall be performed, unless identical nozzle sizes were used on all trains, in which case the particulate catches from the individual trains may be combined and a single analysis performed.

At the end of the sample run, turn off the pump, remove the probe extension assembly from the stack, and record the final dry gas meter reading. Perform a leak-check, as outlined in Section 4.1.4.3. Also, leak-check the pitot lines as described in Section 3.1 of Method 2; the lines must pass this leak-

check, in order to validate the velocity head data.

4.1.6 Calculation of Percent Isokinetic. Calculate percent isokinetic (see Section 6.11) to determine whether another test run should be made. If there is difficulty in maintaining isokinetic rates due to source conditions, consult with the Administrator for possible variance on the isokinetic rates.

4.2 Sample Recovery. Proper cleanup procedure begins as soon as the probe extension assembly is removed from the stack at the end of the sampling period. Allow the assembly to cool.

When the assembly can be safely handled, wipe off all external particulate matter near the tip of the probe nozzle and place a cap over it to prevent losing or gaining particulate matter. Do not cap off the probe tip tightly while the sampling train is cooling down as this would create a vacuum in the filter holder, forcing condenser water backward.

Before moving the sample train to the cleanup site, disconnect the filter holder-probe nozzle assembly from the probe extension; cap the open inlet of the probe extension. Be careful not to lose any condensate, if present. Remove the umbilical cord from the condenser outlet and cap the outlet. If a flexible line is used between the first impinger (or condenser) and the probe extension, disconnect the line at the probe extension and let any condensed water or liquid drain into the impingers or condenser. Disconnect the probe extension from the condenser; cap the probe extension outlet. After wiping off the silicone grease, cap off the condenser inlet. Ground glass stoppers, plastic caps, or serum caps (whichever are appropriate) may be used to close these openings.

Transfer both the filter holder-probe nozzle assembly and the condenser to the cleanup area. This area should be clean and protected from the wind so that the chances of contaminating or losing the sample will be minimized.

Save a portion of the acetone used for cleanup as a blank. Take 200 ml of this acetone directly from the wash bottle being used and place it in a glass sample container labeled "acetone blank."

Inspect the train prior to and during disassembly and note any abnormal conditions. Treat the samples as follows:

Container No. 1. Carefully remove the filter from the filter holder and place it in its identified petri dish container. Use a pair of tweezers and/or clean disposable surgical gloves to handle the filter. If it is necessary to fold the filter, do so such that the particulate cake is inside the fold. Carefully transfer to the petri dish any particulate matter and/or filter fibers which adhere to the filter holder gasket, by using a dry Nylon bristle brush and/or a sharp-edged blade. Seal the container.

Container No. 2. Taking care to see that dust on the outside of the probe nozzle or other exterior surfaces does not get into the sample, quantitatively recover particulate matter or any condensate from the probe nozzle, fitting, and front half of the filter holder by washing these components with acetone and placing the wash in a glass container. Distilled water may be used instead of acetone when approved by the Administrator and shall be used when specified by the Administrator; in these cases, save a water blank and follow Administrator's directions on analysis. Perform the acetone rinses as follows:

Carefully remove the probe nozzle and clean the inside surface by rinsing with acetone from a wash bottle and brushing with a Nylon bristle brush. Brush until acetone rinse shows no visible particles, after which make a final rinse of the inside surface with acetone.

Brush and rinse with acetone the inside parts of the fitting in a similar way until no visible particles remain. A funnel (glass or polyethylene) may be used to aid in transferring liquid washes to the container. Rinse the brush with acetone and quantitatively collect these washings in the sample container. Between sampling runs, keep brushes clean and protected from contamination.

After ensuring that all joints are wiped clean of silicone grease (if applicable), clean the inside of the front half of the filter holder by rubbing the surfaces with a Nylon bristle brush and rinsing with acetone. Rinse each surface three times or more if needed to remove visible particulate. Make final rinse of the brush and filter holder. After all acetone washings and particulate matter are collected in the sample container, tighten the lid on the sample container so that acetone will not leak out when it is shipped to the laboratory. Mark the height of the fluid level to determine whether or not leakage occurred during transport. Label the container to clearly identify its contents.

Container No. 3. If silica gel is used in the condenser system for moisture content determination, note the color of the gel to determine if it has been completely spent; make a notation of its condition. Transfer the silica gel back to its original container and seal. A funnel may make it easier to pour the silica gel without spilling, and a rubber policeman may be used as an aid in removing the silica gel. It is not necessary to remove the small amount of dust particles that may adhere to the walls and are difficult to remove. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, follow the procedure for Container No. 3 under "Analysis."

Condenser Water. Treat the condenser or impinger water as follows: make a notation of any color or film in the liquid catch. Measure the liquid volume to within ± 1 ml by using a graduated cylinder or, if a balance is available, determine the liquid weight to within ± 0.5 g. Record the total volume or weight of liquid present. This information is required to calculate the moisture content of the effluent gas. Discard the liquid after measuring and recording the volume or weight.

4.3 Analysis. Record the data required on the example sheet shown in Figure 17-4. Handle each sample container as follows:

Container No. 1. Leave the contents in the shipping container or transfer the filter and any loose particulate from the sample container to a tared glass weighing dish. Desiccate for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh to a constant weight and report the results to the nearest 0.1 mg. For purposes of this Section, 4.3, the term "constant weight" means a difference of no more than 0.5 mg or 1 percent of total weight less tare weight, whichever is greater, between two consecutive weighings, with no less than 6 hours of desiccation time between weighings.

Alternatively, the sample may be oven dried at the average stack temperature or

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105° C (220° F), whichever is less, for 2 to 3 hours, cooled in the desiccator, and weighed to a constant weight, unless otherwise speci-

fied by the Administrator. The tester may also opt to oven dry the sample at the average stack temperature or 105° C (220° F),

whichever is less, for 2 to 3 hours, weigh the sample, and use this weight as a final weight.

Plant _____

Date _____

Run No. _____

Filter No. _____

Amount liquid lost during transport _____

Acetone blank volume, ml _____

Acetone wash volume, ml _____

Acetone blank concentration, mg/mg (equation 17-4) _____

Acetone wash blank, mg (equation 17-5) _____

CONTAINER NUMBER	WEIGHT OF PARTICULATE COLLECTED, mg		
	FINAL WEIGHT	TARE WEIGHT	WEIGHT GAIN
1			
2			
TOTAL			
Less acetone blank			
Weight of particulate matter			

	VOLUME OF LIQUID WATER COLLECTED	
	IMPINGER VOLUME, ml	SILICA GEL WEIGHT, g
FINAL		
INITIAL		
LIQUID COLLECTED		
TOTAL VOLUME COLLECTED		g* ml

* CONVERT WEIGHT OF WATER TO VOLUME BY DIVIDING TOTAL WEIGHT INCREASE BY DENSITY OF WATER (1g/ml).

$$\frac{\text{INCREASE, g}}{1 \text{ g/ml}} = \text{VOLUME WATER, ml}$$

Figure 17-4. Analytical data.

Container No. 2. Note the level of liquid in the container and confirm on the analysis sheet whether or not leakage occurred during transport. If a noticeable amount of leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results. Measure the liquid in this container either volumetrically to ± 1 ml or gravimetrically to ± 0.5 g. Transfer the contents to a tared 250-ml beaker and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

Container No. 3. This step may be conducted in the field. Weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g using a balance.

"Acetone Blank" Container. Measure acetone in this container either volumetrically or gravimetrically. Transfer the acetone to a tared 250-ml beaker and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

NOTE.—At the option of the tester, the contents of Container No. 2 as well as the acetone blank container may be evaporated at temperatures higher than ambient. If evaporation is done at an elevated temperature, the temperature must be below the boiling point of the solvent; also, to prevent "bumping," the evaporation process must be closely supervised, and the contents of the beaker must be swirled occasionally to maintain an even temperature. Use extreme care, as acetone is highly flammable and has a low flash point.

5. Calibration. Maintain a laboratory log of all calibrations.

5.1 Probe Nozzle. Probe nozzles shall be calibrated before their initial use in the field. Using a micrometer, measure the inside diameter of the nozzle to the nearest

0.025 mm (0.001 in.). Make three separate measurements using different diameters each time, and obtain the average of the measurements. The difference between the high and low numbers shall not exceed 0.1 mm (0.004 in.). When nozzles become nicked, dented, or corroded, they shall be reshaped, sharpened, and recalibrated before use. Each nozzle shall be permanently and uniquely identified.

5.2 Pitot Tube. If the pitot tube is placed in an interference-free arrangement with respect to the other probe assembly components, its baseline (isolated tube) coefficient shall be determined as outlined in Section 4 of Method 2. If the probe assembly is not interference-free, the pitot tube assembly coefficient shall be determined by calibration, using methods subject to the approval of the Administrator.

5.3 Metering System. Before its initial use in the field, the metering system shall be calibrated according to the procedure outlined in APTD-0576. Instead of physically adjusting the dry gas meter dial readings to correspond to the wet test meter readings, calibration factors may be used to mathematically correct the gas meter dial readings to the proper values.

Before calibrating the metering system, it is suggested that a leak-check be conducted. For metering systems having diaphragm pumps, the normal leak-check procedure will not detect leakages within the pump. For these cases the following leak-check procedure is suggested: make a 10-minute calibration run at $0.00057 \text{ m}^3/\text{min}$ (0.02 cfm); at the end of the run, take the difference of the measured wet test meter and dry gas meter volumes; divide the difference by 10, to get the leak rate. The leak rate should not exceed $0.00057 \text{ m}^3/\text{min}$ (0.02 cfm).

After each field use, the calibration of the metering system shall be checked by performing three calibration runs at a single, intermediate orifice setting (based on the

previous field test), with the vacuum set at the maximum value reached during the test series. To adjust the vacuum, insert a valve between the wet test meter and the inlet of the metering system. Calculate the average value of the calibration factor. If the calibration has changed by more than 5 percent, recalibrate the meter over the full range of orifice settings, as outlined in APTD-0576.

Alternative procedures, e.g., using the orifice meter coefficients, may be used, subject to the approval of the Administrator.

NOTE.—If the dry gas meter coefficient values obtained before and after a test series differ by more than 5 percent, the test series shall either be voided, or calculations for the test series shall be performed using whichever meter coefficient value (i.e., before or after) gives the lower value of total sample volume.

5.4 Temperature Gauges. Use the procedure in Section 4.3 of Method 2 to calibrate in-stack temperature gauges. Dial thermometers, such as are used for the dry gas meter and condenser outlet, shall be calibrated against mercury-in-glass thermometers.

5.5 Leak Check of Metering System Shown in Figure 17-1. That portion of the sampling train from the pump to the orifice meter should be leak checked prior to initial use and after each shipment. Leakage after the pump will result in less volume being recorded than is actually sampled. The following procedure is suggested (see Figure 17-5). Close the main valve on the meter box. Insert a one-hole rubber stopper with rubber tubing attached into the orifice exhaust pipe. Disconnect and vent the low side of the orifice manometer. Close off the low side orifice tap. Pressurize the system to 13 to 18 cm (5 to 7 in.) water column by blowing into the rubber tubing. Pinch off the tubing and observe the manometer for one minute. A loss of pressure on the manometer indicates a leak in the meter box; leaks, if present, must be corrected.

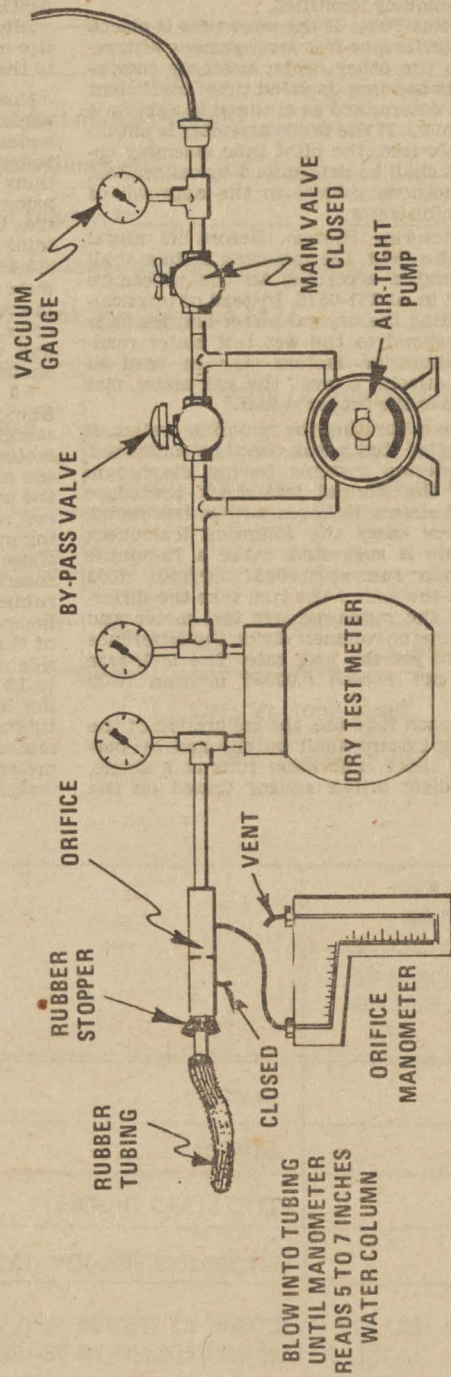


Figure 17-5. Leak check of meter box.

5.6 Barometer. Calibrate against a mercury barometer.

6. Calculations. Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after the final calculation. Other forms of the equations may be used as long as they give equivalent results.

6.1 Nomenclature.

A_n = Cross-sectional area of nozzle, m^2 (ft^2).
 B_{ws} = Water vapor in the gas stream, proportion by volume.

C_a = Acetone blank residue concentration, mg/g .

c_p = Concentration of particulate matter in stack gas, dry basis, corrected to standard conditions, $g/dscm$ ($g/dscf$).

I = Percent of isokinetic sampling.

L_a = Maximum acceptable leakage rate for either a pretest leak check or for a leak check following a component change; equal to $0.00057 m^3/min$ ($0.02 cfm$) or 4 percent of the average sampling rate, whichever is less.

L_i = Individual leakage rate observed during the leak check conducted prior to the "ith" component change ($i=1, 2, 3, \dots, n$), m^3/min (cfm).

L_p = Leakage rate observed during the post-test leak check, m^3/min (cfm).

m_n = Total amount of particulate matter collected, mg .

M_w = Molecular weight of water, $18.0 g/g\text{-mole}$ ($18.0 lb/lb\text{-mole}$).

m_a = Mass of residue of acetone after evaporation, mg .

P_{bar} = Barometric pressure at the sampling site, $mm\ Hg$ ($in.\ Hg$).

P_s = Absolute stack gas pressure, $mm\ Hg$ ($in.\ Hg$).

P_{std} = Standard absolute pressure, $760\ mm\ Hg$ ($29.92\ in.\ Hg$).

R = Ideal gas constant, $0.06236\ mm\ Hg\text{-}m^3/K\text{-}g\text{-mole}$ ($21.85\ in.\ Hg\text{-}ft^3/K\text{-}lb\text{-mole}$).

T_m = Absolute average dry gas meter temperature (see Figure 17-3), $^{\circ}K$ ($^{\circ}R$).

T_s = Absolute average stack gas temperature (see Figure 17-3), $^{\circ}K$ ($^{\circ}R$).

T_{std} = Standard absolute temperature, $293^{\circ}K$ ($528^{\circ}R$).

V_a = Volume of acetone blank, ml .

V_{aw} = Volume of acetone used in wash, ml .

V_{ic} = Total volume of liquid collected in impingers and silica gel (see Figure 17-4), ml .

V_m = Volume of gas sample as measured by dry gas meter, dcm ($dscf$).

$V_{m(std)}$ = Volume of gas sample measured by the dry gas meter, corrected to standard conditions, $dscm$ ($dscf$).

$V_{w(std)}$ = Volume of water vapor in the gas sample, corrected to standard conditions, scm (scf).

v_s = Stack gas velocity, calculated by Method 2, Equation 2-9, using data obtained from Method 17, m/sec (ft/sec).

W_a = Weight of residue in acetone wash, mg .

Y = Dry gas meter calibration coefficient.

ΔH = Average pressure differential across the orifice meter (see Figure 17-3), $mm\ H_2O$ ($in.\ H_2O$).

ρ_a = Density of acetone, mg/ml (see label on bottle).

ρ_w = Density of water, $0.9982\ g/ml$ ($0.002201\ lb/ml$).

θ = Total sampling time, min .

θ_1 = Sampling time interval, from the beginning of a run until the first component change, min .

θ_2 = Sampling time interval, between two successive component changes, beginning with the interval between the first and second changes, min .

θ_s = Sampling time interval, from the final (n^{th}) component change until the end of the sampling run, min .

13.6 = Specific gravity of mercury.

60 = Sec/min.

100 = Conversion to percent.

6.2 Average dry gas meter temperature and average orifice pressure drop. See data sheet (Figure 17-3).

6.3 Dry Gas Volume. Correct the sample volume measured by the dry gas meter to standard conditions ($20^{\circ}\ C$, $760\ mm\ Hg$ or $68^{\circ}\ F$, $29.92\ in.\ Hg$) by using Equation 17-1.

$$V_{m(std)} = V_m Y \left(\frac{T_{std}}{T_m} \right) \left[\frac{P_{bar} + \frac{\Delta H}{13.6}}{P_{std}} \right]$$

$$= K_1 V_m Y \frac{P_{bar} + (\Delta H/13.6)}{T_m}$$

Equation 17-1

where:

$K_1 = 0.3858^{\circ}\ K/mm\ Hg$ for metric units;
 $17.64^{\circ}\ R/in.\ Hg$ for English units.

NOTE.—Equation 17-1 can be used as written unless the leakage rate observed during any of the mandatory leak checks (i.e., the post-test leak check or leak checks conducted prior to component changes) exceeds L_a . If L_p or L_i exceeds L_a , Equation 17-1 must be modified as follows:

(a) Case I. No component changes made during sampling run. In this case, replace V_m in Equation 17-1 with the expression:

$$[V_m - (L_p - L_a)\theta]$$

(b) Case II. One or more component changes made during the sampling run. In this case, replace V_m in Equation 17-1 by the expression:

$$\{V_m - (L_1 - L_a)\theta_1 - \sum_{i=2}^n (L_i - L_a)\theta_i - (L_p - L_a)\theta_p\}$$

and substitute only for those leakage rates (L_i or L_p) which exceed L_a .

6.4 Volume of water vapor.

$$V_{w(std)} = V_{ic} \left(\frac{\rho_w}{M_w} \right) \left(\frac{RT_{std}}{P_{std}} \right) = K_2 V_{ic}$$

Equation 17-2

where:

$K_2 = 0.001333\ m^3/ml$ for metric units; $0.04707\ ft^3/ml$ for English units.

6.5 Moisture Content.

$$B_{ws} = \frac{V_{w(std)}}{V_{m(std)} + V_{w(std)}}$$

Equation 17-3

6.6 Acetone Blank Concentration.

$$C_a = \frac{m_a}{V_a \rho_a}$$

Equation 17-4

6.7 Acetone Wash Blank.

$$W_a = C_a V_{aw} \rho_a$$

Equation 17-5

6.8 Total Particulate Weight. Determine the total particulate catch from the sum of the weights obtained from containers 1 and 2 less the acetone blank (see Figure 17-4).

NOTE.—Refer to Section 4.1.5 to assist in calculation of results involving two or more filter assemblies or two or more sampling trains.

6.9 Particulate Concentration.

$$c_p = (0.001\ g/mg) (m_n/V_{m(std)})$$

Equation 17-6

6.10 Conversion Factors:

From	To	Multiply by
scf	m^3	0.02832
g/ft^3	gr/ft^3	15.43
g/ft^3	lb/ft^3	2.205×10^{-3}
g/ft^3	g/m^3	35.31

6.11 Isokinetic Variation.

6.11.1 Calculation from Raw Data.

$$I = \frac{100 T_s [K_3 V_{ic} + (V_m/T_m) (P_{bar} + \Delta H/13.6)]}{60 \theta v_s P_s A_n}$$

Equation 17-7

where:

$K_3 = 0.003454\ mm\ Hg\text{-}m^3/ml\text{-}^{\circ}K$ for metric units; $0.002669\ in.\ Hg\text{-}ft^3/ml\text{-}^{\circ}R$ for English units.

6.11.2 Calculation from Intermediate Values.

$$I = \frac{T_s V_{m(std)} P_{std} 100}{T_{std} v_s \theta A_n P_s 60 (1 - B_{ws})}$$

$$= K_4 \frac{T_s V_{m(std)}}{P_s v_s A_n \theta (1 - B_{ws})}$$

Equation 17-8

where:

$K_4 = 4.320$ for metric units; 0.09450 for English units.

6.12 Acceptable Results. If 90 percent 010110 percent, the results are acceptable. If the results are low in comparison to the standard and I is beyond the acceptable range, or, if I is less than 90 percent, the Administrator may opt to accept the results. Use Citation 4 in Section 7 to make judgments. Otherwise, reject the results and repeat the test.

7. Bibliography.

1. Addendum to Specifications for Incinerator Testing at Federal Facilities. PHS, NCAPC. December 6, 1967.

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Annual Meeting of the Air Pollution Control Association, St. Louis, Mo. June 14-19, 1970.

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Measurement Branch, Research Triangle Park, N.C. November, 1976 (unpublished paper).

9. Annual Book of ASTM Standards. Part 26. Gaseous Fuels; Coal and Coke; Atmospheric Analysis. American Society for Testing and Materials. Philadelphia, Pa. 1974. pp. 617-622.

10. Vollaro, R. F., Recommended Procedure for Sample Traverses in Ducts Smaller than 12 Inches in Diameter. U.S. Environmental Protection Agency, Emission Measurement Branch, Research Triangle Park, N.C. November, 1976.

[FR Doc. 78-4795 Filed 2-22-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 828-6]

KRAFT PULP MILLS**Draft Guideline Document: Availability**

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Draft Guideline Document.

SUMMARY: This action announces the availability of a draft guideline document for the control of total reduced sulfur (TRS) emissions from existing kraft pulp mills, and invites public comments on the contents of the document. Standards of performance for control of TRS from new, modified, and reconstructed kraft pulp mills are being promulgated elsewhere in this issue of the *FEDERAL REGISTER*. Under the Clean Air Act, the Administrator must issue this draft document, consider the public comments received on the draft, and publish a final guideline document. Publication of the final document will trigger the development of State plans to control TRS emissions from existing draft pulp mills.

DATE: Comments must be received on or before April 24, 1978. (60 days after this publication).

ADDRESS: Comments should be submitted, preferably in triplicate, to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Don R. Goodwin.

A copy of the draft guideline document may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, N.C. 27711 (specify "Draft Guideline Document: Control of TRS Emissions from Existing Kraft Pulp Mills").

The draft guideline document and all public comments received will be available for inspection and copying during normal business hours at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C.

**FOR FURTHER INFORMATION
CONTACT:**

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: The Clean Air Act applies to three general categories of pollutants emitted from stationary sources. The first category consist of pollutants (often referred to as "criteria pollutants") for which air quality criteria, national am-

bient air quality standards, and State implementation plans are established under sections 108-110 of the Act. The second category consist of pollutants listed and controlled as hazardous pollutants under section 112 of the Act.

The third category consists of pollutants that are (or may be) harmful to public health or welfare but are not or cannot be controlled under sections 108-110 or 112. Section 111(d) requires control of existing sources of such pollutants whenever standards of performance (for those pollutants) are established under section 111(b) for new sources of the same type. For convenience of reference, such pollutants are referred to as "designated pollutants," and existing facilities whose emissions of such pollutants must be controlled under section 111(d) are referred to as "designated facilities."

On November 17, 1975 (40 FR 53340), EPA promulgated a new subpart B to 40 CFR Part 60 establishing procedures and requirements for submittal of State plans for control of designated pollutants from designated facilities under section 111(d). A summary of subpart B and a discussion of the basic concepts underlying it appear in the preamble published in connection with its promulgation. In brief, subpart B provides that after a standard of performance applicable to emissions of a designated pollutant from new sources is promulgated, the Administrator will publish a draft guideline document containing information pertinent to the control of the same pollutant from designated (i.e., existing) facilities. He will also publish a notice of availability of the draft guideline document and invite comments on its contents. After consideration of these comments, the Administrator will publish a final guideline document for the pollutant in question, and the States will then have nine months to develop and submit plans for control of that pollutant from designated facilities. Within four months after the date for submission of plans, the Administrator will approve or disapprove each plan (or portion thereof). If a State plan (or portion thereof) is disapproved, the Administrator will promulgate a plan (or portion thereof) within six months after the date for plan submission. These and related provisions of subpart B are basically patterned after section 110 of the Act and 40 CFR Part 51 (concerning adoption and submittal of State implementation plans under section 110).

As discussed in the preamble to subpart B, a distinction is drawn between designated pollutants which may cause or contribute to endangerment of public health (referred to as "health-related pollutants") and those for which adverse effects on public health have not been demonstrated

(referred to as "welfare-related pollutants"). For health-related pollutants, emission standards and compliance schedules in State plans must ordinarily be at least as stringent as the corresponding emission guidelines and compliance times in EPA's guideline documents. As provided in subpart B, States may apply less stringent requirements when economic considerations or other factors, such as the remaining useful life of a designated facility, make such requirements significantly more reasonable. For welfare-related pollutants, States may balance the emission guidelines, compliance times, and other information in EPA's guideline documents against other factors of public concern in developing their plans, as explained more fully in the preamble to subpart B and in the introductory portion of each guideline document. Thus, the States have more flexibility in establishing plans for welfare-related pollutants than is provided for plans involving pollutants that may affect public health.

For reasons explained in the draft guideline document, the Administrator has determined that atmospheric TRS emissions in the kraft pulping industry may cause or contribute to endangerment of the public welfare but that adverse effects on public health have not been demonstrated. As indicated above, this means that TRS emissions will be considered a welfare-related pollutant and the States will have greater flexibility in developing their plans than would be the case if public health might be affected.

EMISSION GUIDELINES: The emission guidelines and compliance times contained in the draft guideline document reflect the Administrator's judgment on the degree of control attainable with application of the best system of continuous emission reduction (considering the cost, nonair quality health, environmental impacts, and energy requirements of such reduction) that has been adequately demonstrated for existing facilities at kraft pulp mills, including the time within which these systems can be purchased and installed. The emission guidelines presented in the document for control of TRS emissions from existing facilities at kraft pulp mills are 5 parts per million (ppm) of TRS from digester systems, 5 ppm of TRS from multiple-effect evaporator systems, 5 ppm of TRS from straight kraft recovery furnace systems designed for low TRS emissions (the basis for this design is defined in the guideline document), 20 ppm of TRS from all other straight kraft recovery furnace systems, 25 ppm of TRS from cross-recovery furnace systems, 20 ppm of TRS from lime kiln systems, and 5 ppm of TRS from condensate stripper systems. These concentration standards are all four-hour averages. The recommended

emission guideline for the smelt dissolving tank is 0.0084 gram of TRS per kilogram of black liquor solids (dry weight). The amount of time necessary to retrofit an existing kraft mill can vary widely depending upon such factors as space limitation, weather conditions, lack of available utilities, delays in equipment delivery, and time required to develop engineering data. Subject to these considerations, the approximate times necessary to retrofit existing facilities are 3-6 years for recovery furnaces; 2 years for digesters, multiple-effect evaporators, smelt dissolving tanks and condensate strippers; and 2-4 years for lime kilns. The rationale for the selection of these guidelines, including emission test

data and control technology, is discussed in the draft guideline document.

MISCELLANEOUS: This action is being performed under the authority of section 111(d) of the Clean Air Act, as amended. In accordance with section 117 of the Act, publication of this draft guideline document has been preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons are invited to participate in the development of these guidelines. The Administrator welcomes comments on all aspects of the

draft guideline document, including economic and technological issues, the proposed test methods, and the determination that TRS is a welfare-related, rather than health-related pollutant for purposes of section 111(d) and subpart B of 40 CFR Part 60.

AUTHORITY: This notice of proposed guidelines is issued under the authority of sections 111, 114, and 301(a) of the Clean Air Act, as amended, Pub. L. 91-604, 84 Stat. (42 U.S.C. 7411, 7414, 7601(a)).

Dated: February 10, 1978.

BARBARA BLUM,
Acting Administrator.

[FR Doc. 78-4794 Filed 2-22-78; 8:45 am]

உதாரணம்



Office of
Human Development
Services



Runaway Youth: Program and Activities

[4110-92]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Human Development Services

[45 CFR Part 1351]

RUNAWAY YOUTH: PROGRAM AND
ACTIVITIES

Proposed Rulemaking

AGENCY: Office of Human Development Services, HEW.

ACTION: Proposed rules.

SUMMARY: Notice is hereby given that the Assistant Secretary for Human Development Services, with the approval of the Secretary for Health, Education, and Welfare, proposes to issue regulations to implement the Runaway Youth Act (Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, as amended by the Juvenile Justice Amendments of 1977 on October 3, 1977, Pub. L. 95-115 (Act)). The Act authorizes financial assistance for the purpose of developing or strengthening runaway houses (local facilities) to deal primarily with the immediate needs (temporary shelter and counseling) of runaway or otherwise homeless youth and their families. The Act authorizes, in addition, the provision of aftercare services.

The legislation mandates that these services must be provided outside the law enforcement structure and the juvenile justice system.

The legislation also provides for technical assistance and short-term training under Part A of Title III. Those eligible for the grants are: States, localities and nonprofit private agencies and coordinated networks of such agencies.

The Assistant Secretary for Human Development Services also proposes to revise, clarify, and rewrite existing regulations, published on December 13, 1976, in the FEDERAL REGISTER (41 FR 54296) as Part 1351 to 45 CFR Chapter XIII.

DATES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations on or before March 27, 1978.

ADDRESSES: Submit comments to the Youth Development Bureau, Administration for Children, Youth and Families, Human Development Services, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Room 3260, Washington, D.C. 20201. All written submissions made pursuant to this notice will be available for public inspection at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202-245-2873).

FOR FURTHER INFORMATION
CONTACT:

Mrs. Patricia Jefferson, Youth Development Bureau, CYF, HDS, HEW, 330 Independence Avenue SW., Washington, D.C. 20201, 202-245-2862.

SUPPLEMENTARY INFORMATION:

A. LEGISLATIVE BACKGROUND

The President and the Congress of the United States continue to regard the problems of troubled youth as a national priority. A major aim of the Juvenile Justice and Delinquency Prevention Act of 1974 and the Juvenile Justice Amendments of 1977 is to care for America's youth population and to prevent the break-up of families. Of particular interest to the President and Congress is the plight of runaway youth. Between 700,000 and one million youth run away from home each year. The runaway youth problem has been described as:

"One of the most critical that we have in this country. It reflects the results of problems and pressures throughout America which manifest themselves within families and ultimately causes the breakup of these families." (Congressional Record, May 19, 1977, H4710.)

Title III of the 1974 Act provides for a Runaway Youth Program. The program is designed to alleviate the immediate needs of youth during the runaway episode by ensuring that temporary shelter and care is available; to reunite youth with their families, if this is determined to be in the youth's best interests; to strengthen family relationships; and to help youth decide upon future courses of action.

In the 1977 the Congress reaffirmed its commitment to the Runaway Youth Program, introduced new provisions designed to strengthen the program, and urged the Federal bureaucracy to provide strong leadership in addressing the problems of runaway and otherwise homeless youth.

The 1977 Juvenile Justice Amendments increased the amount of a maximum Runaway Youth Program grant for which priority will be given from \$75,000 to \$100,000. The Amendments also increased the level of program budget for which funding priority will be given from \$100,000 to \$150,000. Moreover, they stressed the need for runaway houses to serve homeless youth as well as runaway youth. In addition, they authorized HEW to provide short-term training to runaway youth service providers. And, they emphasized the need for federal-state-local action and public-private partnerships through coordinated social service and human resource networks to address the problems of runaway youth and otherwise homeless youth.

Of critical importance to the success of the Runaway Youth Program is the

location of runaway youth programs in community based facilities.

Temporary shelter care facilities or runaway programs have been regarded as a "place where runaways can find shelter and immediate assistance, such as medical care and counseling." In addition, "once in the runaway house, the young person would be encouraged to contact home and reestablish in a permanent living arrangement. Professional, medical, and psychological services would be available to these houses from the community as they are needed." (United States Senate, Committee on the Judiciary of S. 1021, Report No. 95-165, May 14, 1977.)

B. SUMMARY OF HEW'S RUNAWAY
YOUTH PROGRAM REGULATIONS

HEW is revising its Runaway Youth Program regulations (41 FR 54296, December 13, 1976, 45 CFR Part 1351) in order to:

(1) Implement the Juvenile Justice Amendments of 1977 relating to the Runaway Youth Program;

(2) Clarify and simplify the existing regulations under HEW's Operation Common Sense. The aim of Operation Common Sense is to produce readable and understandable regulations which reflect Congressional intent and which do not unnecessarily regulate consumers and providers, including State and local governments;

(3) Carry out the goals of the President's zero-based review of Federal planning requirements. The purpose of the zero-based review is to eliminate unnecessary, burdensome requirements.

The proposed rules for Part 1351, the Runaway Youth Program, are divided into three subparts. Subpart A consists of definitions of significant terms used in the legislation and regulations. This subpart has been modified to include new terms—for example, coordinated networks of agencies, homeless youth, short-term training; to delete certain definitions which are unnecessary or redundant; and to revise certain definitions according to changes in Departmental policy.

One revised definition is that of "runaway youth." Under existing regulations youth up to age 18 are eligible for HEW-funded runaway programs. Since the age of majority varies from State to State, HEW proposes to define a runaway youth as: "A person who has not yet reached the legal age of majority who absents himself or herself from home or a place of legal residence without the permission of parents or legal guardians."

The provisions of subpart B pertain to the Runaway Youth Grant Program. The purpose of this subpart is to outline the overall intent of Congress for the implementation of the Runaway Youth Grant Program, and to provide rules regarding grant appli-

cations and the use of grant funds. Subpart C relates to legislative authority for the provision of technical assistance and short-term training to States, localities, and nonprofit private agencies and coordinated networks of such agencies. The purpose of this subpart is to describe the types of assistance and training that will be available.

NOTE.—The Office of Human Development Services has determined that this document does not require preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: January 11, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human
Development Services.

Approved: February 13, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

The Department proposes to amend Part 1351, Chapter XIII of Title 45 of the Code of Federal Regulations (CFR) as follows:

Subpart A—Definitions

Sec.
1351.1 Definitions.

Subpart B—Runaway Youth Grant Program

- 1351.10 What is the purpose of the Runaway Youth Grant Program?
- 1351.11 Who is eligible to apply for a Runaway Youth Program grant?
- 1351.12 Who gets priority for the award of a Runaway Youth Program grant?
- 1351.13 What are the Federal and non-Federal participation requirements under a Runaway Youth Program grant?
- 1351.14 What costs are allowable under a Runaway Youth Program grant?
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- 1351.17 What criteria has HEW established for deciding which Runaway Youth Program grant applications to fund?
- 1351.18 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

Subpart C—Technical Assistance and Short-Term Training

- 1351.20 Technical assistance and short-term training.

AUTHORITY: 91 Stat. 1058 (42 U.S.C. 5711)

Subpart A—Definitions

§ 1351.1 Definitions.

For the purposes of this part: "Aftercare services" means the provision of services to runaway or otherwise homeless youth and their families, following such youth's return home or placement in alternative living arrangements which assist in alleviating the problems which contributed to his or her running away or being homeless.

"Area" means a specific neighborhood or section of the locality in which the runaway program is or will be located.

"Coordinated networks of agencies" means an association of two or more States, localities, or nonprofit private agencies, or any combination thereof, whose purpose is to develop or strengthen services to runaway or otherwise homeless youth and their families.

"Counseling services" means the provision of guidance, support and advice to runaway or otherwise homeless youth and their families designed to alleviate the problems which contributed to the youth's running away or being homeless, resolve intrafamily problems, to reunite such youth with their families, whenever appropriate, and to help them decide upon a future course of action.

"Demonstrably frequented by or reachable" means located in an area in which runaway or otherwise homeless youth congregate or an area accessible to such youth by public transportation or by the provision of transportation by the runaway program itself.

"Homeless youth" means a person who has not yet reached the legal age of majority and who is in need of services and without a place of shelter where he or she receives supervision and care.

"Juvenile justice system" means agencies such as, but not limited to, juvenile courts, law enforcement, probation, parole, correctional institutions, training schools, and detention facilities.

"Law enforcement structure" means any police activity or agency with legal responsibility for enforcing a criminal code including, but not limited to, police departments and sheriffs offices.

"Runaway house" means a locally controlled facility outside the law enforcement structure and the juvenile justice system providing temporary shelter, either directly or through other facilities, and counseling services to runaway or otherwise homeless youth.

"Runaway youth" means a person who has not yet reached the legal age of majority and who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian.

"Short-term training" means the provision of instruction to develop and improve skills necessary for providing and strengthening services to runaway or otherwise homeless youth and their families.

"Technical assistance" means the provision of expertise for the purpose of developing or strengthening services for runaway or otherwise homeless youth and their families.

"Temporary shelter" means the provision of short-term room and board

and core crisis intervention services by a runaway program.

Subpart B—Runaway Youth Grant Program

§ 1351.10 What is the purpose of the Runaway Youth Grant Program?

The purpose of the Runaway Youth Grant Program is to establish or strengthen existing or proposed community-based runaway houses to provide temporary shelter and care to runaway or otherwise homeless youth who are in urgent need of temporary shelter, counseling and aftercare services. The Department is worried about the increasing numbers of youth who leave, and stay away from, their homes without permission of their parents. There is also national concern about runaway youth who have no resources, who live on the street, and who represent law enforcement problems in the communities to which they run. The problems of runaway or otherwise homeless youth should not be the responsibility of already overburdened police departments and juvenile justice authorities. Rather, Congress intends that the responsibility for locating, assisting, and returning such youth should be placed with low-cost, community-based human service programs.

§ 1351.11 Who is eligible to apply for a Runaway Youth Program Grant?

(a) States, localities, nonprofit private agencies and coordinated networks of such agencies are eligible to apply for a Runaway Youth Program grant unless they are part of the law enforcement structure or the juvenile justice system.

(b) A State includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(c) A locality is a unit of general government—for example, a city, county, township, town, parish, village, or a combination of such units.

(d) A nonprofit private agency is any agency, organization, or institution whose net earnings do not benefit any private shareholder, governing board member, or individual and which agrees to be legally responsible for the operation of a runaway program. It may include agencies which are fully controlled by private boards or persons.

§ 1351.12 Who gets priority for the award of a Runaway Youth Program grant?

In making Runaway Youth Program grants, HEW gives priority to those private organizations or institutions which have had past experience in dealing with runaway or otherwise homeless youth. HEW also gives priority to applicants whose grant requests

are less than \$100,000 and whose project budgets for runaway services are smaller than \$150,000. Past experience means that a major activity of such organizations or institutions has been the provision of temporary shelter, counseling, and referral services to such youth and their families, either directly or through linkages established with other community agencies.

§ 1351.13 What are the Federal and non-Federal Participation requirements under a Runaway Youth Program grant?

HEW will pay up to 90 percent of the costs of operating a runaway program for any fiscal year. Grantees must pay 10 percent of the costs of operating a runaway house for any fiscal year.

§ 1351.14 What costs are allowable under a Runaway Youth Program grant?

All costs necessary to operate a runaway program with a maximum residential capacity to serve 20 youth, including non-Federal share, are allowable if they are consistent with HEW's cost principles contained in 45 CFR Part 74. Such costs include temporary shelter, referral services, counseling services, aftercare services, and staff training. However, costs for acquisition and renovation of existing structures may not normally exceed 15 percent of the grant award. HEW may waive this limitation upon written request under special circumstances based on demonstrated need.

§ 1351.15 What costs are not allowable under a Runaway Youth Program grant?

A Runaway Youth Program grant does not cover the cost of constructing new facilities.

§ 1351.16 How is application made for a Runaway Youth Program grant?

HEW publishes annually in the FEDERAL REGISTER a program announcement of grant funds available under the Runaway Youth Program Act. The program announcement states the amount of funds available, program priorities for funding, and criteria for evaluating applications in awarding grants. The announcement also describes specific procedures for receipt and review of applications. An applicant should:

(a) Obtain a program announcement from the FEDERAL REGISTER or from one of HEW's 10 Regional Offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle;

(b) Obtain an application package from one of HEW's Regional Offices; and

(c) Upon fulfillment of the requirements of OMB-Circular A-95, submit a completed application to the Grants

Management Office at the appropriate Regional Office.

§ 1351.17 What criteria has HEW established for deciding which Runaway Youth Program grant applications to fund?

In reviewing applications for a Runaway Youth Program grant, HEW takes into consideration a number of factors, including:

(a) Whether the application meets one or more of the program's funding priorities;

(b) The need for Federal support based on the number of runaway youth in the area in which the runaway house is or is to be located;

(c) The availability of services to runaway youth in the area in which the runaway program is located;

(d) A maximum residential capacity of any runaway house which does not exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment;

(e) Plans for meeting the best interests of the youth. These must include contacts with parents or relatives (if such action is required by State law), and assuring such youth's safe return home or to local government officials or law enforcement officials, and efforts to provide appropriate alternative living arrangements;

(f) Plans for aftercare services or counseling for runaway or otherwise homeless youth and their parents; and

(g) The consistency of the grant application with the provisions of the Act, these regulations, and evaluation criteria published in the FEDERAL REGISTER program announcement governing the Runaway Youth Program.

§ 1351.18 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

(a) Several other HEW rules and regulations apply to applicants for or recipients of Runaway Youth Program grants. These include:

(1) The provisions of 45 CFR Part 74 pertaining to the Administration of Grants;

(2) The provisions of 45 CFR Part 16, Departmental Grants Appeal Process, and the provisions of Part 75, Informal Grant Appeal Procedures (Indirect Costs) in volume 45 CFR Part 75;

(3) The provisions of 45 CFR Part 80 and 45 CFR Part 81 pertaining to non-discrimination under programs receiving Federal assistance, and hearing procedures;

(4) The provisions of 45 CFR Part 84 pertaining to discrimination on the basis of handicap;

(5) The provisions of 45 CFR Part 86 pertaining to discrimination on the basis of sex;

(6) The provisions of 45 CFR Part 46 pertaining to protection of human subjects.

(b) Several program policies regarding confidentiality of information, treatment, conflict of interest and State protection apply to recipients of Runaway Youth Program grants. These include:

(1) *Confidential information.* All information including lists of names, addresses, photographs, and records of evaluation of individuals served by a runaway program funded under this Act shall be confidential and shall not be disclosed or transferred to any individual or to any public or private agency without written consent of the youth and parent or legal guardian.

(2) *Medical, psychiatric or psychological treatment.* No youth shall be subject to medical, psychiatric or psychological treatment without the consent of the youth and parent or legal guardian unless otherwise permitted by State law.

(3) *Conflict of interest.* Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

(4) *State law protection.* HEW policies regarding confidential information and experimentation and treatment shall not apply if HEW finds that State law is more protective of the rights of runaway or otherwise homeless youth.

(c) Nothing in the Runaway Youth Act or these regulations gives the Federal Government control over the staffing and personnel decisions of runaway houses receiving Federal funds.

Subpart C—Technical Assistance and Short-Term Training

§ 1351.20 Technical assistance and short-term training.

To improve the administration of the Runaway Youth Program, Congress has authorized funds which HEW may use to provide technical assistance and short-term training to States, localities, and nonprofit private agencies and coordinated networks and such agencies. HEW may require runaway houses to accept technical assistance and short-term training as a condition of continued funding. Runaway programs will also be expected to coordinate activities with a 24-hour National toll-free communication system which links runaway programs and other service providers with youth in crisis.

(a) Technical assistance may be provided in such areas as:

- Program management.
- Fiscal management
- Youth and family counseling.
- Crisis intervention techniques.

● Linking community and state resources and services.

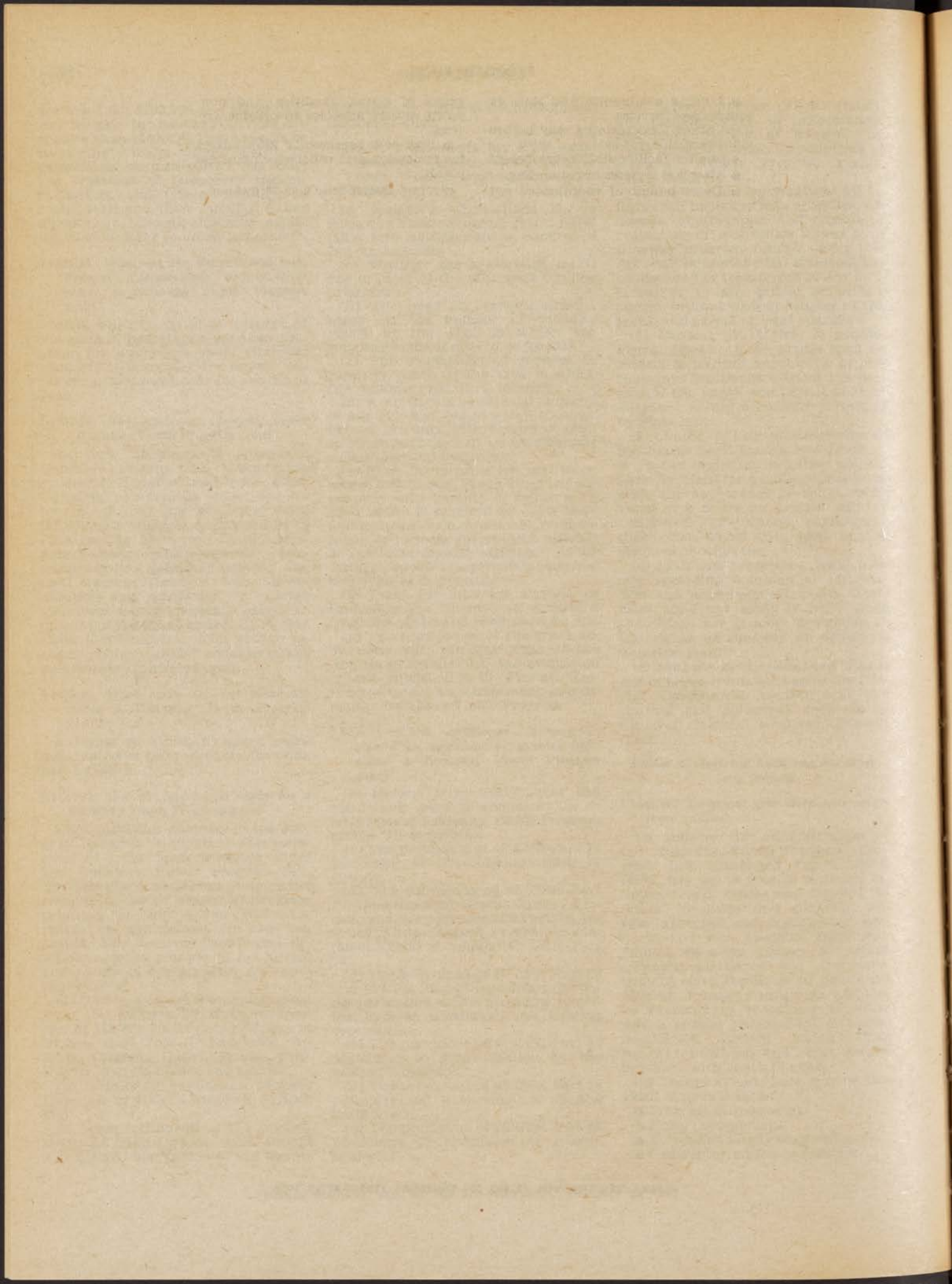
(b) Short-term training may be provided in such areas as:

- Shelter facility staff development.
- Aftercare services or counseling.
- Development of coordinated net-

works of states, localities, and non-profit private agencies to provide services.

- Low cost community alternatives for runaways and otherwise homeless youth.

[FR Doc. 78-4776 Filed 2-22-78; 8:45 am]



Register for

THURSDAY, FEBRUARY 23, 1978
PART VII



**DEPARTMENT
OF HEALTH,
EDUCATION,
AND WELFARE**

**Office of Human
Development Services**



**ADMINISTRATION FOR
CHILDREN, YOUTH AND
FAMILIES RUNAWAY
YOUTH PROGRAM**

Grant Applications Announcement

[4110-92]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

[Program Announcement No. 13623-78-11]

ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES; RUNAWAY YOUTH PRO- GRAM

Announcement of Grant Applications

The Administration for Children, Youth and Families (ACYF) announces that applications will be accepted until April 14, 1978 from States, localities, and nonprofit private agencies and coordinated networks of such agencies wishing to compete for grants in fiscal year 1978 under the Runaway Youth Program. This program is authorized by the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, as amended by the Juvenile Justice Amendments of 1977, Pub. L. 95-115, on October 3, 1977.

A. PROGRAM PURPOSE

The purpose of the Runaway Youth Grant Program is to establish or strengthen existing or proposed community-based programs to provide temporary shelter, counseling and aftercare services to runaway or otherwise homeless youth and their families. The act mandates that these services must be provided outside the law enforcement structure and the juvenile justice system.

A runaway program is defined as a locally controlled facility providing temporary shelter, counseling and aftercare services to runaway or otherwise homeless youth and their families.

B. ELIGIBLE APPLICANTS

States, localities, nonprofit private agencies and coordinated networks of such agencies are eligible to apply for a Runaway Youth Program grant unless they are part of the law enforcement structure or the juvenile justice system. A State includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

A locality is a unit of general government—for example a city, county, township, town parish, village, or a combination of such units.

A nonprofit private agency is any agency, organization, or institution whose net earnings do not benefit any private shareholder, governing board member, or individual and which agrees to be legally responsible for the operation of a runaway program. It

may include agencies which are fully controlled by private boards or persons.

C. PROGRAM OBJECTIVES

All eligible applications will be considered which meet the following program objectives:

(1) To establish a runaway youth program which is located in an area demonstrably frequented by or easily reachable by runaway or otherwise homeless youth.

Demonstrably frequented by or reachable means located in an area in which runaway or otherwise homeless youth congregate or an area accessible to such youth by public transportation or by the provision of transportation by the runaway program.

(2) To provide services to runaway or otherwise homeless youth either directly or through formal linkages established with other community agencies.

(3) To maintain a maximum residential capacity which does not exceed 20 youths with a ratio of staff to youth sufficient to assure adequate supervision and treatment (applicable State and local licensing requirements must be complied with).

(4) To contact parents or legal guardians (if such action is required by State law) and to assure the safe return of youth according to their best interests.

(5) To establish arrangements with appropriate agencies for the provision of alternative living arrangements.

(6) To assure the return of youth who have run away from correctional institutions in accordance with applicable Federal, State and local laws.

(7) To establish proper working relationships with law enforcement personnel.

(8) To provide aftercare services or counseling to youth within (and, as possible, beyond) the State in which the program is located.

(9) To maintain adequate statistical records profiling the youth and parents served.

(10) To submit annual reports detailing how the runaway program has been able to meet the goals of its plans including a description of any barriers which have been encountered.

D. PRIORITIES FOR FUNDING

Funding priorities will be given to private organizations or institutions which have had past experience in dealing with runaway or otherwise homeless youth; whose grant requests are smaller than \$100,000; and, whose annual project budgets for runaway youth services are smaller than \$150,000. Past experience means that a major activity of such organizations or institutions has been the provision of temporary shelter, counseling, and referral services to such youth and their

families, either directly or through linkages established with other community agencies.

E. AVAILABLE FUNDS

ACYF expects to award \$10,240,000 in grants for the Runaway Youth Program in Fiscal Year 1978. A grant is the award made in support of an approved application for Federal financial assistance.

All grants will be awarded on an open, competitive basis. Programs previously funded under the Runaway Youth Act must also successfully compete with all other applicants for funding.

It is anticipated that 150 grants will be awarded pursuant to this announcement. In general, the amount of a grant award ranges from \$25,000 to \$75,000 annually. The size of the grant will be determined by:

The number of runaway or otherwise homeless youth in the community in which the project will be located; and

The existing availability of services designed to meet the needs of runaway or otherwise homeless youth.

Generally, programs can be supported for periods of one to three years with renewal on an annual basis. However, continued support will be subject to the availability of funds and the grantee's satisfactory performance of the program for which the grant was awarded.

F. FEDERAL AND NON-FEDERAL PARTICIPATION REQUIREMENTS

The Administration for Children, Youth and Families will pay up to 90 percent of the costs of operating a runaway program for any fiscal year. Grantees must pay 10 percent of the costs of operating a runaway program for any fiscal year. The non-Federal participation may be in cash or in-kind, (including the facility, equipment or services) and must be project related and allowable under the provisions of 45 Code of Federal Regulations Part 74 pertaining to the Administration of Grants.

APPLICATION PROCESS

(1) *Availability of Application Forms.* Application kits which contain the prescribed application forms and information for the applicant may be obtained by writing to the appropriate Regional Director of Youth Development according to the State in which the program will be located. Addresses are listed in Section H of this announcement.

(2) *A-95 Clearinghouse Notice.* Prior to the submission of an application, all applicants who request grant support must (in compliance with the Department's implementation of the Office of management and Budget Circular

No. A-95 Revised, interim procedure at 41 FR 3160, July 29, 1976) notify both the State and Area-wide A-95 Clearinghouse of the intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification should be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

(3) *Application submission.* In order to be considered for a grant under the Runaway Youth Act, all applicants must adhere to the following:

Applications must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award;

Applicants must complete standard forms provided in the application kit;

Applications must be developed in accordance with the Proposed Program Guidelines developed by ACYF for the Runaway Youth Program; and

Completed applications must be submitted to the appropriate Regional Grants Management Officer.

Regulations applicable to the Runaway Youth Program where published in the FEDERAL REGISTER in Chapter XIII of Title 45 CFR Part 1351, on December 13, 1976. Section 1351.14, Application; content, of these regulations is being revised for simplification. Applicants may choose to develop their applications in accordance with the proposed revisions as described in §1351.15 of the Notice of Proposed Rulemaking implementing the Juvenile Justice Amendments of 1977 to the Runaway Youth Act, published on _____. The closing date for receipt of applications under this program announcement is April 14, 1978. An application will be considered to have arrived by the closing date if:

The application is received or postmarked on or before the closing date, or

The application is hand delivered to the office designated to receive the application no later than the close of business on April 14, 1978.

(4) *Review and evaluation of applications.* Competing grant applications will be reviewed and evaluated against the following criteria:

Whether the application meets one or more of the Runaway Youth Programs' funding priorities as described in this announcement.

The need for Federal support based on the number of runaway or otherwise homeless youth in the area in which the program will be located.

The availability of services for runaway or otherwise homeless youth in the area in which the program will be located.

The consistency of the grant application with program objectives as detailed in this announcement.

Proposed methods and procedures for attaining program objectives for assuring that the best interests of the youth are met. These must include contacts with parents or relatives; the safe return of the youth home or to local government or law enforcement officials; the provision of aftercare services or counseling.

The plan for providing a maximum residential capacity which does not exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment (in accordance with applicable State and local licensing requirements).

Documentation that staffing levels are adequate to carry out the project.

Documentation that program personnel, actual or proposed are well trained and qualified.

Documentation that adequate facilities are available to the applicant for carrying out the program.

The capability of the applicant to provide statistical reports on the clients served.

The capability of the applicant to develop appropriate working relationships with other social service agencies and law enforcement personnel in the area where the program will be located.

The estimated cost to the Government is reasonable in relation to the anticipated program results.

The overall completeness and adequacy of the application.

(5) *Application consideration.* (a) The Regional Director for Youth Development in conjunction with the Associate Director of the Youth Development Bureau in the headquarters office will determine the final action to be taken with respect to each grant application.

(b) All applications which do not conform to this announcement or are late will not be accepted. Applicants will be notified accordingly. Otherwise, all applications will be considered for funding.

(c) All grant applications will be subjected to a competitive review and evaluation conducted by qualified persons outside the Youth Development Program Office. The results of this review will assist the Regional Director of Youth Development's consideration of the competing applications.

(d) Consideration of applications will also take into account the comments of the A-95 Clearinghouses and the ACYF Regional or headquarters program offices. Comments may also be requested from appropriate specialists and consultants outside of the Federal government.

(e) After a decision has been reached to approve or disapprove a competing grant application, all applicants will be notified of that decision.

H. REGIONAL OFFICE ADDRESSES

REGION I

Ms. Susan Selya, Director of Youth Development, Office of Human Development Services John F. Kennedy Federal Building, Government Center, Room 2000, Boston, Mass., 02203, 617-223-4383 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.)

REGION II

Mr. Thomas Kearney, Director of Youth Development, Office of Human Development Services, 26 Federal Plaza, Room 4149, New York, N.Y. 10007, 212-264-5765, (New York, New Jersey, Puerto Rico, Virgin Islands.)

REGION III

Ms. Mary Williams, Director of Youth Development, Office of Human Development Services, P.O. Box 13716, Philadelphia, Pa. 19101, 215-596-6132, (Delaware, District of Columbia, Maryland, Virginia, West Virginia.)

REGION IV

Ms. Thalia J. Richie (T.J.), Director of Youth Development, Office of Human Development Services, Suite 903, 101 Marietta Street, Atlanta, Ga. 30323, 404-221-2231. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.)

REGION V

Ms. Nancy Fischer, Director of Youth Development, Office of Human Development Services, 300 South Wacker Drive, Chicago, Ill. 60606 312-353-8029. (Illinois, Indiana, Minnesota, Ohio, Wisconsin, Michigan.)

REGION VI

Mr. Jerry Mabe, Director of Youth Development, Office of Human Development Services, Fidelity Union Tower, Room 500, 1507 Pacific Avenue, Dallas, Tex. 75201, 214-749-2491. (Arkansas, Louisiana, New Mexico, Oklahoma, Texas.)

REGION VII

Ms. Linda D. Cloud, Director of Youth Development, Office of Human Development Services, 601 East 12th Street, Kansas City, Mo. 64106, 816-758-3981. (Iowa, Kansas, Missouri, Nebraska.)

REGION VIII

Mr. Albert Martinez, Director of Youth Development, Office of Human Development Services, Federal Office Building, 19th and Stout Streets, Denver, Colo. 80202, 303-327-3106. (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.)

REGION IX

Mr. Roger Injayan, Director of Youth Development, Office of Human Development Services, Federal Office Building, 50 Fulton Street, Room 139, San Francisco, Calif. 94102, 415-556-6178. (Arizona, California, Hawaii, Nevada, Guam, American Samoa, and Trust Territory.)

NOTICES

REGION X

Mr. Les Rucker, Director of Youth Development, Office of Human Development Services, Arcade Plaza Building, 1321 Second Avenue (MS-622), Seattle, Wash. 98101, 206-399-0992. (Alaska, Idaho, Oregon, Washington.)

(Catalog of Federal Domestic Assistance Program Number: 13.623—Runaway Youth.)

Dated: _____

BLANDINA CARDENAS,
*Commissioner, Administration for
Children, Youth and Families.*

Approved: _____

ARABELLA MARTINEZ,
*Assistant Secretary for Human
Development Services.*

[FR Doc. 78-4813 Filed 2-22-78; 8:45 am]

Journal of the Proceedings of the Council of the City of New York

Printed by the City of New York, in the Office of the City Clerk, at the City Hall, in the City of New York, in the Year of our Lord one thousand seven hundred and seventy-two.

By Order of the Council, the following Resolutions were passed, to wit:

Resolved, That the sum of five hundred and fifty pounds be and lawfully is paid to the several persons who have been appointed by the Council to examine the accounts of the several Officers of the City of New York, for the Year one thousand seven hundred and seventy-one.

Resolved, That the sum of five hundred and fifty pounds be and lawfully is paid to the several persons who have been appointed by the Council to examine the accounts of the several Officers of the City of New York, for the Year one thousand seven hundred and seventy-one.

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