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federal register

MONDAY, FEBRUARY 27, 1978

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for March are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

SURFACE COAL MINING

Interior/OHA issues interim reclamation and enforcement provisions, effective 2-27-78; comments by 3-29-78; hearing 3-15-78 8090

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HEW/HCFA clarifies program certification for individuals under 21; effective 2-27-78 7985

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USDA/FmHA clarifies provisions for independent appraisal reports on collateral and deletes a certain administrative report; effective 2-27-78 7978

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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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list of cfr parts affected in this issue

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

reminders

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

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Telephone common carriers construction and operation of CATV channel facilities 3563; 1–26–78
HEW/FDA—Rue, direct food substances affirmed as safe 3704; 1–27–78
HCFA—Subprofessionals and volunteers; training for medicaid 60566; 11–28–77
Interior/FWS—Leopard darter, final threatened status and critical habitat 3711; 1–27–78

List of Public Laws

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

S. 266 ..... Pub. L. 95–236
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rules and regulations

[3410-07]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 427.1]

PART 1807—TITLE CLEARANCE AND LOAN CLOSING

Promissory Note Requirement

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation regarding signatures on the promissory note. The intended effect of this amendment is to make FmHA programs available to certain individuals without requiring these individuals to obtain additional signatures on the note. This action is being taken to conform FmHA regulations to the Equal Credit Opportunity Act.

DATES: Effective date: February 27, 1978. Comments due: March 29, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mathias Felber, 202-447-4295.

SUPPLEMENTARY INFORMATION: Section 1807.2 of Part 1807, Chapter XVIII, Title 7, Code of Federal Regulations (31 FR 14123) is amended. Paragraph (f)(8) of this section is amended to require only the applicant to sign the promissory note in those cases where the income or financial resources of the applicant is sufficient for a sound loan. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published effective on an interim basis. This action is being taken to make FmHA programs available to certain individuals without requiring additional signatures and at the same time permit public participation in the rulemaking process. Any delay in implementing this amendment would be contrary to the public interest because certain borrowers might be prevented from obtaining needed assistance. Comments made pursuant to this notice will be considered in the development of the final rule. Accordingly, § 1807.2 (f)(8) is amended as follows:

§ 1807.2 Initial loan cases.

* * * * *

(f) *Loan closing.* * * *

* * * * *

(8) *Promissory note.* The designated attorney or title insurance company representative will determine that the promissory note (or assumption agreement) is properly completed and executed. Only the applicant(s) is required to sign the promissory note if a sound loan can be made based on his/her income and financial resources alone. If the applicant(s) does not have sufficient repayment ability, then a co-owner(s) providing the needed repayment ability will sign the note. If the co-owner(s) occupying the RH building are unable to provide the needed repayment ability for an RH loan, then a cosigner (individual or corporation) will sign the note (or assumption agreement). Any other signatures on the note (or assumption agreement) needed to insure the required security, as provided in the State Supplements, will be obtained. Persons having a disability of minority or mental incompetency, or noncitizens in an FO case, are not to execute the promissory note. In all cases the purpose and effect of signing a promissory note, assumption, or other evidence of indebtedness for loans made or insured by FmHA is to engage separate and individual personal liability, regardless of any State law to the contrary. The date shown on the note will be the date it is executed by the borrower which may not be later than the date the mortgage is filed for record.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

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

Dated: February 9, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-5073 Filed 2-24-78; 8:45 am]

[3410-07]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

ACCOUNTING CALCULATIONS AND REPORTING REQUIREMENTS OF BORROWERS

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration amends its regulations to change the accounting calculations and reporting requirements of borrowers in its recently implemented rental assistance program. The intended effect of this action is to make the program more workable and more easily understood. This action is being taken because the former regulations did not provide adequate guidance.

DATES: Effective date: February 27, 1978. Comments due on or before March 29, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Paul R. Conn, 202-447-7207.

SUPPLEMENTARY INFORMATION: The following amendments are made to Subpart D Part 1822, Chapter XVIII of Title 7 Code of Federal Reg-

ulations in order to change accounting calculations and reporting requirements of borrowers in the rental assistance program.

1. Paragraph 1822.88(a)(8) is added to require individual meters for utilities unless master metering is justified.

2. Paragraphs 1822.88(i)(3) and 1822.88 (i)(3) (i), (ii), and (iii) are added to clarify that verification of income is required when completing Form FmHA 444-8, "Tenant Certification."

3. Paragraphs III and III A and B of Exhibit F-5A, "Housing Allowances for Utilities and Other Public Services," are amended, paragraphs IV and V are added, and the existing paragraph IV is redesignated as paragraphs IIIB and IIIB 1, 2, 3, and 4.

4. Paragraph III of Exhibit J is amended to allow interest credit on loans to be repaid over a period of 40 years or more.

5. Paragraph IVB2e of Exhibit J is amended to change the title of Form FmHA 444-29.

6. Paragraphs IVB2f and IVB3 of Exhibit J are deleted.

7. Exhibit J-2 is amended as part of the implementation of the changes discussed above.

8. Exhibit R is amended to be consistent with the above changes.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are being published effective on an interim basis. This action is being taken to change to accounting calculations and reporting of the rental assistance program and at the same time permit public participation in the rulemaking process. Any delay in implementing these amendments would be contrary to the public interest because it could delay or discourage a borrower's participation in the rental assistance program. Comments made pursuant to this notice will be considered in the development of the final rule. Comments must be received on or before March 29, 1978.

Accordingly, Subpart D of Part 1822 is amended as follows:

1. In § 1822.88 paragraphs (a)(8), (i)(3), and (i)(3) (i), (ii), and (iii) are added and read as follows:

§ 1822.88 Special conditions.

(a) *Type and size of housing.* * * *

(8) All units in projects to be constructed will be individually metered for utilities unless adequate justification is provided to show that it would be infeasible or excessively costly.

* * * * *

(i) *Tenant certification.* * * *

(3) The incomes reported by all tenants must be verified by the borrower. Such verifications may be obtained by:

(i) The use of Form FmHA 410-5, "Requests for Verification of Employment," or verification forms prepared by the borrower or other sources. Until Form FmHA 410-5 is revised, it may be modified by deleting "to the Farmers Home Administration" in the last sentence of the Instructions; deleting "Farmers Home Administration" in Part I, item 2 and inserting the name and address of the borrower or management agent to whom the form is to be returned; deleting "applied for a Farmers Home Administration loan and" in the first sentence and the word "loan" in the second sentence of the applicant's statement in Part I; and by deleting the complete last sentence below the employer's signature.

(ii) In the case of the elderly or other persons whose income is not from wages or salary, by actually examining the income checks, check stubs or other reliable data the tenant possesses.

(iii) Until the Form FmHA 444-8 is revised, the borrower will make a notation on each tenant certification that "The tenant's income has been verified and found to be accurate". The notation will be dated and the name of the person making it will be shown.

* * * * *

2. Paragraph III and III A and B of Exhibit F-5A are amended, paragraphs IV and V are added, and the existing paragraph IV is renumbered to paragraphs IIIB and IIIB 1, 2, 3, and 4 to read as follows:

EXHIBIT F-5A—HOUSING ALLOWANCES FOR UTILITIES AND OTHER PUBLIC SERVICES

* * * * *

III. *Preparation by Borrower or Applicant.*

A. *Applicable Projects.* Except for projects operating on a profit basis, Exhibit F-5A will be completed in the original and three copies in all instances where the tenants pay utilities or authorized services directly. This form will establish the allowances for all size units in the project. The allowances shall be adequate for all utilities and any authorized services which are or will be available to the tenants, except telephone and cable TV. The allowances for utilities as determined in Part I of this form will be the basis of the operating expenses used in budget preparation. The forms will be signed by the borrower. The original and two copies of the form will be submitted to FmHA. Backup data and necessary documentation should be included with the submission.

B. *Submission of Supporting Data to FmHA.* The applicant will submit to FmHA adequate data to justify the utility allowance for the project. The data will include the following:

1. Completed Exhibit F-5A.

2. List of local sources contacted for information and copies of any data provided by such sources.

3. Any data on allowances already established for the area.

4. Complete narrative statement and computations on method used in arriving at the allowances.

IV. *Actions by FmHA.* If FmHA finds the allowances acceptable, the approval portion of Part I will be completed on all copies and the original and one copy returned to the County Supervisor. The County Supervisor will keep a copy for the county office file and return the original to the borrower. If the proposed utility allowance is unacceptable, the borrower will be requested to revise the data and resubmit it for further consideration.

V. *Subsequent Action by Borrower.* After approval by FmHA the borrower will complete Part II of the form and provide copies to each tenant paying utilities directly by attaching it to the lease entered into by the borrower and tenant. The form will provide the family with the amount of allowance for each of the utilities and services which are to be paid by the tenant. If all utilities and services are paid by the borrower F-5A need not be attached to the lease.

3. Paragraphs IV B 2 f and IV B 3 of Exhibit J are deleted. Paragraphs III and IV B 2 e of Exhibit J are amended to read as follows:

EXHIBIT J—INTEREST CREDITS ON INSURED RRH AND RCH LOANS

* * * * *

III. Eligibility: Borrowers may receive interest credits provided the loan (1) was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis, (2) is repaid over a period of 40 years or more, and (3) meets the other requirements of this Exhibit subject to the following limitations:

* * * * *

IV. Options of borrowers:

* * * * *

B. Plan II.

* * * * *

2. A borrower under Plan II, generally must:

* * * * *

e. Determine the required monthly payment on the loan at 1 percent interest and overage each month for the total units developed with any one loan. the amount of payment will be computed separately for each loan using Form FmHA 444-29, "Project Worksheet for Multiple Family Housing Projects." (Exhibit J-2 will be used until Form FmHA 444-29 is available.)

f. [Deleted]

3. [Deleted]

* * * * *

4. Exhibit J-2 is amended to read as follows:

Exhibit J-2 PROJECT WORKSHEET FOR
MULTIPLE FAMILY HOUSING PROJECTS

Borrower Name	
Case Number	Location of Project

Kind of Loan (Check appropriate block)

☐ RRH ☐ RCH ☐ LH

Plan of Operation (Check appropriate block)

☐ Profit ☐ Plan I ☐ Plan I S 8

☐ Plan II ☐ Plan II RA ☐ Plan RA

This report is for the month of _____, 19____

In accordance with Farmers Home Administration's formula and procedures, all rental units are occupied by families who are eligible to occupy this Multiple Family Housing Project and have incomes within the limitations as set forth in FmHA regulations and/or the project has written permission from FmHA to rent to ineligible occupants on a temporary basis. The amount of payment, overage, surcharge and/or request for rental assistance payment for this project is as follows:

1 Payment Amount	2 Loan Number	3 Overage or Surcharge	4 Total Payment	5 Rental Asst. Payment Due Borrower	6 No. Units Rec'ing Rent Asst

I certify that the statements made above and in Part II are true to the best of my knowledge and belief and are made in good faith.

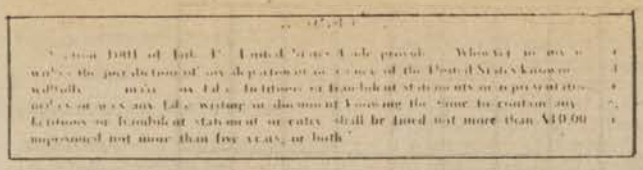
_____ _____

(Date) (Signature-Borrower or Borrower's Representative

County Office Schedule No. ☐☐☐

PART II page ____ of ____. Name of Borrower _____ Reflects Data as of 1st Day of _____ 19____

1 Apt. No.	2 Type	3 Leased To	4 No of Indiv in Unit	5 Basic Monthly Rent	6 Market Monthly Rent	7 25% of Adjusted Monthly Income	8 Tenant's Monthly Rental Payment	9 Amount of Rental Assistance	10 Overage and/or Surcharges	11 Tenant's Monthly Utility Allowance	12 Amt. Due Tenant To Cover Utilities
						TOTAL					



FmHA Instruction 444.5
Exhibit J-2
Page 3

PROJECT WORKSHEET FOR
MULTIPLE FAMILY HOUSING PROJECTS

Borrower Name (18)	
Case Number (19)	Location of Project (20)

Kind of Loan (Check appropriate block) (21)

☐ RRH ☐ RCH ☐ LH

Plan of Operation (Check appropriate block) (22)

☐ Profit ☐ Plan I ☐ Plan I S 8
☐ Plan II ☐ Plan II RA ☐ Plan RA

This report is for the month of _____, 19____

In accordance with Farmers Home Administration's formula and procedures, all rental units are occupied by families who are eligible to occupy this Multiple Family Housing Project and have incomes within the limitations as set forth in FmHA regulations and/or the project has written permission from FmHA to rent to ineligible occupants on a temporary basis. The amount of payment, overage, surcharge, and/or request for rental assistance payment for this project is as follows:

1 Payment Amount	2 Loan Number	3 Overage or Surcharge	4 Total Payment	5 Rental Asst. Payment Due Borrower	6 No. Units Rec'ing Rent Asst
(23)	(24)	(25)	(26)	(27)	(28)
			(29)		

I certify that the statements made above and in Part II are true to the best of my knowledge and belief and are made in good faith.

(30)
(Date)

(31)
(Signature-Borrower or Borrower's Representati

County Office Schedule No. ☐☐☐ (32)

PART II (1) page ____ of ____. Name of Borrower (2) Reflects Data as of 1st Day of (3) 19____

1 Apt. No.	2 Type	3 Leased To	4 No of Indiv in Unit	5 Basic Monthly Rent	6 Market Monthly Rent	7 25% of Adjusted Monthly Income	8 Tenant's Monthly Rental Payment	9 Amount of Rental Assistance	10 Overage and/or Surcharges	11 Tenant's Monthly Utility Allowance	12 Amt. Due Tenant To Cover Utilities
(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
						TOTAL		(16)	(17)		

FmHA Instruction 444.5

EXHIBIT J-2

INSTRUCTIONS FOR PREPARATION

PROJECT WORKSHEET FOR MULTIPLE FAMILY HOUSING PROJECTS

This exhibit will be prepared and submitted each month by all RRH, RCH and LH borrowers when making scheduled payments to the County Office. The exhibit is composed of two parts, Part I and Part II. Borrowers, who are obtaining neither interest credit, rental assistance or the total project is under Section 8 contract, will complete only Part I and items (1) through (6) of Part II. Part I and all of Part II will be completed by borrowers who are operating under any plan which involves overages, surcharges or rental assistance. The exhibit will be prepared by the borrower in original and one copy. The original will be signed by the borrower and forwarded to the County Office. The copy will be retained by the borrower.

The project worksheet will be completed in accordance with the following:

(1) If more than one page of Part II is needed, number the pages such as 1 of 2, 2 of 2.

(2) Enter borrower's name. (Use the same name as shown on the note).

(3) Enter the month and year for which the worksheet is prepared. Reports should shown the status of all tenants on the first day of each month.

(4) Enter apartment number or other identification of the rental units.

(5) Enter size of the unit, i.e., 0 BR (for efficiency), 1 BR, 2 BR, etc.

(6) Enter name of tenant who is head of the household. Also, enter the month and year of the most recent tenant certification in this space. (If unit is leased to two or more unrelated persons, show the surname of each person and separate Form FmHA 444-8, "Tenant Certification," must be obtained from each.)

(7) Enter number of persons occupying the unit.

(8) For RRH and RCH projects operating in accordance with Plan II, enter the basic monthly rental rate as determined by the budget. Leave blank for RRH direct loans, RRH insured loans approved prior to August 1, 1968, and LH loans.

(9) Enter market monthly rental rate as determined by the budget.

(10) Enter 25 percent of the tenant's adjusted monthly income.

(11) Enter the amount tenant pays borrower:

A. *For project with no rental assistance units:*

1. *When borrower pays all the utilities:*

a. For RRH projects operating in accordance with interest credit Plan II, this amount will be 25 percent of the family's adjusted monthly income or the basic rent shown in item (8), whichever is greater, but never more than the market rent shown in item (9).

b. For those RRH projects operating in accordance with Plan I, all LH, direct RRH loans and insured RRH loans operated for profit, the amount will be the same as in item (9). For ineligible tenants in projects operating under Plan I, enter 125 percent of item (9).

2. *When tenant pays all or a part of the utilities:*

a. for RRH projects operating in accordance with interest credit Plan II, this amount will be 25 percent of the family's adjusted monthly income, item (10), less the utility allowance shown in item (14); however, this amount will never be less than the basic rent shown in item (8) or more than the market rent shown in item (9).

b. For those RRH projects operating in accordance with Plan I, all LH, direct RRH loans and insured loans operated for profit, the amount will be the same as in item (9). For ineligible tenants in projects operating under Plan I, enter 125 percent of item (9).

B. *For projects with all or a part of the units with rental assistance:*

1. *When borrower pays all utilities:*

a. For those tenants receiving rental assistance in RRH projects, operating in accordance with interest credit Plan II, the amount will be the same as in item (10).

b. For those tenants not receiving rental assistance in RRH projects operating in accordance with interest credit Plan II, the amount will be 25 percent of the family's adjusted monthly income or the basic rent shown in item (8), whichever is greater, but never more than the market rent shown in item (9).

c. For those tenants receiving rental assistance in LH, direct RRH and insured RRH loans approved prior to August 1, 1968, the amount will be the same as in item (10).

d. For those tenants not receiving rental assistance in LH, direct RRH and insured RRH loans approved prior to August 1, 1968, the amount will be the same as in item (9).

2. *When tenant pays all or a part of utilities:*

a. For those tenants receiving rental assistance in RRH projects operating in accordance with interest credit Plan II, the amount will be the difference between 25 percent of the tenants adjusted monthly income (item 10) and the monthly utility allowance (item 14), however, if the utility allowance is greater than 25 percent of the tenants adjusted monthly income, the amount shown will be zero (0).

b. For those tenants not receiving rental assistance in RRH projects operating in accordance with interest credit Plan II, this amount will be 25 percent of the tenants adjusted monthly income (item 10) less the utility allowance (item 14); however, this amount will never be less than the basic rent (item 8) or more than the market rent (item 9).

c. For those tenants receiving rental assistance in LH, direct RRH loans, and insured RRH loans approved prior to August 1, 1968, the amount will be the difference between 25 percent of the tenants adjusted monthly income (item 10) and the monthly utility allowance (item 14); however, if the utility allowance is greater than 25 percent of the tenants adjusted monthly income, the amount shown will be zero (0).

C. *For Plan I projects with units occupied by ineligible tenants: For ineligible tenants occupying a unit in a project being operated in accordance with Plan I, the amount of tenant's monthly rental payment will be 125 percent of the market monthly rental for the units as shown in item (9) regardless of the tenants monthly adjusted income shown in item (10).*

(12) *For units with rental assistance:*

A. *When borrower pays utilities:*

1. For RRH projects operating in accordance with Plan II enter the amount of rental assistance for the tenant family which is the difference between the amount shown in item (8) and item (10) when the amount in item (10) is less than the amount in item (8).

2. For LH, direct RRH, and insured RRH loans approved prior to August 1, 1968, enter the amount of rental assistance for the tenant family which is the difference between the amount shown in item (9) and item (10) when the amount in item (10) is less than the amount in item (9).

B. *When tenant pays utilities:*

1. For RRH projects operating in accordance with Plan II, enter the amount of rental assistance for the tenant family. The amount is the difference between the basic rent (item 8) and tenants payment to the borrower (item 11) plus the amount due tenant to cover utilities (item 15).

2. For LH, direct RRH, and insured RRH loans approved prior to August 1, 1968, enter the amount of rental assistance for the tenant family. The amount is the difference between the market rent (item 9) and tenants payment to the borrower (item 11) plus the amount due tenant to cover utilities (item 15).

(13) For projects operating in accordance with Plan I the amount to be entered for ineligible tenant families is 25 percent of the market rental rate shown in item (9). For projects operating in accordance with Plan II, enter the difference between basic rent, item (8), and the tenants monthly rental payment, item (11).

(14) Enter the amount of monthly utility allowance for the unit that the tenant pays directly. This amount will be the same as shown in Part II of Exhibit F-5A.

(15) This column will be completed only for units utilizing FmHA rental assistance payments program. An amount will be shown only when a payment is due the tenant to pay utilities when utilities are billed to an paid by the tenant and the tenants monthly utility allowance (item 14) is greater than 25 percent of the adjusted monthly income (item 10). The amount to enter will be the difference between the amount in item (10) and item (14).

(16) For projects utilizing FmHA rental assistance payments program enter the sum of the amounts in item (12).

(17) Enter the sum of the amounts in item (13).

TO COMPLETE PART I

(18) Enter name as it appears on the promissory note(s).

(19) Enter case number.

(20) Enter location, include address if needed to identify the project.

(21) Check appropriate block indicating type of loan.

(22) Check appropriate blank indicating the plan under which the project is operating.

(23) Enter the amortized payment on the note as follows:

A. *For Annual Payment Notes:*

1. For LH, RCH, and direct RRH loans and insured RRH loans approved prior to August 1, 1968, enter 1/12 of the annual payment as shown on the note.

2. For RRH and RCH loans operating in accordance with interest credit plan II, enter 1/12 of an annual payment on the note as though the note was written with a one percent interest rate.

B. *For Monthly Payment Notes:*

1. For all projects not operating in accordance with interest credit plan I, II or plan I S 8, enter monthly amortized payment as shown on the note.

2. For all projects operating in accordance with interest credit plan II, enter the

amount of the monthly payment as though the note was written with a one percent interest rate.

3. For all projects operating in accordance with interest credit plan I, enter the amount of the monthly payment as though the note was written with a three percent interest rate.

4. For all projects with all units under contract with HUD Section 8 Housing Assistance Payments Program (Plan I S 8) enter the amount of the monthly payment as though the note was written with the appropriate one or two percentage point rate reduction.

(24) Enter the loan code for each loan on the project. The top line will always be used for the initial loan for the project.

(25) Enter the overage or surcharge due. All overages and surcharges will be shown on the initial loan line for the project.

(26) Enter the total payment due for each loan. This will be the sum of the amount(s) in item (23) and (25) for the line.

(27) Enter the amount of rental assistance provided as determined in Part II of the worksheet. This is the amount due from the government.

(28) Enter number of units occupied by tenants receiving rental assistance.

(29) Enter total amount of payment being transmitted.

(30) Enter date signed.

(31) The form must be signed by the borrower or the borrower's representative.

(32) The County Office will enter the schedule number of the Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal," used to transmit the borrower's payment to the Finance Office.

RENTAL ASSISTANCE PROGRAM

I. *General.* The objective of the rental assistance program is to reduce the rents paid by low-income families. This exhibit sets forth the policies and procedures and delegates authority under which rental assistance (RA) will be extended to eligible tenants occupying eligible Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) projects financed by FmHA. This exhibit also applies to Farm Labor Housing (LH) projects when the borrower is a broadly-based nonprofit organization, nonprofit organization of farmworkers or a State or local public Agency. Rental assistance will supplement the benefits available to tenants under the interest credit program outlined in Exhibit J to this Subpart.

II. *Definitions.*

A. *Adjusted Annual Income.* This is the total planned income of the family for the next 12 months as defined in §1822.3 (n) of Part 1822 Subpart A (FmHA Instruction 444.1, paragraph III N) less 5 percent, thereof, and less an additional $300 for each minor person, excluding the husband and wife, who is a member of the family and lives in the rental unit.

B. *Adjusted Monthly Income.*

This is the amount obtained by dividing the Adjusted Annual Income by 12.

C. *Eligible Tenants.* Any low-income family or senior citizen that is unable to pay the approved rental rate for an eligible FmHA RA unit within 25 percent of their adjustem monthly income and whose adjusted annual income does not exceed the limit established for the State as indicated in Exhibit C to Part 1822 Subpart A (FmHA Instruction 444.1 Exhibit C).

D. *Eligible Project.*

1. All projects, except (a) LH loans and grants, and (b) direct RRH, and insured RRH loans approved prior to August 1, 1968, must convert to Interest Credit Plan II before they are eligible to receive rental assistance. All new RRH projects must also operate under Plan II to receive rental assistance. For a borrower to have an eligible project, the loan must be an:

a. RRH insured or direct loan made to a broadly-based nonprofit organization, or State or local agency, or

b. RRH insured loan to an individual or organization who has or will execute a Loan Resolution or Loan Agreement agreeing to operate the housing on a limited profit basis as defined in § 1822.83 (p) of this Subpart (FmHA Instruction 444.5 paragraph III P), or

c. RCH insured or direct loan, or

d. LH loan, or an LH loan and grant combination, made to a broad-based nonprofit organization or nonprofit organization of farmworkers or a State or local public Agency.

2. Projects with all or a part of the units under contract with the Department of Housing and Urban Development (HUD) developed under the Section 8 program for new construction or rehabilitation by either the dual or single track processing procedures will not be considered an eligible project. This exemption does not prohibit the borrower from utilizing HUD's Section 8 Housing Assistance Payments Program for existing housing and FmHA rental assistance for other eligible families in the same project.

E. *Rental Assistance.* Rental assistance, as used in this exhibit, is the difference between 25 percent of the family's adjusted monthly income and the approved rental rate (including costs of all utilities and services, when applicable) for the unit being occupied by the family. When the family's adjusted monthly income is less than the allowance established for utilities and services billed directly to and paid by the tenant, the owner will pay the family that difference in accordance with paragraph VII A of this Exhibit. Rental Assistance is further defined as:

1. For projects operating on Interest Credit Plan II, it is the difference between 25 percent of the family's adjusted monthly income and the basic rent including utilities for the unit.

2. For all direct RRH loans, insured RRH loans approved prior to August 1, 1968, and all eligible LH loans, it is the difference between 25 percent of the family's adjusted monthly income and the approve market rental rate including utilities for the unit.

F. *Approved Rental Rate.* The rental rates (basic and/or market rent) determined by the budget for the project and approved by FmHA. Rental rates will be considered approved if the budget for the year has been approved in accordance with § 1802.78 Part 1802 Subpart G (FmHA Instruction 430.2 paragraph X) and utility allowances, when required, have been determined and approved in accordance with paragraph VIII B of this exhibit. The rental rate includes the amortized principal and interest payments, operating and maintenance costs, required deposits to the reserve account and a return on the owner's intitial investment when allowed by FmHA regulations. The cost of utilities and other public services when paid by the owner will be included in the operating and maintenance expenses to determine the approved rental rates.

G. *Utility Allowance.* The allowance approved by FmHA to cover the cost of utilities which are payable directly by the families.

III. *Eligibility of Borrower.* All borrowers who meet the eligible project definition in paragraph II D of this Exhibit are eligible and are encouraged to utilize the rental assistance program and receive rental assistance payments on behalf of low-income tenants as provided for in accordance with this exhibit. Generally, the borrower will initiate the processing of a rental assistance application. A borrower who does not request rental assistance may be encouraged to do so by the County Supervisor if rental assistance units are available and 20 percent or more of the families eligible for rental assistance in an eligible project petition the borrower to obtain rental assistance on their behalf. The petitions shall be in writing to the borrower and contain the signature of the head of the household of each family who is paying more than 25 percent of their adjusted montly income for rent including utilities and desiring rental assistance. A copy of the petition will be submitted to the County Supervisor.

IV. *Eligibility of Tenants.* All tenants as defined in paragraph II C of this exhibit, are eligible to receive the benefits of rental assistance when occupying a rental unit in an eligible project provided the project owner has agreed to provide such assistance in accordance with this exhibit and there are RA units available.

V. *Priority of Rental Assistance Applications.* The National Office may establish a State quota on the number of units that may receive rental assistance in any fiscal year. The State Director will limit the approval of rental assistance to no more than the number of units allocated to the State. Unless otherwise stated by the National Office, the State allocation will indicate the number of units for existing projects and the number of units to be used with the applications for loans. The priority in allocating units will be as follows:

A. *Allocation to Projects Within a State.* The State Director will distribute any units allocated to the State in accordance with any specific instructions from the National Office and approve requests for rental assistance to projects in accordance with the provisions of this Exhibit.

1. *Existing Housing:* The State Director will distribute any units allocated to the State for existing RRH, RCH, and LH projects by considering Forms FmHA 444-25, "Request for Rental Assistance," (Exhibit R-1 of this Subpart) that have been submitted by eligible borrowers. The State Director shall authorize rental assistance to projects with priority given to projects based on the earliest date that Form FmHA 444-25 and other required information is submitted to FmHA in acceptable form (see paragraph X). The number of units to be granted in any project will be based on the number of tenants in the project needing rental assistance up to the maximum allowed. The National Office shall notify the State Director each year of any specific date by which all requests for rental assistance must be submitted to FmHA for consideration.

2. *New Housing:* Any units allocated to the State for new construction (which includes substantial rehabilitation) shall be distributed on a priority basis in the following order:

a. RRH or RCH projects to be provided in areas where HUD Section 8 units under the FmHA set-aside are not available.

b. Applications for RRH and RCH loans where the market survey information indicates that without RA, a large percentage of the prospective tenants will be paying in excess of 25 percent of their adjusted monthly income for rent including utilities. When the number of RA units available is inadequate to cover all such applications, the units will be distributed giving priority to the projects with the earliest date of application in which the applicant has provided all the information necessary to process the application in accordance with Exhibit F-7 of this Subpart.

c. For LH projects, RA units will be allocated by the National Office on a case-by-case basis at the time the projects are considered for funding at the National Office level.

3. *Limitation on number of units of rental assistance in each project.* The maximum number of units in a project to obtain rental assistance is limited to the following:

a. No limitation for eligible labor housing loan and grant projects. However, an eligible labor housing project with a loan only will be limited to not more than 20 percent (fractional units will be rounded to the next higher whole number) of the total number of units in the project.

b. No limitation for RRH, RCH or SCH projects designed and limited to housing for the elderly except that the State Director may limit the percentage of units granted to elderly projects to no more than 40 percent if it appears that the number of units distributed to the state will not be adequate to approve all requests for rental assistance.

c. An RCH or RRH project designed and/or primarily occupied by low- and moderate-income families will be limited to not more than 20 percent of the total number of units in the project.

d. An RCH or RRH project planned and designed for a mix of senior citizen and low- and moderate-income families will ber limited to not more than 20 percent of the total number of units designed for low- and moderate-income families and no limitations on the units designed for and occupied by senior citizens.

B. *Granting Exceptions.*

1. *State Directors Authority.* An exception to the 20 percent limitation indicated in paragraph V A 3 a, c, and d of this exhibit may be granted by the State Director for up to 40 percent of the units in any particular project (fractional units will be rounded to the next higher whole number). However, the total number of units of rental assistance granted by the State Director including exceptions, cannot exceed the number of units allocated to that State. Exceptions will be granted only when units are or can be made available and the following conditions exist:

a. When more than 20 percent of the units are occupied by families who are paying more than 25 percent of their adjusted income for rent including utilities, and such units are no larger than needed to meet the family's need, or

b. The tenants in a project that is being assisted at the 20 percent level experience a hardship as a result of an income decrease or a rental increase and must obtain rental assistance to remain in the project, or

c. The project is being developed in an area of extremely low-income families and the majority of the proposed tenants will be paying in excess of 25 percent of their income for rent including utilities.

2. *National Office Authority.* If the project is located in or is being developed in an area of extremely low-income families and the majority of the tenants are, or will be, paying in excess of 25 percent of their income for rent including utilities, the National Office may authorize the State Director to grant approval for a greater number of units on a case-by-case basis for up to 100 percent of the units to receive rental assistance. Such requests will be submitted to and approved by the National Office prior to loan granting or requesting obligation of rental assistance for more than 40 percent of the units in the project.

C. *Processing Exception Requests.*

1. A request for an exception to the 20 percent limitation for existing projects will be submitted by the borrower to the County Supervisor. The County Supervisor will submit the request with supporting documentation and recommendations to the State Office by memorandum for approval. Included in the memorandum will be the number and percentage of units in excess of the 20 percent limit and justification for the approval. When National Office authorization is required to exceed the 40 percent limitation, the State Director will request this authorization by memorandum and will include (a) the borrower's case file, (b) complete data and documentation on the housing market situation, (c) the number of rental assistance units allocated to the State, (d) number of uncommitted units still available in the State allocation, and (e) recommendations. If a borrower requests authority to exceed the 40 percent limitation for a new project after the loan is approved, such requests will not be approved until the project is completed, and at least partially occupied and it is apparent that full rentup will not occur unless the 40 percent limitation is exceeded.

2. The State Director will maintain Form FmHA 444-28, "Record of Rental Assistance Agreement." The record will include the borrower's case number, fund code, loan number, number of units in the project, number of units for rental assistance authorized and the effective date of each agreement and amendment. This information will be obtained from Form FmHA 444-25, "Request for Rental Assistance Agreement", form FmHA 444-26, "Request for Obligation of Rental Assistance", and Form FmHA 444-27, "Rental Assistance Agreement." Any changes which are made in the number of rental units assisted will be recorded in the Record of Rental Assistance Agreements. Exhibit R-3 of this Subpart may be used for keeping this record until Form FmHA 444-28 is available.

VI. *Priority Among Eligible Families Within a Project Receiving Rental Assistance.* The borrower will determine priority for RA among tenants living in a project and among families applying for occupancy in accordance with this paragraph.

A. *In Existing Projects:*

1. If the project is fully occupied at the time the rental assistance is granted, priority will be given to families paying the highest percentage of its annual adjusted income for rent including utilities. However, no family eligible to occupy a unit in the project will be required to move from the project to allow a family applying for a unit who has a higher priority to move in.

2. If the project has vacancies or vacancies occur and rental assistance is available, priority will be given to families already living in the project who are eligible for rental assistance before any new tenants are considered. Priority for new tenants will be based on the date of the family's application for occupancy. If more than one family applies for a unit on the same date, the applications will be time dated. If the family with the earliest date of application is unable or does not want to accept the rental assistance unit, the unit will be offered to the next earliest application. The application of a family who is unable for personal reasons or does not want to accept a rental assistance unit when notified, will be redated as of the current date if the family still wishes to be considered for occupancy.

3. If the project has vacancies or vacancies occur and rental assistance is available, the units will be leased to eligible families having the highest priority based on date of application for occupancy regardless of whether they qualify for rental assistance.

4. If the project has vacancies or vacancies occur and rental assistance is not available, a family eligible for rental assistance may accept occupancy but cannot receive rental assistance. Such families will be considered for rental assistance in accordance with paragraph VI A 1. If such families elect not to accept occupancy because rental assistance is not available, their application for a unit will retain its original date for priority.

5. Tenants receiving the benefits of rental assistance shall continue receiving such benefits as long as they remain eligible tenants and there is a rental assistance agreement in effect.

B. *In New Projects.* Applications for occupancy should be accepted during the construction phase of the project. Priority will be given based on the date of the family's application for occupancy. If all or a percentage of the units are authorized to receive rental assistance, such number of units will not be rented to families whose adjusted annual income exceeds the limits established for the State as indicated in Exhibit C to Part 1822 Subpart A (FmHA Instruction 444.1 Exhibit C) without the written approval of the County Supervisor. The County Supervisor will not grant such approval until he has reviewed the borrower's method of advertising the units and has determined that families eligible for rental assistance are not available or do not desire occupancy.

VII. *Responsibilities of Borrower in Administering the Rental Assistance Program.* Each borrower and management agent for each project that is to receive rental assistance should fully understand the responsibilities and requirements of carrying out the program. The borrower and management agent are the key to the successful operation of the program. The following guidelines will be followed:

A. Direct rental assistance payments will not be made to eligible tenants receiving rental assistance except in those instances when utilities are paid by the family and 25 percent of the family's monthly adjusted income is less than the allowance for utilities. In these cases, the borrower will pay the family that difference upon the family providing the borrower evidence that the utility bills are due or have been paid. (See paragraph VIII A, Payment of Utilities.) The borrower will maintain an accurate accounting of each tenant's utility allowance and payment made to tenants.

B. The borrower must initially submit Form FmHA 444-8, "Tenant Certification," for each tenant. The initial tenant certification will be submitted to the FmHA County Office with the next monthly payment following the date that the tenant occupies the

unit. Subsequent tenant certifications must be obtained annually and submitted to the County Office with the first monthly payment following the date of the certification. The borrower or management agent will establish an adequate recordkeeping system of tenant certifications to assure this responsibility is carried out.

C. The incomes reported by the tenants must be verified by the borrower in accordance with §1822.88(i)(3) of this subpart (FmHA Instruction 444.5 paragraph VIII I 3).

D. Borrowers utilizing RA must comply with §1802.78 Part 1802 Subpart G (FmHA Instruction 430.2, paragraph X). RA will not be approved for projects until the operating budgets have been approved by the FmHA State Office or the County Supervisor. County Supervisors, with assistance from the State Office staff, must closely supervise and assist borrowers in complying with all accounting and management requirements.

E. A borrower participating in the RA program must have an FmHA approved lease with the assisted family.

1. Monthly or annual leases will be executed with each family occupying a rental unit. The State Director may issue State Instructions covering any special conditions or local customs affecting leasing arrangements. In addition to other statements outlining the conditions of the lease, the lease form for tenants receiving RA should contain the following statements rather than those required in paragraph VI A of Exhibit J to this Subpart:

"I understand and agree that as long as I receive rental assistance, my total monthly payment for rent and utilities will be $——— (25 percent of my adjusted monthly income). If I pay any or all utilities directly (not including telephone or cable T.V.), a utility allowance of $——— will be deducted from my monthly payment for rental and utilities. If the utility allowance is in excess of 25 percent of my adjusted monthly income, the lessor will pay me this excess.

I further agree to notify the lessor of any permanent increase in adjusted monthly income or change in the number of family members living in the household. I understand that should I receive rental assistance benefits to which I am not entitled that I may be required to make restitution and I agree to pay any amount of benefits received to which I was not entitled.

I also understand and agree that my monthly payment for rent under this lease may be raised or lowered, based on changes in family income and changes in the number and age of family members living in my household. Should I no longer receive rental assistance as a result of these changes, I understand and agree that my monthly payment for rent may be adjusted to no less than $——— (basic rental) nor more than $——— (market rental) during the remaining term of this lease.

Eligible borrowers with LH loans an grants, direct RRH loans, or insured RRH loans approved before August 1, 1968, may omit the words "no less than $——— (basic rental) nor more than" from the last sentence of the above statement.

2. Lease clauses which fall within the classification listed below shall not be included in any lease.

a. *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

b. *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

c. *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

d. *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

e. *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

f. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

g. *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

h. *Tenant Chargeable with Costs of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant, as a part to a lawsuit, may not be obligated to pay attorney's fees or other costs if he loses the suit.)

3. A copy of a completed Exhibit F-5A of this Subpart and a copy of the established rules and regulations for the project will be provided to the tenant as attachments to the lease.

VIII. *Handling Utility Allowances and Determining the Amount of Rent.*

A. *Payment of Utilities.* All units in projects to be constructed will be individually metered for utilities unless adequate justification is provided to show that it would be infeasible or excessively costly. In an existing project which is not individually metered, the project will be converted to individual meters if feasible and an energy savings can be achieved. In every case, the approved rents for the projects must include the cost of utilities (except telephone and charges for cable TV) paid by the owner. In a project where the tenant is billed directly for the utilities, the tenant receiving the benefit of rental assitance will pay the owner as rent the difference between the established allowance for utilities which the tenant pays and 25 percent of the family's adjusted monthly income. If, however, 25 percent of the family's adjusted monthly income is less than the monthly allowance for utilities, the owner will pay the tenant that difference as prescribed in paragraph VII A. In a project where the owner pays all the utilities, the tenant will pay the owner the full 25 percent of his adjusted monthly income toward the approved rent for the unit being occupied.

B. *Determining the Allowance.* The utility allowance will be determined and recorded by the use of Exhibit F-5A of this Subpart (FmHA Instruction 444.5) and submitted to FmHA for approval. The data will be analyzed by the FmHA State Office to determine the allowances that will be permitted. The utility allowance is to be approved on a project-by-project basis. If the allowances are reasonable for the project, the Exhibit F-5A will be approved. The allowable amounts will be indicated in each lease agreement between the owner and tenant.

C. *Changes in Allowances:* The utility allowance may be adjusted to reflect substantial changes in utility and public service rates. Normally, allowances will be adjusted on an annual basis if necessary when the owner submits a new budget for approval. Changes in utility allowance which will result in increasing the amount of the rent paid by tenants will be processed in accordance with Part 1802 Subpart G (FmHA Instruction 430.2).

IX. *Terms of the Rental Assistance Agreement.*

A. *Effective Date.* The effective date of the Agreement will be the 1st day of the month it is executed unless assistance is granted under appeal in accordance with paragraph XII of this Exhibit; then, the effective date will be retroactive to the first of the month in which assistance was denied.

B. *Term.*

1. *For New Construction.* The term of the agreement shall be for a period of twenty (20) years from the effective date of the agreement. (A new construction project is one in which no unit has been occupied.) Upon expiration of the twenty year period, a new agreement may be executed. If a new agreement is considered, it will be made for a period not to exceed five (5) years.

2. *For Existing.* The term of the agreement shall be for a period of five (5) years from the effective date of the agreement. (An existing project is one in which one or more units have been occupied.) Prior to the termination date of any agreement a new Form FmHA 444-25, "Request for Rental Assistance," may be submitted. (Exhibit R-1 of this Subpart will be used until the Form FmHA 444-25 is available.) If a new agreement is consummated, it will be made for a period not to exceed five (5) years.

X. *Processing of Rental Assistance Applications.* All requests for rental assistance will be processed in accordance with this paragraph and may be approved by the State Director.

A. *Existing Projects.*

1. A borrower with an eligible project in which there are tenants paying in excess of 25 percent of their adjusted income for rent is encouraged to file Form FmHA 444-25, "Request for Rental Assistance," with the County Supervisor. A separate Form FmHA 444-25 will be submitted for each project. (Exhibit R-1, of this Subpart will be used until the Form FmHA 444-25 is available.) The borrower should include the following with each request.

a. Form FmHA 444-29, "Project Worksheet for Interest Credit and Rental Assistance" with columns 1 through 12 completed for each tenant in the project. (Exhibit J-2 of this Subpart will be used until the Form FmHA 444-29 is available.)

b. Approved or proposed budget for the year with Exhibit F-5A of this Subpart attached.

2. The County Supervisor will review the budget, Exhibit F-5A, and Form FmHA 444-25 submitted by the borrower to assure that the items are complete and accurate. The County Supervisor will complete Form

FmHA 444-25 and submit all data provided by the borrower to the State Director.

B. *Projects to be Funded.*

1. Applicants requesting funding under the RRH or LH programs planning to utilize the rental assistance program should submit a completed Form FmHA 444-25, "Request for Rental Assistance," to the County Supervisor when submitting a preapplication or application for funding.

2. The number of units of rental assistance requested should be based on the market data for the area, the proposed rental rates as reflected in a budget for the project, and the income levels of the prospective tenants.

C. *State Director Action on Requests for Rental Assistance.*

1. If the State director determines that rental assistance can be granted, Form FmHA 444-26, "Request for Obligation of Rental Assistance," will be prepared. Exhibit R-4 of this Subpart may be used until Form FmHA 444-26, "Request for Obligation of Rental Assistance," is available. Form FmHA 444-26 will be prepared and distributed in accordance with the Forms Manual Insert. *The Form-FmHA 444-27, "Rental Assistance Agreement," will not be executed until the Request for Obligation of Rental Assistance has been returned from the Finance Office indicating that the requested number of units have been obligated for the project.*

2. Once rental assistance has been obligated by the Finance Office, the State Director will prepare an original and three copies of Form FmHA 444-7, "Interest Credit and Rental Assistance Agreement," and an original and two copies of Form FmHA 444-27. The State Director will keep one copy of the Forms in the State Office borrower file. The original and two copies of Form FmHA 444-7 and the original and one copy of Form FmHA 444-27 will be sent to the County Office with a covering memorandum authorizing the County Supervisor to execute the agreements. Both originals and copies will be executed by the borrower and County Supervisor. The County Supervisor will retain the original of Form FmHA 444-27 in the borrower file and the executed copy will be given to the borrower. The County Supervisor will send the original of Form FmHA 444-7 to the Finance Office, retain a copy in the borrowers file and an executed copy will be given to the borrower.

3. If rental assistance cannot be provided, the State Director will by letter, through the County Supervisor, inform the borrower in writing of the reasons.

XI. *Method of Payment of Rental Assistance to Borrower.* The borrower will prepare a separate report for the project using Form FmHA 444-29. (Exhibit J-2 of this Subpart may be used until Form FmHA 444-29 is available.) The worksheet will be prepared and distributed in accordance with the instructions for preparation or the Forms Manual Insert. This information will be used by the County Supervisor in preparation of Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal." The form must be completed in accordance with the FMI. The required payment will be transmitted with the form to the Finance Office. The rental assistance payment will be mailed by the Finance Office directly to the borrower within 15 working days of receipt of a properly completed Form FmHA 444-9. Since the check will be sent directly to the borrower, the County Supervisor must be sure that the borrower's address on Forms FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request," and 450-14, "Annual Statement of Loan Account," are correct. If the address shown on these forms is not correct, the County Supervisor will complete Form FmHA 450-10, "Advise of Borrower's Change of Address or Name," prior to any request for payment of rental assistance. However, when a borrower has more than one project within a county, all checks must be sent to the same address.

XXI. *Rights for Appeal if Rental Assistance is not Granted by Farmers Home Administration.*

A. Families who have requested rental assistance in writing but have been denied such assistance (whether in whole or in part) either by the borrower or County Supervisor are to be notified in writing of the specific reasons why they have been denied rental assistance. If a family has requested rental assistance directly to the borrower in writing, the borrower is responsible for notifying the family in writing of the reasons why rental assistance was not made available.

B. Borrowers who have requested rental assistance and are denied such assistance, in whole or in part by the Farmers Home Administration, will be notified in writing of the specific reasons why such assistance was denied. The letter informing the borrower of the denial will advise the borrower that it may appeal the decision by writing to the Administrator.

C. The letter informing the family or borrower of the denial of assistance and the reasons therefor must include:

1. In case the determination was made by the borrower, that the decision is subject to appeal to the FmHA County Supervisor giving name and address.

2. In case the decision was made by the County Supervisor, that an appeal may be made to the State Director giving name and address.

3. In case the decision was made by the State Director, that an appeal may be made to the Administrator giving name and address.

4. A statement that "any appeal must be filed within 45 days of the date of this notice of denial of assistance."

D. If the State Director denies an appeal for assistance, the borrower or family may appeal that decision to the Administrator, Farmers Home Administration, Washington, D.C. 20250. The Administrator upon review of the appeal shall either affirm or reverse the decision.

E. If at any time, it is determined that a borrower or a family was eligible to receive assistance after the effective date of this exhibit and assistance could have been made available in accordance with this exhibit, the provision of the assistance will be retroactive to the first of the month in which assistance was initially denied.

F. All actions by FmHA officials must be within 30 days of receipt of an appeal.

XIII. *Forms and Exhibits.* Incorporated as a part of this regulation are Exhibits R-1, R-2, R-4, F-5A, J-2, and Form FmHA 444-7.

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

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

Dated: February 6, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-5067 Filed 2-24-78; 8:45 am]

[3410-07]

SUBCHAPTER H—GENERAL

[FmHA Instruction 1901-E]

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Civil Rights Compliance Requirements; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction to final rule.

SUMMARY: This document corrects a final rule which appeared at 41 FR 40112 in the FEDERAL REGISTER of September 17, 1976, regarding bid conditions-reports.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Ras L. Smith, 202-447-6572.

SUPPLEMENTARY INFORMATION:

In FR Doc. 76-27253, on page 40115, in paragraph (f)(1) of § 1901.205, the form number and title shown as "Optional Form 66, Monthly Manpower Utilization Report," should be "Standard Form 257, Monthly Employment Utilization Report."

Dated: January 23, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR DOC 78-5037 Filed 2-24-78; 8:45 am]

[3410-07]

SUBCHAPTER I—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

[FmHA Instruction 1921-C]

PART 1921—APPROVAL AND CLOSING (INDIVIDUAL)

Subpart C—Closing Chattel Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to permit deferment of interest installments on insured operating and emergency loans secured by chattels and crops to farmers, ranchers, and

rural youths. This action is intended to provide more flexibility in loan terms to borrowers.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Reid E. Robison, 202-447-2288.

SUPPLEMENTARY INFORMATION: Section 1921.104(b) of Subpart C of Part 1921, Chapter XVIII, Title 7 of the Code of Federal Regulations (42 FR 44693) is amended. The purpose of this amendment is to provide flexibility in loan terms to borrowers by delaying payment of interest installments in those cases when the borrower may not have present repayment ability. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of this change is to provide flexibility in loan terms to borrowers and any delay would be contrary to the public interest.

Accordingly, §1921.104(b) is amended to read as follows:

§1921.104 Promissory note.

* * * * *

(b) One note will be prepared showing the full amount of the loan regardless of the number of advances involved. No installment will be made payable later than seven years from the date of the note.

* * * * *

(7 U.S.C. 1989, sec. 10 Pub. L. 93-357, 88 Stat. 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

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 16, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-5082 Filed 2-24-78; 8:45 am]

[3410-07]

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-E]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart E—Business and Industrial Loan Programs

AMENDMENT

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation to clarify the provisions for independent appraisal reports on collateral securing the loan and deletes a 10-point narrative report used for administrative purposes. The intended effect of these changes is to provide a reduction in costs for the applicant and lender and to remove extraneous internal loan processing reports.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Darryl H. Evans, Loan Specialist, telephone 202-447-4150.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration (FmHA) is revising §§ 1980.444 and 1980.451, paragraph B under the heading "Administrative" of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations (42 FR 12145).

Section 1980.444 is revised to provide for independent appraisals by qualified fee appraisers on loans in excess of $350,000 or where there is a specialized facility or specialized machinery and equipment or if loan funds are used to refinance lender's debts to the applicant. On loans of $350,000 or less, the lender has the option to appraise the property or it may request an independent fee appraiser to do the appraisal. This will provide a greater degree of flexibility on appraising property for smaller loans with a resultant reduction in costs for the applicant and lender. The revision eliminates the provision for FmHA appraising loans of $100,000 or less.

Section 1980.451, under paragraph B "Administrative," is revised to delete the 10-point narrative report used by FmHA for internal processing purposes. Other minor cross references within this subparagraph are corrected.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the amendments are procedural in nature and make no substantive change.

Accordingly, as revised, §§ 1980.444 and 1980.451, paragraph B under "Administrative," read as follows:

1. Section 1980.444 is revised to read as follows:

§ 1980.444 Appraisal of property serving as collateral.

(a) Appraisal reports prepared by independent qualified fee appraisers will be required on all property that will serve as collateral on loans in excess of $350,000 or where there is a specialized facility or specialized machinery and equipment or if loan funds are to be used to refinance lender's existing debts to the applicant. On loans of $350,000 or less, the lender will be responsible for assuring that appropriate appraisals are made by either independent fee appraisers or qualified appraisers on the lender's staff. The appraisers will give their opinion regarding the current market value of the collateral and the purpose for which the appraisal will be used.

(b) The lender will be responsible for determining that appraisers have the necessary qualifications and experience to make the appraisals. The lender will consult with FmHA for its recommendation before having the appraisal made.

(c) The lender will determine that the fees or charges of appraisers are reasonable.

(d) Independent appraisals will be made in accordance with the accepted format of the industry and those prepared by the lender in accordance with its policy and procedures. All appraisals will become part of the application. (See § 1980.451(i)(6)).

(e) If a subsequent loan request is made within 3 years from the date of the most recent borrower's appraisal report, and there is no significant change in collateral, then the FmHA State Director in his discretion and if the lender agrees may use the existing appraisal report in lieu of having a new appraisal prepared.

§ 1980.451 [Amended]

2. In § 1980.451, paragraph B under "Administrative" is amended as follows:

(a) In the first sentence of subparagraph 2, change the reference of "440.9" to "2033-F."

(b) Subparagraph 4 is deleted.

(c) Subparagraphs 5, 6, and 7 are redesignated 4, 5 and 6 respectively.

(d) Subparagraph 8 is redesignated 7 and in the first sentence, change the reference of "151.1, Exhibit B," to "2033-A, Exhibit A."

(e) Subparagraph 9 is redesignated 8 and in the first sentence, change the reference "6(b)" to "5(b)."

(7 U.S.C. 1989; order of Secretary of Agriculture, 7 CFR 2.23; order of Assistant Secre-

tary of Agriculture for Rural Development, 7 CFR 2.70.)

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

Dated: February 6, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-5083 Filed 2-24-78; 8:45 am]

[1505-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; Docket Nos. R-0087, R-0093]

PART 226—TRUTH IN LENDING

Amendment to Regulation Z Concerning Descriptive Billing Requirements

Correction

In FR Doc. 78-2955 appearing on page 4419 in the issue of Thursday, February 2, 1978, in the 3rd column, § 226.7(k)(3)(ii), in the 6th line, after the word "transaction" insert the footnote reference "9e".

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-WE-37-AD; Amdt. 39-3145]

PART 39—AIRWORTHINESS DIRECTIVES

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of the propeller pitch control sleeve assembly on certain AiResearch engines to prevent an unanticipated asymmetric thrust during landing roll of twin engine aircraft.

DATES: Effective date—April 1, 1978.

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

ADDRESSES: The applicable AiResearch Service Bulletin TPE331-72-0115, Revision 1, dated September 26, 1977, and AiResearch Operating Information Letter No. OI331-9, dated August 30, 1977, may be obtained from:

AiResearch Manufacturing 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, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, 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 November 10, 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, and -6 engines to remove from service an older design propeller pitch control sleeve assembly and replace it with a sleeve assembly of strengthened design, (42 FR 58538). The proposal was prompted by three reported occurrences of a propeller pitch control sleeve assembly cam follower pin failure on the TPE331 Series engine which resulted in the pilot being unable to maintain directional control of the aircraft during landing roll.

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. Except for improved clarity and editorial changes, and as specifically discussed, this amendment and the reasons for it are the same as those contained in the notice.

One commuter air carrier operator contends that since their aircraft experience a higher than normal utilization, they would be penalized by the proposed 500 hour compliance time. The FAA disagrees. The compliance time reflects the FAA's appreciation of an aviation safety problem which must be corrected, notwithstanding the incidental inconvenience which may result. Furthermore, the FAA believes that this operator will not experience a significant hardship due to this AD since the majority of his engines have already been modified to the new configuration.

One aircraft manufacturer which produces twin engine aircraft using the subject TPE331 engines has commented that they do not concur with the operational procedures recommended in the referenced AiResearch Operating Instruction, OI331-9. It was not the intention of this AD to make these procedures mandatory but merely to advise operators of their availability.

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 § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

AIRESEARCH MANUFACTURING CO. OF ARIZONA: Applies to AiResearch Model TPE331-1, -2, -3, -5, and -6 Series engines.

Compliance required as indicated.

To prevent failure of the propeller pitch control cam follower pin accomplish the following:

(1) Within the next 500 hours time in service after the effective date of this airworthiness directive, or prior to April 1, 1979, or at next engine overhaul, whichever comes first, unless already accomplished, remove propeller pitch control sleeve assembly Part Number 869647-1, -2, or -3 from the engine and replace it with a servicable propeller pitch control sleeve assembly Part Number 869647-4 or other later FAA approved sleeve assembly in accordance with AiResearch Service Bulletin TPE331-72-0115, Revision 1, dated September 26, 1977, or later FAA approved revisions, or by equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) Special flight permits may be issued per FAR 21.197 and 21.199 to authorize operation of aircraft to a base where this modification required by this AD may be performed.

(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 Los Angeles, Calif., on February 15, 1978.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc. 78-5043 Filed 2-24-78; 8:45 am]

[4910-13]

[Docket No. 77-NE-22, Amdt. 39-3146]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S-58T Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD)

for Sikorsky Model S-58T series helicopters that would require relocation of the upstream connection of the impending fuel bypass indicator to denote a differential pressure drop across both the fuel heater and filter. This would detect impending fuel heater and/or fuel filter clogging. Heater clogging could result in fuel starvation with engine power loss.

DATES: Effective date, March 31, 1978. Compliance required prior to May 25, 1978

ADDRESSES: The applicable service bulletin may be obtained from Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602. A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel (ANE-7), Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Martin Buckman, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7347.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring relocation of the upstream connection of the impending fuel bypass indicator on both power sections of the PT6T-3 and PT6T-6 engines in Sikorsky Model S-58T series helicopters was published in the FEDERAL REGISTER at 42 FR 62014. The connection would be relocated from the inlet side of the fuel pump filter to the inlet side of the oil-to-fuel heater, in accordance with Sikorsky Service Bulletin No. 58B30-12C. This would indicate a differential pressure drop across both the fuel heater and filter indicating possible fuel heater and/or fuel filter clogging. The proposal was prompted by several reports of engine power loss during flight operations on Sikorsky Model S-58T series helicopters. This was attributed to oil-to-fuel heater clogging from foreign matter. It also has been determined that the condition is likely to exist or develop on other helicopters of the same type design.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, the Agency has determined to extend the compliance date to May 25, 1978, to provide sufficient time for operators to make the required alteration. Except for this modification, which is relieving in nature, the proposal is adopted without change.

The principal authors of this document are Martin Buckman, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel.

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:

SIKORSKY AIRCRAFT: Applies to all Model S-58T series helicopters.

Compliance required prior to May 25, 1978.

To preclude possible fuel starvation of the PT6T-3 and PT6T-6 engines resulting from oil-to-fuel heater contamination, relocate the impending fuel bypass sensor lines on both engine power sections in accordance with the instructions set forth in Part II, Paragraph A, of Sikorsky Service Bulletin No. 58B30-12C, dated January 12, 1976.

This amendment becomes effective March 31, 1978.

The manufacturer's service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 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 Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Conn. 06602. These documents may also be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

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

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

Issued in Burlington, Mass., on February 15, 1978.

ALBERT E. HOUCK,
Acting Director,
New England Region.

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

[FR Doc. 78-5044 Filed 2-24-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-45]

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

Alteration of Federal Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of December 15, 1977, 42 FR 63167, the Stonewall, Tex., 113° radial was incorrectly stated as 112° in the amendatory paragraphs numbered 5 and 6. This action corrects the radial of Stonewall, Tex., to read 113°. Additionally, the Waco, Tex., 249° radial was incorrectly stated as 248° in the amendatory paragraph numbered 7. This action also corrects the radial of Waco, Tex., to read 249°.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: FR Doc. 77-35555 was published on December 15, 1977, (42 FR 63167) with an effective date of January 26, 1978, and designated segments of V-198 and V-222 via the Stonewall, Tex., 112° radial. This 112° radial was inadvertently published incorrectly and should have been published as 113°. Additionally, a segment of V-358 was designated via the Waco, Tex., 248° radial. This 248° radial was also published incorrectly and should have been published as 249°. Action is taken herein to correct these errors.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 77-35555 as published on December 15, 1977, 42 FR 63167, is amended in the description of the segments of V-198, V-222 and V-358 by deleting "Stonewall 112°" in the amendatory paragraphs numbered 5 and 6 and substituting "Stonewall 113°" therefor, and by deleting "Waco 248°" in the amendatory paragraph numbered 7 and substituting "Waco 249°" 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)); and 14 CFR 11.69.)

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

Issued in Washington, D.C., on February 21, 1978.

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

[FR Doc. 78-5042 Filed 2-24-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-64]

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

Alteration of Transition Area: Lampasas, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Final Rule.

SUMMARY: This document corrects a final rule on the alteration of the transition area at Lampasas, Tex., which appears at page 3552 of the FEDERAL REGISTER of January 26, 1978. Conversion from magnetic to true variation was incorrect in defining the area extension.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: FEDERAL REGISTER Document 78-1961 was published on January 26, 1978, (43 FR 3552) with an effective date of March 23, 1978, and altered the transition area at Lampasas, Tex. Conversion from magnetic to true variation was incorrect in defining the area extension. Action is taken herein to correct this error.

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 78-1961, appearing at page 3552 in the FEDERAL REGISTER of January 26, 1978, in the amendment paragraph, line 2, on page 3553, is amended by deleting "197° R" and substituting "211° R" therefor.

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

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

Issued in Fort Worth, Tex., on February 13, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-4946 Filed 2-24-78; 8:45 am]

[4910-13]

[Docket No. 17580; Amdt. No. 1105]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficent use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430). FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulation (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effec-

tive in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAP's identified as follows:

* * * *effective May 18, 1978.*

Smithville, NJ—Smithville Airfield, VOR-A, Amdt. 1

* * * *effective April 20, 1978.*

Tallassee, AL—Tallassee Municipal, VOR Rwy 27, Amdt. 1
Ormond Beach, FL—Ormond Beach Municipal, VOR Rwy 8, Amdt. 6
Mt. Carmel, IL—Mount Carmel Municipal, VOR Rwy 22, Amdt. 3
Campbellsville, KY—Taylor County, VOR/DME-A, Original
Midland, MI—Jack Barstow, VOR-A, Amdt. 3
Holly Springs, MS—Holly Springs Marshall Co., VOR/DME Rwy 18, Amdt. 3
Liberty, NC—Causey, VOR Rwy 2, Amdt. 2

* * * *effective April 6, 1978.*

Mena, AR—Mena Municipal, VOR/DME-A, Amdt. 2
Danielson, CT—Danielson, VOR-A, Amdt. 1
Willimantic, CT—Windham, VOR-A, Amdt. 4
Georgetown, DE—Sussex County, VOR Rwy 22, Amdt. 2
Vero Beach, FL—Vero Beach Muni, VOR Rwy 11, Amdt. 9
Burlington, IA—Burlington Muni, VOR Rwy 30, Amdt. 6
International Falls, MN—Falls International, VOR Rwy 13, Amdt. 9
International Falls, MN—Falls International, VOR Rwy 31, Amdt. 11
Las Vegas, NV—McCarran Int'l, VOR Rwy 25, Amdt. 8
Las Vegas, NV—McCarran Int'l, VOR-A, Amdt. 5
Wells, NV—Harriet Field, VOR Rwy 8, Original
Wells, NV—Harriet Field, VOR-A, Amdt. 1, cancelled
Hammonton, NJ—Hammonton Muni, VOR-A, Amdt. 3
Vineland, NJ—Rudy's, VOR-A, Amdt. 5
Saranac Lake, NY—Adirondack, VOR Rwys 5 and 9, Amdt. 8
Akron, OH—Akron-Canton Regional, VOR Rwy 23, Amdt. 2
Pottstown, PA—Pottstown-Limerick, VOR-A, Amdt. 2
Pottstown, PA—Pottstown Muni, VOR-B, Amdt. 1
State College, PA—State College Air Depot, VOR-A, Amdt. 6
State College, PA—University Park, VOR-B, Amdt. 5
Toughkenamon, PA—The New Garden Flying Field, VOR Rwy 24, Amdt. 2

* * * *effective March 23, 1978.*

Alpena, MI—Phelps-Collins, VOR Rwy 12 (TAC), Amdt. 7
Alpena, MI—Phelps-Collins, VOR Rwy 18 (TAC), Amdt. 8
Harrison, OH—Harrison, VOR Rwy 18, Original
Houston, TX—William P. Hobby, VOR/DME 1 Rwy 31 (TAC), Amdt. 7
Houston, TX—William P. Hobby, VOR/DME 2 Rwy 31, Original

* * * *effective February 2, 1978.*

Sault Ste. Marie, MI—Sault Ste. Marie City-County, VOR Rwy 32, Amdt. 12, cancelled

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *effective April 6, 1978.*

Augusta, ME—Augusta State, LOC Rwy 17, Amdt. 1
International Falls, MN—Falls International, LOC/DME BC Rwy 13, Amdt. 3
Akron, OH—Akron-Canton Regional, LOC BC Rwy 19, Amdt. 7

* * * *effective February 3, 1978.*

Tucson, AZ—Tucson Int'l, LOC/DME (BC) Rwy 29R, Amdt. 1

NOTE.—The FAA published an amendment in docket No. 17412, Amdt. No. 1100 to Part 97 of the Federal Aviation Regulations (Vol. 42, FR No. 243, page 63639, dated December 19, 1977) under section 97.25 effective February 23, 1978, which is hereby amended as follows: Anderson, in Anderson Municipal LOC (BC) Rwy 12 Orig is hereby recinded.

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *effective May 18, 1978.*

Taos, NM—Taos Municipal, NDB Rwy 4, Original, cancelled
Taos, NM—Taos Municipal, NDB-A, Original

* * * *effective April 20, 1978.*

Naples, FL—Naples Muni, NDB Rwy 4, Amdt. 2
Naples, FL—Naples Muni, NDB Rwy 22, Amdt. 2
Paris, TN—Henry County, NDB Rwy 1, Amdt. 7
Paris, TN—Henry County, NDB Rwy 19, Amdt. 6

* * * *effective April 6, 1978.*

Mena, AR—Mena Municipal, NDB-B, Original
Burlington, IA—Burlington Muni, NDB Rwy 36, Amdt. 3
De Quincy, LA—De Quincy Industrial Airpark, NDB Rwy 15, Original
International Falls, MN—Falls International, NDB Rwy 31, Amdt. 5
Mesquite, TX—Phil L. Hudson Field, NDB-A, Original
Mexia, TX—Mexia-Limestone County, NDB-A, Original
Orange, TX—Orange County, NDB-A, Original

* * * *effective February 9, 1978.*

Orlando, FL—Herndon, NDB Rwy 7, Amdt. 10
Titusville, FL—Titusville-Cocoa, NDB Rwy 18, Amdt. 7

* * * *effective February 2, 1978.*

Sault Ste. Marie, MI—Sault Ste. Marie City-County, NDB Rwy 32, Amdt. 7, cancelled

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * effective May 18, 1978.

Greensboro, NC—Greensboro-High Point-Winston Salem Regional, ILS Rwy 23, Amdt. 2

* * * effective April 20, 1978.

Crossville, TN—Crossville Memorial, ILS Rwy 25, Amdt. 3

* * * effective April 6, 1978.

Gainesville, FL—Gainesville Regional, ILS Rwy 28, Amdt. 5
Burlington, IA—Burlington Muni, ILS Rwy 36, Amdt. 3
International Falls, MN—Falls International, ILS Rwy 31, Amdt. 5
Las Vegas, NV—McCarran Int'l, ILS Rwy 25, Amdt. 8
Akron, OH—Akron-Canton Regional, ILS Rwy 1, Amdt. 28
Akron, OH—Akron-Canton Regional, ILS Rwy 23, Amdt. 1

* * * effective February 23, 1978.

Columbia, SC—Columbia Metropolitan, ILS Rwy 11, Amdt. 9

* * * effective February 9, 1978.

Orlando, FL—Herndon, ILS Rwy 7, Amdt. 14
Titusville, FL—Titusville-Cocoa, ILS Rwy 36, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * effective April 20, 1978.

Miami, FL—Miami International, RADAR-1, Amdt. 18

* * * effective April 6, 1978.

Sarasota (Bradenton), FL—Sarasota-Bradenton, Radar-1, Original
Las Vegas, NV—McCarren Int'l, RADAR-1, Amdt. 8
Akron, OH—Akron-Canton Regional, Radar-1, Amdt. 12

* * * effective March 23, 1978.

Shreveport, LA—Shreveport Regional, Radar-1, Amdt. 1

6. By amending 97.33 RNAV SIAPs identified as follows:

* * * effective April 6, 1978.

Burlington, IA—Burlington Muni, RNAV Rwy 18, Amdt. 2

Wichita, KS—Cessna Aircraft Field, RNAV Rwy 17L, Original
Wichita, KS—Cessna Aircraft Field, RNAW Rwy 35R, Original
Princeton (Rocky Hill), NJ—Princeton, RNAW Rwy 10, Original
State College, PA—University Park, RNAV Rwy 6, Amdt. 1
Houston, TX—Houston Intercontinental, RNAV Rwy 14, Amdt. 4

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973)

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

Issued in Washington, D.C. on February 17, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 78-4887 Filed 2-24-78; 8:45 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1401—SELF-PRESSURIZED CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS: REQUIREMENTS TO PROVIDE THE COMMISSION WITH PERFORMANCE AND TECHNICAL DATA; REQUIREMENTS TO NOTIFY CONSUMERS AT POINT OF PURCHASE OF PERFORMANCE AND TECHNICAL DATA

Approval of Data Submission Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission announces the approval by the General Accounting Office of the CPSC requirement that manufacturers of self-pressurized consumer products containing certain chlorofluorocarbon propellants submit to the Commission an identification of such products by type, brand, and identifying features. This document makes a technical amendment to the regulations to refer to the approval.

EFFECTIVE DATE: This amendment becomes effective February 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, phone 202-634-7770.

SUPPLEMENTARY INFORMATION: On August 24, 1977 (42 FR 42780), the Commission issued 16 CFR Part 1401, which requires manufacturers and importers of self-pressurized consumer products that use a chlorofluorocarbon propellant to label such products with a warning that they contain chlorofluorocarbons that may harm the public health and environment by reducing ozone in the upper atmosphere. This requirement was issued in order to help reduce unreasonable risks of injury associated with these propellants and to assist consumers in evaluating the comparative safety of such products. The rule also requires manufacturers and importers to submit to the Commission certain identifying information about aerosol products that contain chlorofluorocarbon propellants.

Pursuant to 44 U.S.C. 3501-3512 and 4 CFR Part 10 (the Federal Reports Act of 1942, as amended, and its implementing regulations), the Commission applied to the U.S. General Accounting Office (GAO) for approval of the requirement to submit identifying data to the Commission. On January 24, 1978, GAO informed the Commission that the requirement had been approved, stating that "the information requested does not unnecessarily duplicate information already available from other Federal sources, the burden on respondents has been minimized consistent with (the Commission's) stated objectives and needs, and the reporting requirement is otherwise consistent with the provisions of the law."

Therefore, the Commission amends Title 16, Chapter II, Subchapter B, Part 1401, of the Code of Federal Regulations to refer to the relevant clearance information by adding the following statement at the end of § 1401.4 (the last line of § 1401.4(c), although unchanged, is set forth below to show the location of the additional statement):

§ 1401.4 Submission of performance and technical data to the Commission.

* * * * *

(c) * * * the event that requires the report.

(Approved by GAO B-180232 (R0492).)

(Sec. 27(e), 86 Stat. 1228 (15 U.S.C. 1076(e)).)

Effective date: This amendment becomes effective on February 20, 1978.

Dated: February 17, 1978.

SHELDON D. BUTTS,
Assistant Secretary, Consumer Product Safety Commission.

[FR Doc. 78-5058 Filed 2-24-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 858-4]

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Calculation and Test Procedures for 1980 and Later Model Year Nonpassenger Automobiles

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period on interim-final rule.

SUMMARY: This rule extends the comment period on the rule published on September 13, 1977 (42 FR 45921), as that rule applies to 1980 and subsequent model years. The rule establishes fuel economy testing and calculation procedures for determining a manufacturer's average fuel economy for nonpassenger automobiles. The extension of the comment period has been provided to permit interested parties to comment on the rule in view of the possibility that the rule will apply to an additional group of vehicles should the proposal to expand the nonpassenger automobile class published by the National Highway Traffic Safety Administration (NHTSA) on December 15, 1977 (42 FR 63184), be adopted.

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

ADDRESS: Send comments to: Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Paula R. Machlin, Staff Analyst, Regulatory Management Staff, AW-455, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0596.

SUPPLEMENTARY INFORMATION: By this notice, EPA is extending the period for comments on the interim-final rule published on September 13, 1977 (42 FR 45921), regarding fuel economy testing and calculation procedures for 1980 and later model year nonpassenger automobiles (light trucks). These rules would provide the procedures by which corporate average fuel economies will be calculated for the manufacturers of these vehicles. The calculated values would be used by the National Highway Traffic Safety Administration (NHTSA) for determining compliance with the fuel economy standards established under § 502 of the Motor Vehicle Informa-

tion and Cost Savings Act (15 U.S.C. § 2002).

When initially published (together with an interim-final rule establishing procedures for 1979 model year nonpassenger automobiles), these procedures would have applied only to vehicles with a gross vehicle weight rating (GVWR) of 6,000 lbs. or less. However, NHTSA has proposed extension of the nonpassenger automobile class to vehicles with a GVWR up to 8,500 lbs. (42 FR 63184 (December 15, 1977)). Should NHTSA promulgate the extension of the class, the scope of the EPA rulemaking would automatically be extended to the heavier vehicles as well since the definition of nonpassenger automobile in the EPA proposal references the NHTSA regulations.

Therefore, EPA is providing this additional comment period so that interested parties may submit comments on the rule in the context of the extended class rather than the more limited rule that was proposed.

The comment period on the rule as it applies to 1980 and subsequent model years is hereby extended to March 31, 1978. This extension of the comment period does not affect the applicability of the rule in the model year 1979.

Dated: February 14, 1978.

DAVID G. HAWKINS,
Assistant Administrator.

[FR Doc. 78-5060 Filed 2-24-78; 8:45 am]

[4110-35]

Title 42—Public Health

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

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND THE DISABLED

Quality Control and Proficiency Testing Standards for Laboratories in Medicare Hospitals

AGENCY: Health Care Financing Administration (HCFA), HEW. (As a result of the Secretary's reorganization order of March 8, 1977, promulgation of regulations is now the responsibility of the Health Care Financing Administration rather than the Social Security Administration.)

ACTION: Final rule.

SUMMARY: These regulations require clinical laboratories located in Medicare hospitals to practice specific quality control procedures and to participate in a proficiency testing program. These standards are needed to ensure that quality clinical testing is performed by hospital laboratories. The regulations will not only enhance the quality of laboratory testing but will also provide uniform requirements for hospital laboratories and independent laboratories.

EFFECTIVE DATE: The amendments are effective November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Martha Chestem, 301-594-7930.

SUPPLEMENTARY INFORMATION: On April 12, 1977, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 19155), proposing that the Medicare health and safety regulation for hospital laboratories (§ 405.1028) be amended. The amendments modify the existing regulation by specifying that hospitals be required to practice specific quality control procedures and that they enlist in an approved proficiency testing program. The quality control and proficiency testing amendments are identical to the provisions which are currently required of Medicare independent laboratories (42 CFR 405.1317 and 405.1314(a) respectively (formerly 20 CFR 405.1317 and 405.1314(a))). However, to conform with the present structure of hospital regulations, these requirements will constitute hospital standards, whereas in independent laboratories they are conditions. This will not affect the enforcement of these regulations.

REASONS FOR AMENDMENTS

The major reason these changes were proposed was to ensure the quality of clinical tests which are performed by hospital laboratories. The current hospital laboratory-standards contain few specific quality control requirements and no requirements concerning proficiency testing. Both of these practices have for some time been recognized as needed laboratory procedures to ensure that clinical tests are performed accurately. The need for accurate laboratory testing is acute since hospital physicians frequently base diagnoses and courses of treatment upon the results of clinical tests. The quality control and proficiency testing standards now being enacted will augment this goal of accurate laboratory testing.

A second reason for these amendments is the need to achieve uniformity of Federal laboratory requirements. At the present time the Medicare program has one set of health and safety standards for hospital laboratories and a different set of standards for independent laboratories (those laboratories not located in hospitals or physicians' offices.)

This double set of standards is unsupportable because both of these setting perform the same types of tests and utilize the same types of equipment and methodologies. Additionally, current regulations permit hospital laboratories to perform services for independent laboratories and vice versa (42 CFR 405.1028(b) and 405.1316(g)(7) (formerly 20 CFR 405.1028(b) and 405.1316(g)(7))). Therefore, the need for identical standards for independent and hospital-based laboratories has become extremely important. These regulations will provide uniform standards between independent and hospital laboratories for quality control and proficiency testing requirements.

COMMENTS RECEIVED

There were 53 responses to the NPRM. Although a range of topics and issues were discussed, several recurrent comments were presented. Below is a categorization of the major comments received and the number of each.

1. Objection to the standards of the basis of added costs for rural hospitals and the need for exceptions for rural hospitals (25 comments).

2. Support for continuing the deemed to meet provision currently granted to hospitals accredited by the Joint Commission on the Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) (16 comments). Currently, hospitals accredited by these organizations are deemed to meet most of the Medicare conditions of participation, including the laboratory requirements.

3. Support for the proposed rules as published (9 comments).

4. Objection to continuing the deemed to meet provision currently granted to hospitals accredited by JCAH and AOA (6 comments).

Although the majority of those commenting objected to the regulations on the basis of adverse cost impact and asked that exceptions be granted for rural facilities, it is felt that rural hospitals can meet these provisions with a minimum increase in costs. For example, many of these facilities perform only a limited number of tests and therefore would be required to enlist in a proficiency testing program in only those areas. Also these facilities will be required to meet only those quality control provisions which are applicable to those areas in which the hospital is performing tests. Meeting only the applicable quality control and proficiency testing provisions should not cause any serious financial hardships on smaller hospital laboratories.

Subsequent to the NPRM the Secretary decided that the standards used by the JCAH and the AOA are not equivalent to the standards used by the Federal/State survey and certification program. Language to this effect has been incorporated in the final regulation.

With respect to the impact on rural hospitals and the issue of JCAH/AOA equivalency with these new requirements, the Secretary realizes that accredited and non-accredited hospital laboratories will need time to enroll in acceptable proficiency testing pro-

grams as well as to institute acceptable quality control systems. Therefore, these regulations will become effective 9 months from the date of final publication. During this 9-month period, Medicare State survey agency laboratory surveyors will provide consultation and assistance to all facilities which need and request help in meeting these revised requirements. Prior to the end of this 9-month period, the Secretary will re-evaluate the JCAH/AOA hospital laboratory accreditation processes to determine if these organizations have upgraded their quality control and proficiency testing standards to equivalency with Federal requirements. Several of those responding asked that the existing quality control provisions be modified. Although the existing standards are considered adequate to satisfy the intended purpose, and will not be changed at this time, these suggestions will be considered as the requirements are re-evaluated in the future. Accordingly, the amendments are adopted as revised.

Part 405 of Subchapter B of Chapter IV of Title 42 of the Code of Federal Regulations is amended by adding paragraphs (k) and (l) to § 405.1028 to read as follows:

§ 405.1028 Condition of Participation—Laboratories.

* * * * *

(k) *Standard; Proficiency Testing.* The laboratory meets the proficiency testing provisions of § 405.1314(a). The definition of "proficiency testing program", as stated in § 405.1310(c), is also applicable. Hospitals which are accredited by the Joint Commission on Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) are not deemed to meet the requirements of this paragraph.

"(l) *Standard; Quality Control.* The laboratory meets the quality control provisions of § 405.1317. Hospitals which are accredited by the Joint Commission on Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) are not deemed to meet the requirements of this paragraph.

(Secs. 1102, 1861(e)(9), and 1871; 49 Stat. 647 as amended and 79 Stat. 321; 42 U.S.C. 1302, 1395x(e)(9), and 1395hh.)

(Catalog of Federal Domestic Assistance Programs No. 13.800 Health Insurance for the Aged and Disabled Program—Hospital Insurance.)

NOTE.—The Health Care Financing Administration 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: December 7, 1977.

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

Approved: February 17, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-5119 Filed 2-24-78; 8:45 am]

[4110-35]

MEDICAL ASSISTANCE PROGRAMS

Inpatient Psychiatric Facility/Program Certification for Individuals Under 21

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This regulation clarifies the Federal requirements for psychiatric facility accreditation by the Joint Commission on the Accreditation of Hospitals (JCAH) for participation in one part of the Medicaid program. In response to numerous inquiries, the amendment specifies that psychiatric programs, as well as facilities, accredited by JCAH qualify for Medicaid funds.

EFFECTIVE DATE: February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Emily J. Nichols, 202-245-0701.

SUPPLEMENTARY INFORMATION: This technical amendment clarifies that the requirement at 42 CFR 449.10(b)(16)(ii), regarding JCAH certification for providing psychiatric services to certain individuals, includes inpatient psychiatric "programs" accredited by JCAH. The present language refers only to psychiatric "facilities". The basis of this amendment is the changed focus of the JCAH accreditation program.

BACKGROUND

Section 1905(h)(i)(A) of the Social Security Act specifies that Federal financial participation (FFP) is available for inpatient psychiatric care for individuals under 21 provided in an institution accredited by the Joint Commission on Accreditation of Hospitals (JCAH) as a psychiatric hospital. The Federal regulations use the word "facility" instead of "hospital" in order to include the other types of establishments providing inpatient psychiatric care to individuals under 21. The Department determined when the regulations implementing the statute were published that it was not the legislative intent to exclude facilities other than psychiatric hospitals. (Preamble, 41 FR 2198, January 14, 1976).

In the past, JCAH accredited total facilities, i.e., for accreditation, all of the programs within the facility had to meet applicable JCAH standards. However, JCAH presently surveys and accredits separately each program in a facility for which they have standards, (i.e., adult, children and adolescents, alcoholism). Thus a facility may operate some programs that are JCAH-accredited and others that are not. After a specified period, however, the accredited programs in such a facility will lose this status unless all the programs in the facility qualify.

CLARIFICATION

The literal words of section 1905(h)(i)(A) do not refer to Federal funding of the JCAH accredited "programs". However, Congress' choice of language was not designed to preclude such funding as it could not have foreseen that JCAH in the future would accredit "programs". In the absence of any indication to the contrary, one might fairly infer that Congress' underlying intent was simply to require some assurance that FFP would be provided only for quality psychiatric care for eligible individuals. JCAH accreditation provides such assurance. Also, one might infer that this intent would be satisfied if FFP were provided in a particular program accredited by JCAH, even if other programs in the same facility (for which FFP is clearly unavailable) were unaccredited. The case law is clear that "a statute may be interpreted to include circumstances or situations which were unknown or did not exist at the time when it was enacted." 2A Sutherland, Statutory Construction 228, section 49.01 (4th ed. 1973).

Section 1905(h)(i)(A) is therefore interpreted to permit FFP for care provided in an accredited program of an unaccredited facility. Accordingly, the regulation is amended to clarify this point. The Department has determined that good cause exists for dispensing with Notice of Proposed Rule Making procedures because it would be contrary to public interest to delay providing FFP for services under this regulation and contrary to the interest of eligible individuals who need inpatient psychiatric services.

Because of the change in terminology to include "program" as well as "facility," corresponding technical changes are being made in other affected regulations.

Parts 448, 449, and 450, Chapter IV, Title 42, of the Code of Federal Regulations are amended as set forth below.

PART 448—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

1. Section 448.1(c)(4) is revised to read as follows:

§448.1 State plan requirements and options for coverage under the medical assistance program.

* * * * *

(c) *Options for coverage of categorically needy.* A State may at its option also cover additional groups of individuals as categorically needy provided they are so specified in the plan. These groups may include any of the following:

* * * * *

(4) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan: or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions, or in subsidized adoptions, for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable. Individuals under age 21 who are in intermediate care facilities or in psychiatric facilities or programs also constitute a reasonable classification.

* * * * *

2. Section 448.10(b)(2)(iv) is revised to read as follows:

§448.10 Coverage and conditions of eligibility for medical assistance.

* * * * *

(b) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

* * * * *

(2) Specify any other groups of "categorically needy" individuals (not covered by subparagraph (1) of this paragraph), that will be included in the program. These may include:

* * * * *

(iv) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan; or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions, or in subsidized adoptions, for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable. Individuals under age 21 who are in intermediate care facilities or in psychiatric facilities or programs also constitute a reasonable classification.

* * * * *

3. Section 448.60(a) (2) and (3)(iv) are revised to read as follows:

§448.40 Institutional status.

(a) *Federal financial participation.*

* * * * *

(2) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases, except for an individual under age 22 who is receiving inpatient psychiatric services pursuant to §449.10(b)(16) of this chapter.

(3) For the purpose of this paragraph:

* * * * *

(iv) An individual on conditional release or convalescent leave from an institution for mental diseases is not considered to be a patient in such institution except that such an individual under age 22 who was previously receiving inpatient pyschiatric services pursuant to §449.10(b)(16) of this chapter may be considered to be a patient in such institution until he is unconditionally released or, if earlier, the date such individual attains age 22.

* * * * *

PART 449—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

4. Section 449.10 (a)(6)(iii) and (b)(16)(ii) are revised to read as follows:

§449.10 Amount, duration, and scope of medical assistance.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * * * *

(6) Provide that the medical and remedial care and services made available to any categorically needy individual included under the plan will not be less in amount, duration, or scope than those made available to other individuals included under the program except that:

* * * * *

(iii) Inpatient psychiatric services as provided in section 1905(a)(16) of the act may be limited to individuals under age 21 (or under age 22 for individuals receiving such services immediately prior to attaining age 21), as specified in section 1905(a)(16) of the act and paragraph (b)(16) of this section;

* * * * *

(b) *Federal financial participation.* Subject to the limitations in paragraph (c) of this section, Federal financial participation is available in expenditures for medical or remedial care and services under the State plan which meet the following definitions:

* * * * *

(16) *Inpatient psychiatric services for individuals under the age of 21.* For purposes of this paragraph "inpatient psychiatric services" include those items and services provided under the direction of a physician which meet the following conditions:

* * * * *

(ii) Such services are provided by a psychiatric facility or by an inpatient program within such a facility, either of which is accredited by the Joint Commission on Accreditation of Hospitals.

* * * * *

(iii) * * *

(A) For individuals admitted to a psychiatric facility or program in accordance with §450.23 of this chapter after the effective date of these regulations and for whom claims are made from the date of admission such certification must be made by an independent team which must: Include a physician, have competence in the diagnosis and treatment of mental illness, preferably in the area of child psychiatry, and have knowledge of the individual patient situation.

* * * * *

(C) For individuals who subsequently make application while in the facility or program a certification by the team responsible for the plan of care must be provided and cover any period prior to application for which claims are to be made.

* * * * *

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

§450.23 [Amended]

6. Paragraphs 450.23 (a)(1), (a)(1)(i), and (a)(1)(iv) are amended by adding the words "or program" to the term "psychiatric facility" and the words "or programs" to the term "psychiatric facilities" wherever those terms appear.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration 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: December 23, 1977.

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

Approved: February 21, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-5120 Filed 2-24-78; 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.

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-1]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of public comment period.

SUMMARY: This action extends the closing date for the submission of comments on Docket No. 78-NE-1 to March 27, 1978. The original closing date of February 16, 1978, provided insufficient time for interested parties to gather and submit data in support of their comments on the proposed airworthiness directive (AD).

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

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn.: Rules Docket No. 78-NE-1, 12 New England Executive Park, Burlington, Mass. 01803.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) proposing to adopt an AD requiring a Blue Etch-Anodize inspection of first stage fan blades on Pratt & Whitney JT3D turbofan engines by October 1, 1979, was published in the FEDERAL REGISTER on January 12, 1978 (43 FR 2733). The closing date for the submission of comments by interested parties was February 16, 1978.

On January 31, 1978, the Air Transport Association of America, on behalf of ATA member JT3D operators, filed a petition for extension of the comment period to March 27, 1978. According to the petition:

> The result of the proposed AD would be massive removal of engines and aircraft from service by October 1, 1979. Detailed logistic and cost data related to the proposed AD will require substantial effort and time for the airlines to prepare. It is not feasible for this to be accomplished by February 16, 1978.

The FAA believes the extension of the closing date for the submission of comments on the proposed AD would be in the public interest, and would not adversely affect air safety. Such an extension, to March 27, 1978, would permit interested parties to assemble and prepare meaningful data in support of their respective positions. It will not adversely affect air safety as this extension has no effect on the proposed compliance date.

EXTENSION OF COMMENT PERIOD

Accordingly, pursuant to the authority delegated to me by the Administrator, the closing date for the submission of comments on Docket No. 78-NE-1 is hereby extended from February 16, 1978, to March 27, 1978.

(Secs. 313(a), 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).)

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 107.

Issued in Burlington, Mass., on February 14, 1978.

ALBERT E. HOUCK,
Acting Director,
New England Region.

[FR Doc. 78-4882 Filed 2-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-28]

TRANSITION AREA, WAHOO, NEBR.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Wahoo, Nebr., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Wahoo Municipal Airport which is based on a non-directional radio beacon (NDB) navigational aid being installed on the airport.

DATE: Comments must be received on or before April 2, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

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 duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 2, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Wahoo, Nebr. To enhance airport usage by providing instrument approach capability to the Wahoo Municipal Airport, the city of Wahoo, Nebr., is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at Wahoo, Nebr., at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

WAHOO, NEBR.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wahoo Municipal Airport (Latitude 41°14'27" N., Longitude 96°35'15" W.) and within 3 miles of each side of the 032° bearing from the Wahoo Municipal Airport extending from the 5-mile radius 8.5 miles northeast of the airport excluding that portion which lies in the Freemont, Nebr. transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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 Kansas City, Mo., on February 17, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-5041 Filed 2-24-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 861-3]

[40 CFR Part 257]

PROPOSED CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES

Notice of Meetings and Hearings

AGENCY: Environmental Protection Agency.

ACTION: Announcement of meetings and hearings on proposed regulations.

SUMMARY: The Environmental Protection Agency announces a series of meetings and hearings to be held regarding the proposed criteria for the classification of solid waste disposal facilities. The purpose of these meetings and hearings is to gather information and data relevant to the regulation of these facilities.

DATES: See supplementary information.

ADDRESSES: See supplementary information.

SUPPLEMENTARY INFORMATION: On February 6, 1978, the Environmental Protection Agency published in the FEDERAL REGISTER the proposed regulation "Criteria for Classification of Solid Waste Disposal Facilities" (43 FR 4942).

The proposed regulation contains minimum criteria for determining which solid waste disposal facilities shall be classified as posing no reasonable probability of adverse effects on health or the environment. The regulation is required by sections 1008(a)(3) and 4004(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580). Under sections 4005(c) and 4003 (2) and (3) of this Act, all facilities which do not meet these Criteria are prohibited. Any existing facility not meeting these Criteria must be closed or upgraded according to a State-established compliance schedule containing an enforceable sequence of actions leading to compliance.

Since the regulation covers the disposal and utilization of sludges on land, it was also proposed as partial fulfillment of section 405(d) of the Federal Water Pollution Control Act (FWPCA), as amended by the Clean Water Act of 1977 (Pub. L. 95-217). Under section 405(e) of FWPCA, the owner or operator of any publicly owned wastewater treatment works must use or dispose of sludge in accordance with these Criteria, if the owner or operator chooses to use or dispose of sludge on land.

The proposed regulation has been published in order to allow opportunity for the public to review it and submit comments to the Agency. All comments received which are postmarked on or before May 8, 1978, will be considered by the Agency in the final promulgation of the regulation.

In order to provide further opportunity for the public to make its views known, the Agency will hold a series of meetings and hearings on the proposed regulation.

MEETINGS

The Agency desires to meet with representatives of organizations that it believes have a special interest in the regulation or special expertise to offer. Due to resource and time limitations and the large number of organizations involved, it is necessary that the Agency structure its meeting schedule. Dates and locations have been selected at which the Agency will be available to meet with representatives of organizations likely to have similar concerns and interests regarding the regulation.

The public is invited to attend each of the meetings. The schedule for the meetings appears below and identifies the organizations specifically invited to participate in the meetings. At each meeting Agency representatives will present a brief overview of the proposed regulation, to be followed by open discussion. A summary of the discussion from each of the meetings will be placed in the rulemaking docket. The docket is identified as Docket No. 4004 and is available for review by the public as discussed in the preamble of the proposed regulation (43 FR 4942).

HEARINGS

The Agency is holding four public hearings on the proposed regulation. The public is invited to attend the hearings and present testimony on the regulation. Transcripts of the hearings will be placed in Docket No. 4004 and will be available for review by the public as discussed in the preamble of the proposed regulation (43 FR 4942).

The first hearing, scheduled for March 1 in San Diego, Calif., was announced in the FEDERAL REGISTER on February 6, 1978 (43 FR 4942). The dates and locations of the remaining three hearings are provided below. Further details on the locations and times of these hearings will be announced later in the FEDERAL REGISTER.

Witnesses at the hearings may submit written testimony and/or deliver an oral statement of up to 10 minutes in length. Additional time will be reserved for questions and comments from a panel of experts and written questions from the audience.

Requests to participate in the hearings should be directed to the address provided below. Such requests must be received prior to the close of business (4:30 p.m.) five working days preceding

the date of the hearing. Requests must include the names, addresses, and phone numbers of individuals or organizations seeking to make a public statement; the choice of public hearing location; and an estimate of the time required to make the statement. At least one legible copy of the prepared statement must be provided to the Agency at the time of the public hearing.

FOR FURTHER INFORMATION CONTACT:

Mrs. Gerri Wyer, Public Participation Officer, Office of Solid Waste, U.S. EPA (WH-562), Washington, D.C. 20460, phone 202-755-9157.

Dated: February 22, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

SCHEDULE

Date and time	Location	Organizations
Meetings:		
Feb. 28, 1978, 7 p.m. to 11 p.m	Executive Hotel, 1055 1st Avenue, San Diego, Calif.	Government Refuse Collection and Disposal Association.
Mar. 8, 1978, 9 a.m. to 1 p.m.	EPA—Waterside Mall, room 3305-07, 401 M St. SW., Washington, D.C.	National Association of Regional Councils, National Association ties, National League of Cities/U.S. Conference of Mayors, International City Management Association.
Mar. 15, 1978, 9 a.m. to 1 p.m	EPA—Waterside Mall, room 3305-07, 401 M St. SW., Washington, D.C.	National Solid Wastes Management Association.
Mar. 20, 1978, 9 a.m. to 1 p.m	EPA—Waterside Mall, room 3906, 401 M St. SW., Washington, D.C.	Department of Interior, Department of Defense, Department of Agriculture, Department of Health, Education and Welfare, Deparement of Commerce, Department of Energy, Department of Labor, Tennessee Valley Authority, Appalachian Regional Commission, National Science Foundation, National Academy of Sciences, General Accounting Office, and Oakridge National Laboratory.
Mar. 22, 1978, 9 a.m. to 1 p.m	EPA—Waterside Mall, room 3305, 401 M St. SW., Washington, D.C.	Sierra Club, Environmental Action, Inc., Environmental Action Foundation, Environmental Defense Fund, Natural Resources Defense Council, National Wildlife Federation, League of Women Voters, Izaak Walton League.
Mar. 30, 1978, 1 p.m. to 5 p.m	Downtown Library Auditorium, 1954 Commerce, Dallas, Tex.	American Public Works Association.
Apr. 3, 1978, 9 a.m. to 1 p.m	EPA—Regional Office, room 1-102, 26 Federal Plaza, New York, N.Y.	American Society of Civil Engineers, American Consulting Engineers' Council, National Environmental Health Association, American Public Health Association.
Apr. 4, 1978, 9 a.m. to 1 p.m	EPA—Waterside Mall, room 3906, 401 M St. SW., Washington, D.C.	This date held in abeyance for any other groups requesting meetings with the Agency to discuss the proposed regulation.
Apr. 13, 1978, 9 a.m. to 1 p.m	Sheraton Atlanta, Georgia Ballroom, East 590 West Peachtree NW., Atlanta, Ga.	National Governors' Association Task Force on Land Disposal.
Apr. 17, 1978, 1 p.m to 5 p.m	Continental Plaza Hotel, Mayfair Room, 909 North Michigan Ave., Chicago, Ill.	Association of Metropolitan Sewage Authorities, Water Pollution Control Federation, American Water Works Association, National Water Well Association, National Food Processors Association, U.S. Department of Agriculture W-124 Committee.
Apr. 19, 1978, 9 a.m. to 5 p.m	EPA—Waterside Mall, room 3906, 401 M St., SW., Washington, D.C.	This date held in abeyance for any other groups requesting meetings with the agency to discuss the proposed regulation.
Apr. 28, 1978, 9 a.m. to 5 p.m	Stouffer's Riverfront Towers, Eugene Field Room, 200 South 4th St., St. Louis, Mo.	State agency representatives, National Governors' Association, National Association of Attorneys General, National Conference of State Legislators, Conference of State Sanitary Engineers.
Hearings:		
Apr. 21, 1978	Washington, D.C	
Apr. 24, 1978	Kansas City, Mo	
Apr. 26, 1978	Portland, Oreg	

[FR Doc. 78-5278 Filed 2-24-78; 9:57 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR-Part 87]

[Docket No. 21495]

MONITORING OF EMERGENCY LOCATOR TRANSMITTER SIGNALS TO IMPROVE SAFETY COMMUNICATIONS ON THE AERONAUTICAL EMERGENCY FREQUENCIES

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time for comments.

SUMMARY: This order extends the comment period on the above captioned item for an additional 45 days. The Commission has received a request from the Civil Air Patrol stating that they need the extended period of time to solicit comments from their field units. Inasmuch as the CAP is a major search and rescue participant their comments in this matter are considered necessary.

DATES: Comments must be received on or before March 27, 1978 and reply comments must be received on or before April 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert C. McIntyre, Safety and Special Radio Services Bureau, 202-632-7197.

Robert C. McIntyre, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: Feb. 16, 1978

Released: (42 FR 62508).

In the matter of monitoring of emergency locator transmitter signals to improve safety communications on the aeronautical emergency frequencies.[1]

1. The Civil Air Patrol (CAP) Headquarters, Maxwell Air Force Base, has requested that the time for filing comments in this Docket be extended for a period of 45 days. The request for extension was received on February 14, 1978, after the comment period closed.

2. The CAP states that they require this additional time to solicit comments from their field units which participate in a majority of inland search and rescue operations.

3. For good cause shown, we find the public interest will be served by the reopening and extension of the comment and reply comment periods from February 9, 1978 and March 13, 1978, to March 27 and April 24, 1978 respectively.

[1] See 62508, Dec. 13, 1977.

4. Accordingly, pursuant to the authority contained in Sections 0.331 and 1.46 of the Commission's rules, the request of the CAP is granted and the dates for filing comments and reply comments in this proceeding are extended to March 27 and April 24, 1978.

ARLAN K. VAN DOORN,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc. 78-4957 Filed 2-24-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201, 1206]

[Docket No. 36767]

ACCOUNTING FOR CERTAIN GOVERNMENT TRANSFERS BY RAILROADS AND MOTOR CARRIERS OF PASSENGERS

Extension of Comment Period

AGENCY: Interstate Commerce Commission.

ACTION: Extension of public comment period.

SUMMARY: Upon consideration of the record in the above-entitled proceeding, including the request of the Association of American Railroads for an extension of time for filing public comment, the comment period has been extended until February 28, 1978.

DATE: Written comments must be received by February 28, 1978.

ADDRESS: Send comments (with 15 copies, if possible) to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Brown, Jr., Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone No. 202-275-7448.

SUPPLEMENTARY INFORMATION: The proposed rule would provide accounting and reporting regulations for certain transfers of cash and other assets to railroads and bus companies from Federal, State, or local governments. The notice of proposed rulemaking was published in Volume No. 43, page 1371 of the FEDERAL REGISTER on January 9, 1978.

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

[FR Doc. 78-5059 Filed 2-24-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A572]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Mississippi counties as a result of various adverse weather conditions shown in the following chart:

MISSISSIPPI—14 COUNTIES

County	Dates of disaster	Nature of disaster
Carroll	Nov. 1, 1977, through Nov. 30, 1977.	Excessive rainfall.
Claiborne	May 10, 1977, through July 15, 1977.	Drought.
Copiah	Apr. 23, 1977, through July 8, 1977.	Do.
	Oct. 1, 1977, through Dec. 31, 1977.	Excessive rainfall.
Covington	Apr. 21, 1977, through Aug. 15, 1977.	Drought.
	Aug. 15, 1977, through Dec. 31, 1977.	Excessive rainfall.
DeSoto	Jan. 1, 1977, through Oct. 31, 1977.	Drought.
Hinds	May 2, 1977, through June 14, 1977.	Do.
	Aug. 1, 1977, through Sept. 30, 1977.	Excessive rainfall.
Leflore	June 15, 1977, through Aug. 15, 1977.	Drought.
	Aug. 16, 1977, through Dec. 31, 1977.	Excessive rainfall.
Panola	May 8, 1977, through June 13, 1977.	Drought.
	Aug. 1, 1977, through Aug. 31, 1977.	Do.
Perry	May 10, 1977, through July 20, 1977.	Do.
	Aug. 1, 1977, through Dec. 31, 1977.	Excessive rainfall.
Rankin	May 2, 1977, through June 14, 1977.	Drought.
	Sept. 1, 1977, through Nov. 30, 1977.	Excessive rainfall.
Scott	Apr. 15, 1977, through July 8, 1977.	Drought.
	Sept. 15, 1977, through Dec. 15, 1977.	Excessive rainfall.
Simpson	May 1, 1977, through July 31, 1977.	Drought.
	Sept. 15, 1977, through Nov. 30, 1977.	Excessive rainfall.
Tate	Jan. 1, 1977, through July 31, 1977.	Drought.
Tunica	July 1, 1977, through Aug. 31, 1977.	Do.
	Nov. 1, 1977, through Dec. 20, 1977.	Excessive rainfall.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, exhibit B, paragraph V B, including the recommendation of Governor Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later than August 11, 1978, for physical losses and February 12, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impractical and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 18th day of February 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-5084 Filed 2-24-78; 8:45 am]

[3410-90]

Office of the Secretary

COMPREHENSIVE REVIEW OF USDA ADVISORY COMMITTEES

Pursuant to OMB Circular A-63, transmittal memorandum No. 5, notice is hereby given that the Department of Agriculture is conducting its annual comprehensive review of all USDA advisory committees. This review is required by Pub. L. 92-463, the Federal Advisory Committee Act.

The results of this review will be used as the basis for determining which advisory committees should be continued. The committees being reviewed are:

National Advisory Council on Child Nutrition
Committee of Nine
Cooperative Forestry Research Advisory Board
Cooperative Forestry Research Advisory Committee
Advisory Committee on Foreign Animal Diseases
General Conference Committee of the National Poultry Improvement Plan
National Arboretum Advisory Council
Plant Variety Protection Board
Pacific Crest National Scenic Trail Advisory Committee
Advisory Committee on State and Private Forestry
Agricultural Technical Advisory Committee for Trade Negotiations on Cotton
Agricultural Technical Advisory Committee for Trade Negotiations on Fruits and Vegetables
Agricultural Technical Advisory Committee for Trade Negotiations on Diary
Agricultural Technical Advisory Committee for Trade Negotiations on Livestock and Livestock Products
Agricultural Technical Advisory Committee for Trade Negotiations on Oilseeds and Products
Agricultural Technical Advisory Committee for Trade Negotiations on Poultry and Eggs
Agricultural Technical Advisory Committee for Trade Negotiations on Tobacco
Agricultural Policy Advisory Committee for Trade Negotiations
Cascade Head Scenic-Research Area Advisory Council
Flue-Cured Tobacco Advisory Committee
Hop Marketing Advisory Board
National Advisory Council on Maternal, Infant, and Fetal Nutrition
National Forest Management Act Committee of Scientists
National Forest System Advisory Committee
Grain Standards Act Advisory Committee

Comments on the continuation or termination of any of these advisory committees may be directed to C. R. Hanna, Jr., Assistant Director, Management, Office of Budget, Planning and Evaluation, U.S. Department of Agriculture, Washington, D.C. 20250.

The public is invited to comment on any of the advisory committees of USDA at any time. However, to insure that comments submitted pursuant to this notice are received in time for consideration during this review, all

such comments should be submitted no later than March 15, 1978.

All written submissions made pursuant to this notice shall be made available for public inspection at the office of the Assistant Director, Management, during regular business hours.

HOWARD W. HJORT,
Director, Economics, Policy Analysis and Budget.

FEBRUARY 22, 1978.

[FR Doc. 78-5038 Filed 2-24-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-2-42;[1] Dockets 29827, 30034, 32097]

ALLEGHENY AIRLINES, INC. AND UNITED AIR LINES, INC.

Pittsburgh-Orlando-Daytona Beach Route Proceeding; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of February, 1978.

Application of Allegheny Airlines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended, for an amendment of its certificate of public convenience and necessity for Route 97; application of United Air Lines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended. Pittsburgh-Orlando-Daytona Beach Route Proceeding.

On page 6, first full paragraph, in Order 78-2-42, February 9, 1978, the Board referred to Northwest's application in Docket 30034 which should have read Docket 30094. Accordingly, the order should be corrected to show the docket number as 30094.

By the Civil Aeronautics Board:

Dated: February 15, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-5086 Filed 2-24-78; 8:45 am]

[6320-01]

[Order 78-2-97; Docket Nos. 31199, 31236, 31242, 32143]

CITY AND CHAMBER OF COMMERCE, AUSTIN, TEX., ET AL.

Austin/San Antonio—Atlanta Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of February, 1978.

In the matter of Austin/San Antonio-Atlanta service investigation, Docket 32143; petition of city and Chamber of Commerce of Austin, Texas, Docket 31236; application of Delta Air Lines, Inc., for amendment of its certificate of public convenience and necessity or for a new certificate; Docket 31242; application of Eastern Air Lines, Inc., for amendment of its certificate of public convenience and necessity for Route 10, Docket 31199.

On August 4, 1978, the city and Chamber of Commerce of Austin (Austin) filed a petition asking the Board to institute an investigation to determine the need for first single-carrier service between Austin, Tex., and Atlanta, Ga., and for one-stop San Antonio/Austin-Atlanta service. A motion for hearing was filed on November 23, 1977. Delta Air Lines has filed an application for San Antonio-Austin-Atlanta authority and a motion to consolidate in Docket 31242, and Eastern Air Lines has filed an application for Austin-Atlanta nonstop authority and a motion to consolidate in Docket 31199.

In support of its motion for hearing, Austin states that there is no single-carrier authority in the Austin-Atlanta market; that its economy and population are growing at a faster than normal rate; that it is a hub of an important and large service area; that all its traffic to Atlanta or beyond must make connections at Dallas-Ft. Worth or Houston; and that it estimates that more than 200,000 annual passengers would benefit from the new service.

Braniff Airways, Delta, Eastern, the city of San Antonio and the San Antonio Chamber of Commerce, and the city of Atlanta and the Atlanta Chamber of Commerce have filed in support of the motion and petition. Braniff, which already has Austin-San Antonio authority, said it would provide Austin-Atlanta service whether or not San Antonio is included, and that it will file an application if the motion for hearing is granted. Eastern states that, while it does not believe additional authority in the San Antonio-Atlanta market is needed, it will not object to including that market, and it will present evidence at the hearing to support its position.[1] Both Eastern and Delta request the consolidation of their applications into the proceeding.

We have decided to institute the Austin/San Antonio-Atlanta Service Investigation, Docket 32143, to consider the need for first single-carrier Austin-Atlanta service, and for Austin-San Antonio-Atlanta and San Antonio-Austin-Atlanta one-stop service. We have decided to grant Delta's and Eastern's motions to consolidate.

In accordance with policy announced in our order instituting the Chicago-Albany/Syracuse-Boston Com- petitive 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 the feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of first single-carrier service and city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, *it is ordered*, That: 1. The motion for hearing of the city and Chamber of Commerce of Austin, Tex. in Docket 31236 be granted;

2. An investigation to be known as the Austin/San Antonio-Atlanta Service Investigation, Docket 32143, be instituted pursuant to section 204 of the Act and be set for hearing before an administrative law judge of the Board at a time and place to be designated later;

3. The issues in the proceeding instituted in paragraph 2, above, shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in air transportation between Austin and Atlanta, either nonstop or one-stop via San Antonio, and between San Antonio and Atlanta, either nonstop or one-stop via Austin;

(b) If the answer to (a) is affirmative, which carrier(s) should be authorized to engage in such transportation; and

(c) What terms, conditions, and limitations, if any, should be placed upon the operation of such carrier(s)?

4. Any authority awarded in this proceeding shall be ineligible for subsidy;

5. The applications of Delta Air Lines in Docket 31242 and Eastern Air Lines in Docket 31199 be consolidated into the proceeding instituted by paragraph 2, above;

6. The motions to consolidate of Delta Air Lines and Eastern Air Lines be granted;

7. Eastern Air Lines, Delta Air Lines, Braniff Airways, city and Chamber of Commerce of Austin, Tex., city and Chamber of Commerce of San Antonio, Tex., and city and Chamber of Commerce of Atlanta, Ga., be made parties to this proceeding;

8. All carriers filing applications in this proceeding shall file environmen-

[1] Published at 43 FR (6976) 2-17-78.

[1] Eastern currently holds nonstop San Antonio-Atlanta authority.

tal evaluations pursuant to § 312.12 of the Board's Procedural Regulations, within 30 days from the date of service of this order; and

9. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of service of this order, and answers to these pleadings shall be due 15 days later.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:*

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-5087 Filed 2-24-78; 8:45 am]

[6320-01]

[Order 78-2-100; Docket Nos. 29554 and 32152]

HUGHES AIRWEST

Las Vegas-Houston Competitive Service Investigation; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of February 1978.

In the matter of Las Vegas-Houston competitive service investigation, Docket 32152; application of Hughes Air Corp., d.b.a. Hughes Airwest, for amendment of its certificate of public convenience and necessity, Docket 29554.

On July 26, 1976, Hughes Airwest filed an application in Docket 29554 for a certificate amendment to extend its route system via the Las Vegas, Phoenix, and Tucson gateways to seven cities in Texas, Louisiana, and New Mexico.[1] On July 28, 1976, Hughes Airwest filed a motion for hearing together with exhibits in support of its motion.[2]

On October 7, 1976, the Tucson Airport Authority filed a similar motion requesting expedited treatment of the application of Hughes Airwest. No answers to the Tucson motion have been received.

The cities and Chambers of Commerce of Midland and Odessa, Tex., the city of San Antonio and the Greater San Antonio Chamber of Commerce, the city of New Orleans and the Chamber of Commerce of the New Orleans Area, and the city of Phoenix, Ariz., have all filed in support of the Airwest motion.[3]

Continental Air Lines, Frontier Airlines, Texas International Airlines (TXI), and Trans World Airlines have filed answers in opposition. American and Delta each filed a consolidated answer to petitions for reconsideration of Order 76-6-161 (*Las Vegas-Dallas/Fort Worth Nonstop Service Investigation*) and Airwest's motion for immediate hearing. American opposes the Airwest motion; Delta does not oppose it, but urges that if the application is to be heard it be consolidated into the *Las Vegas-Dallas/Fort Worth* proceeding. Delta's request was rejected in Order 76-10-61, October 15, 1976. The other carriers generally oppose the institution of the area investigation which would be triggered by grant of the Airwest motion. Continental and TXI recommend, as an alternative, that the Airwest application be divided into smaller segments and heard in separate proceedings.

In support of its motion, Airwest argues that, due to deficiencies in route authority between the western and southern cities, air travelers are often forced to rely on circuitous, time-consuming connecting service. The carrier also alleges that the route expansion which it seeks will significantly improve its economic strength and serve as a needed antidote to the concentration of route authority in the large trunk carriers.[4]

We have decided to institute an investigation to consider the air service needs of the Las Vegas-Houston market and to otherwise deny the motions of Hughes Airwest and the Tucson Airport Authority. The Airwest application contemplates a massive area proceeding to consider thirteen primary markets and several times that number of beyond markets. We are not prepared to embark upon an undertaking of this magnitude absent some unusual circumstances or clear public need for a service investigation of this type. Only the Las Vegas-Houston market appears to warrant a hearing at this time when weighed against other matters that are competing for the Board's attention and that promise greater public benefits. This market generated 83,720 true O&D plus interline connecting passengers in the year ended December 31, 1976, and is the largest monopoly market included in the Airwest application.

The other markets in which Airwest proposes competitive service are small and/or relatively well-served. The three largest of the remaining markets are Houston-San Antonio with 111,410 true O&D and interline connecting passengers in calendar year 1976, Albuquerque-Las Vegas with 70,050, and Houston-Phoenix with 55,970. Four certificated carriers, however, provide at least 15 daily nonstop round trips between Houston and San Antonio; TWA and Frontier offer a combined total of three and a half daily nonstop round trips between Albuquerque and Las Vegas; and Continental daily provides one nonstop, one one-stop and several multistop round trips between Houston and Phoenix (American Airlines holds unused nonstop authority in this market).

Airwest has not submitterd sufficient information for us to determine the environmental consequences of a certificate amendment limited to improved Las Vegas-Houston authority. Therefore, we will require Airwest to file the information set forth in Part 312 of the Board's procedural regulations. We will allow Airwest and all other carriers filing applications in this proceeding 30 days from the date of service of this order to file their environmental evaluations.

In accordance with the policy announced in our order instituting the *Chicago-Albany/Syracuse-Boston Com- petitive 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 investigation to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, *it is ordered*, That:

1. The motion of Hughes Airwest for immediate hearing of its application in

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*All Members concurred.

[1] Houston, San Antonio, Corpus Christi, Midland/Odessa, El Paso, New Orleans, and Albuquerque.

[2] Hughes Airwest had earlier filed a motion requesting that its application be consolidated in the *Las Vegas-Dallas/Fort Worth Nonstop Service Investigation*, Docket 29445. This request was denied in Order 76-10-61, October 15, 1976. Airwest again requested consolidation of this same application in the *Phoenix-Las Vegas-Reno Competitive Nonstop Service Proceeding*, Docket 30055. This request was also denied. Order 77-5-112, May 20, 1977.

[3] The answers of the city of Phoenix and the city of New Orleans and an amendment to the answer of the city of San Antonio were attached to motions for leave to file otherwise unauthorized documents. We will grant these motions.

[4] On July 11, 1977, Airwest filed a petition requesting a ruling on its motion for hearing, and numerous parties filed responses to that petition. The response of the county of Sacramento was received late and attached to a motion for leave to file. We will grant this motion. Since the Airwest request is mooted by our action taken here, the petition will be dismissed.

Docket 29554, be granted to the extent indicated in this order and denied in all other respects;

2. The motion of the Tucson Airport Authority for immediate hearing of the application of Hughes Airwest be granted to the extent indicated in this order and denied in all other respects;

3. An investigation to be known as the *Las Vegas-Houston Competitive Service Investigation*, Docket 32152, be instituted pursuant to section 204 of the Act and shall be set for hearing before an administrative law judge of the Board, at a time and place to be designated later;

4. The investigation set for hearing in paragraph 3, above, shall consider whether the public convenience and necessity require that new authority be granted in the Law Vegas-Houston market;

5. If the answer to the issue in paragraph 4, above, is affirmative, the investigation shall consider which air carrier or carriers should be authorized and whether the new or existing authority should be subject to any terms, conditions, or limitations;

6. Any authority awarded in this investigation shall be ineligible for subsidy;

7. The application of Hughes Airwest in Docket 29554 be consolidated into the investigation instituted by paragraph 3, above, to the extent that it conforms to the scope of the investigation as described in paragraph 4, above; to the extent not consolidated, it be dismissed;

8. The motions for leave to file of the city of San Antonio and the Greater San Antonio Chamber of Commerce, of the city of New Orleans and the Chamber of Commerce of the New Orleans Area, of the city of Phoenix, and of the County of Sacramento be granted;

9. The petition of Hughes Airwest which requests a ruling on its motion for hearing be dismissed as moot;

10. National Airlines and the city of Houston be made parties to this investigation;

11. Hughes Airwest and all other carriers filing applications in this investigation shall file environmental evaluations pursuant to section 312.12 of the Board's procedural regulations within 30 days of the service date of this order; and

12. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days of the service date of this order and answers to such pleadings shal be filed no later than 10 days thereafter; Petitions for reconsideration may be filed by any interested person.

This order shall be published in the FEDERAL REGISTER.

This order has been approved by the Civil Aeronautics Board:[*]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-5088 Filed 2-24-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, March 15, 1978, at 9 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) Maintenance of the processor performance tables and further investigation of total systems performance; and (b) Investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the United States and COCOM control program and strategic criteria related thereto.

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

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

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

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: February 22, 1978.

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

[FR Doc. 78-5102 Filed 2-24-78; 8:45 am]

[3510-03]

Maritime Administration

[Docket No. S-596]

SUN TRANSPORT, INC.

Application

Notice is hereby given that Sun Transport, Inc., has filed an applica-

[*] All Members concurred.

tion under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy to engage in bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1978, unless extended.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the maritime Administration under section 805(a) of the Act will be required if the application for operating-differential subsidy is to be granted.

The following vessels are operated by Sun Transport, Inc., and may engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between U.S. Pacific Coast ports and ports of the State of Hawaii:

America Sun.	Western Sun.
Pennsylvania Sun.	New Jersey Sun.
Texas Sun.	Delaware Sun.
New England Sun.	Toledo Sun.
Hartford Sun.	Corpus Christi Sun.
Albany Sun.	Seminole Sun.
Chesapeake Sun.	Providence Sun.
Newark Sun.	Revere Sun.
Eastern Sun.	

The following vessels are owned or operated by a related party of Sun Transport, Inc., and may engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between U.S. Pacific Coast ports and ports in the State of Hawaii:

Vessel	Owner and/or charterer
Joseph D. Potts	Kee Leasing Co.
Ponce de Leon	Sun Leasing Co.
Great Land	Totem Ocean Trailer Express, Inc.
Eric Holzer	650 Leasing Co.
Sohio Intrepid	652 Leasing Co.
Sohio Resolute	653 Leasing Co.
Aquila	660 Leasing Co.
Fortaleza	663 Leasing Co.
El Taino	666 Leasing Co.
Puerto Rico	670 Leasing Co.
Caribe Sun	Puerto Rico Sun.
Island Sun	Do.
Puerto Rico Sun	Do.
Prince William Sound	Sound Shipping, Inc.

In addition, Sun Shipbuilding & Dry Dock Co. holds a 100-percent stock interest in GTS Venture Corp. which is a 50-percent participant with Export Venture Corp. in Sunexport Co., a joint venture which is bareboat charterer of the vessel, *Admiral William M. Callaghan*, subchartered to the Military Sealift Command. Sun Shipbuilding & Dry Dock Co. also holds a 95-percent stock interest in TTT, Inc., which bareboat charters-in the Vessel, *El Taino*, and bareboat subcharters the vessel, *Fortaleza*, and a small minority stock interest in Ecological Shipping Corp. (Ecological), which bareboat subcharters the vessel, *Aquila* (formerly the *Notre Dame Victory*), an 80,000-ton tanker built in 1973.

A management agreement has been entered into between Ecological and Aquila Shipping Co., Inc. (Aquila), for the management of the *Aquila*. Aquila is affiliated with the Berger Group of companies (namely, Aeron Marine Shipping Co.; American Shipping, Inc.; Aquarius Marine Co.; Atlas Marine Co.; Pacific Shipping, Inc.; and Worth Oil Transport Co.) which are principally owned by Mr. Leo V. Berger and Mr. Peter Constas. As a result of this relationship between the Berger Group and Sun Transport, Inc., it is necessary to extend the following written permissions which have been granted to the Berger Group to Sun Transport, Inc.:

1. Judge Oil Transport, an affiliate of the Berger Group, to operate an oil barge in the coastwise trade.

2. The *Aquila* to operate in the coastwise or intercoastal trade of the United States.

3. The *Aries* (formerly *Hess Trader*) and the *Capricorn* (formerly *Hess Bunker*), owned respectively by Amherst Shipping Co., Inc., and Kingston Shipping Co., Inc., affiliates of the Berger Group, to operate in the U.S. coastwise or intercoastal trade.

4. The SS's *Pisces* and *Virgo* for operation in the domestic coastwise and intercoastal trade of the United States by Bolton Shipping Co. and Colby Shipping Co., respectively, affiliates of the Berger Group.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on March 3, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations: (a) Could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

Dated: February 21, 1978.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-5034 Filed 2-24-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL

Public Meeting

The Caribbean Fishery Management Council, established by the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet March 21-23, 1978, at Windward Passage Hotel, St. Thomas, V.I. The meeting starts at 9 a.m. on March 21, and will adjourn at about 12 noon on March 23.

PROPOSED AGENDA

(1) Consideration of the first draft fishery management plan (FMP) for shallow-water reef fish; (2) status report on the revision of second draft FMP for spiny lobster; (3) status report on the FMP for migratory coastal pelagics; (4) marine sanctuaries: the concept, the application to fishing grounds, and present status in the Caribbean area; (5) the concept and commercial feasibility of artificial reefs; (6) administrative matters; (7) other business.

Meeting is open to public. For information on seating, changes to the agenda, or written comments, contact Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, P.R. 00919, telephone 809-753-4926.

Dated: February 21, 1978.

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

[FR Doc. 78-5054 Filed 2-24-78; 8:45 am]

[3510-22]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL SELECTION AND ADVISORY PANEL SELECTION COMMITTEES

Public Meeting With Partially Closed Session

Pursuant to section 10(a)(2) of the Federal Advisory Committee, 5 U.S.C., Appendix I, notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council, established by section 302, and its Scientific and Statistical Selection and Advisory Panel Selection Committees, established by

section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Council meeting will take place Tuesday, Wednesday, and Thursday, March 7-9, 1978, at the Bienville House Motor Hotel located at 302 Decatur Street, New Orleans, La.

The Scientific and Statistical Selection Committee and the Advisory Panel Selection Committee will meet on Tuesday, March 7, 1978, also at the Bienville House Motor Hotel in New Orleans.

The Scientific and Statistical Selection Committee will meet at 8 a.m. and adjourn about 9 a.m. on March 7. The proposed agenda for the committee is as follows:

MARCH 7

1. Consideration of new Scientific and Statistical Committee members.

The Advisory Panel Selection Committee will meet at 9 a.m. and adjourn about 10 a.m. on March 7. The proposed agenda for the committee is as follows:

MARCH 7

1. Consideration of new Advisory Panel Committee members.

The Gulf of Mexico Fishery Management Council will convene at 1:30 p.m. and adjourn about 5 p.m. on March 7. The Council will reconvene at 8:30 a.m. and adjourn about 5 p.m. on March 8. The Council will reconvene at 8:30 a.m. and adjourn about 12 noon on March 9. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

MARCH 7

1. Management plans.
2. Personnel and administration categories.
3. Review of foreign fishing applications, if any.

MARCH 8

1. Closed 3½ hours session (8:30 a.m. to 12:00 noon) to discuss personnel matters in regard to Scientific and Statistical Selection and Advisory Panel Selection membership.
2. Other fishery management business.

MARCH 9

1. Other fishery management business.

The Gulf of Mexico Fishery Management Council meeting will be open to the public with the exception of the first agenda item on March 8, and the Scientific and Statistical Selection and Advisory Panel Selection Committees on March 7. For more information on seating arrangements, changes to the agenda, and/or written comments contact: Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla. 33609; telephone 813-228-2815.

The closed session of the Scientific and Statistical Committee is planned for the early morning of the first day, March 7, from 8 a.m. through 9 a.m. to consider appointment or reappointment of members. The closed session of the Advisory Panel Selection Committee is planned for the morning of March 7, from 9 a.m. through 10 a.m. to consider appointment or reappointment of members.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on February 21, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters that are within the purvue of 5 U.S.C. 552b(c)(6). (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: February 22, 1978.

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

[FR Doc. 78-5040 Filed 2-24-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL; SCIENTIFIC AND STATISTICAL COMMITTEE; SALMON ADVISORY SUBPANEL; AND ANCHOVY ADVISORY SUBPANEL

Public Meeting With Partially Closed Session

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, as amended, notice is hereby given of a meeting of the Pacific Fishery Management Council, established by section 302 of the Fishery Management and Conservation Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Committee, Salmon Advisory Subpanel, and Anchovy Advisory Subpanel, established under section 302(g), of the Act.

The Pacific Fishery Management Council meeting will take place Thursday and Friday, March 9-10, 1978, at the Red Lion Motor Inn located at 2001 Point West Way, Sacramento, Calif.

The Scientific and Statistical Committee will meet on Wednesday and Thursday, March 8-9, 1978, and the Salmon Advisory Subpanel and the Anchovy Advisory Subpanel will meet on Wednesday, March 8, 1978, also at the Red Lion Motor Inn in Sacramento, Calif.

The Anchovy Advisory Subpanel will meet at 9 a.m. and adjourn about 5 p.m. on March 8. The proposed agenda for the Subpanel is as follows:

MARCH 8

1. Consideration of the anchory management plan.

The Salmon Advisory Subpanel will meet at 9 a.m. and adjourn about 5 p.m. on March 8. The proposed agenda for the Subpanel is as follows:

MARCH 8

1. Consideration of the comprehensive salmon management plan.

The Scientific and Statistical Committee will meet at 1 p.m. and adjourn about 10 p.m. on March 8. The Committee will tentatively reconvene, dependent on Council developments, at 8 a.m. and adjourn about 5 p.m. on March 9. The proposed agenda for the Committee is as follows:

MARCH 8-9

1. Consideration of development of fishery management plans.
2. Organization of the Council, including fishery advisory panel and management development teams, and operational and procedural matters.
3. Other Committee business.

The Pacific Fishery Management Council will convene at 10 a.m. and adjourn about 5 p.m. on March 9. The Council will reconvene at 8 a.m. and adjourn about 5 p.m. on March 10. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

MARCH 9

1. Closed 2-hour session (8 a.m. to 10 a.m.) to discuss classified material on the status of current maritime boundary and resource negotiations between the United States and Canada.
2. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.
3. Consideration of reports from ad hoc committees.
4. Review of communications from other agencies and organizations.
5. Consideration of fishery management plans under development.

MARCH 10

1. Organization of the Council, including its staff, advisory panels and committees, and operational and procedural matters.
2. Consideration of reports from ad hoc committees.
3. Review of communications from other agencies and organizations.
4. Consideration of fishery management plans under development.

The Anchovy Subpanel, Salmon Advisory Subpanel and Scientific and Statistical Committee meetings will be open to the public, as will all but the

first agenda item on March 9, of the Council meeting. For more information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Oreg. 97201, telephone 503-221-6352.

The closed session of the Council is planned for the early morning of the first day, March 9, from 8:00 a.m. through 10:00 a.m. to hear and discuss Department of State security classified material on the status of current maritime boundary and resource negotiations between the United States and Canada. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined, on February 21, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: February 22, 1978.

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

[FR Doc. 78-5039 Filed 2-24-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL'S GROUNDFISH ADVISORY SUBPANEL AND PLAN DEVELOPMENT TEAM

Rescheduled Meeting

Notice is hereby given of a change in the meeting date and time as published in the FEDERAL REGISTER, February 13, 1978, 43 FR 6127, for the Pacific Fishery Management Council's Groundfish Advisory Subpanel and Plan Development Team.

The meeting scheduled for March 2 and 3, 1978, at the Oregon Department of Fish and Wildlife Headquarters office, 6th and Mill Street, Portland, Oreg., will now be held on April 13, convening at 10 a.m. and adjourning at 5 p.m., and April 14, convening at 8 a.m. and adjourning at 5 p.m. The agenda and location remain unchanged.

Dated: February 21, 1978.

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

[FR Doc. 78-4967 Filed 2-24-78; 8:45 am]

[3510-22]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting

The Western Pacific Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will hold its tenth regular meeting on March 15 and 16, 1978, in the Destination Disco Room of the Kauai Surf Hotel, Nawiliwili, Kauai, Hawaii, from 9 a.m. to 5 p.m.

The proposed agenda includes: (1) Administrative and financial reports, (2) objectives and options in billfish management, (3) consideration of recommended measures for precious coral management, (4) definition of Council and Federal responsibilities in fishery management, (5) management problems of Kauai fisheries.

The meeting is open to the public. For information on seating, changes to the agenda, or written comments, contact Mr. W. G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone 808-523-1368.

Dated: February 21, 1978.

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

[FR Doc. 78-4968 Filed 2-24-78; 8:45 am]

[3510-17]

WHITE HOUSE CONFERENCE ON BALANCED NATIONAL GROWTH AND ECONOMIC DEVELOPMENT

Advisory Committee Meeting

The Advisory Committee to the White House Conference on Balanced National Growth and Economic Development will meet from 2 p.m. to 5 p.m. on Monday, March 13, 1978, in Room 2010 of the New Executive Office Building, at 726 Jackson Place, NW., Washington, D.C.

The Committee was authorized under section 204 of the Public Works and Economic Development Act of 1976, Pub. L. 94-487 (90 Stat 2339) and appointed by the President in 1977. It consists of fifteen members representing State and local government, business, labor, institutions, and consumer and environmental and other interests. The Secretaries of Agriculture, Commerce, and Housing and Urban Development are also members. The Committee will meet to discuss its role in furnishing advice in the preparation of the final Conference report to the President.

The agenda for the meeting is:

2 p.m.-3:30 p.m.—Review of Conference proceedings.
3:30 p.m.-5 p.m.—Discussion of future role of Advisory Committee and schedule for report completion.
5 p.m.—Meeting adjourns.

The meeting will be open to public observation. Approximately 50 seats will be available for the public on a first-come-first-served basis. Copies of the minutes will be available on request thirty days after the meeting.

Inquiries may be addressed to Mr. James Childress, White House Conference on Balanced National Growth and Economic Development, 2001 S Street NW., Washington, D.C. 20009, telephone 202-673-7925.

Dated: February 21, 1978.

MICHAEL S. KOLEDA,
Director, White House Conference on Balanced National Growth and Economic Development.

[FR Doc. 78-4971 Filed 2-24-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

MATCHBOOKS WITH FRONT FRICTION

Statement of Enforcement Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of enforcement policy.

SUMMARY: In this document the Commission grants a Universal Match request for permission to assemble, for a period of 10 months after the Commission's matchbook standard's effective date, a limited number of matchbooks with front friction in violation of the reverse friction requirement of the standard. The Commission grants the request and declines to enforce the reverse friction requirement against these matchbooks because the Commission believes granting the waiver will not expose consumers to an increased risk of injury. The Commission notes that other manufacturers in a similar position to the requester may apply for the same enforcement relief.

FOR FURTHER INFORMATION CONTACT:

Elizabeth H. Jones, Directorate of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C., 301-492-6617.

SUPPLEMENTARY INFORMATION: The Commission's final safety standard for matchbooks (16 CFR Part 1202) was published in the FEDERAL

REGISTER on May 4, 1977 (42 FR 22556) and becomes effective May 4, 1978. The standard includes 14 requirements for matchbooks, one of which is the requirement for reverse friction or friction on the outside back cover of the book (see § 1202.4(a)).

This statement of enforcement policy is issued as a result of a letter to the Commission dated September 2, 1977 from the Universal Match division of UMC Industries, Inc., requesting permission to assemble, for a period of 10 months after the matchbook standard's effective date, certain matchbooks with front friction. The company states that these match books will be limited to those ordered by customers prior to May 4, 1977, that is, those ordered 1 year or more before the standard's effective date, and will not exceed, in total quantity, 6,000 cases of 2,500 matchbooks per case.

In the letter the company explains that the request was prompted because continued effects of the 1974–75 recession, and other reasons, caused Universal Match customers to request delays in shipment of matchbooks to them. In addition, the company states that Universal accepted no orders from new customers for front friction matchbooks for a period of over 1 year prior to the May 1977 publication of the standard. However, during the latter 6 months of that period, Universal was unable to produce the volume of new plates necessary for reverse friction matchbooks that would be required to satisfy all of its customers. Therefore, Universal accepted certain repeat orders from existing customers after the effective date of the standard. The company further maintains that, although the matchbook standard at § 1202.9 permits preeffective date stockpiling that would appear to alleviate its burden, Universal has virtually no controlled-environment storage at its production plant to accommodate storage of the special reproduction matches Universal produces.

After a careful consideration of the request and the circumstances which prompted it, the Commission has decided to grant the limited relief requested by Universal and to decline to bring an enforcement action for the 10-month requested period against these matchbooks based on noncompliance with § 1202.4(a) of the standard.

Commission staff have documented the business and economic conditions described in the Universal request. In addition the Commission believes that granting the exemption will not substantially increase the risk of injury to consumers. The matchbook standard itself permits the distribution after the date of publication of a limited amount of stockpiled matchbooks which do not comply with its requirements.

Furthermore, of the 491 match-related in-depth investigations on file with the Commission, only 16 cases involved the friction strip as a factor in injury. The Commission notes that in all 16 cases the victims sustained relatively minor burn injuries.

SIMILARLY SITUATED MANUFACTURERS

The Commission points out that generally when a request for an exemption is made, any relief granted by the Commission is extended to all similarly situated parties. Because, the request here is so specific and the relief is limited to the terms of the request, this statement of enforcement policy only affects Universal Match. The Commission emphasizes, however, that other manufacturers who believe they are in a similar position to the requester may apply to the Commission through the Office of the Secretary for the same enforcement relief.

Because this document is a Commission policy statement involving enforcement of a regulation, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delayed effective date are inapplicable.

Dated: February 21, 1978.

SADYE DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-4985 Filed 2-24-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Department of the Army

SCIENTIFIC ADVISORY BOARD OF THE ARMED FORCES INSTITUTE OF PATHOLOGY

Establishment, Organization, and Functions

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Board of the Armed Forces Institute of Pathology has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this Advisory Committee and concurs with its renewal.

The nature and purpose of the Scientific Advisory Board of the Armed Forces Institute of Pathology is to serve in the public interest as a scientific advisory body to the Director, Armed Forces Institute of Pathology, providing scientific and professional advice and guidance in matters pertaining to operational programs, policies, and procedures of the Armed Forces Institute of pathology central laboratory of pathology for the Department of Defense and other Federal agencies with responsibilities for consultation, education, and research in pathology.

Specifically, the advisory board will serve in the public interest by advising the Director, Armed Forces Institute of Pathology, on matters pertaining to:

(a) The character, scope, and adequacy of educational and experimental, statistical, and morphological research programs undertaken by the Institute, to include their correlation with other medical specialties.

(b) The correlation of education and research conducted in the institute with that of other institutions to avoid unnecessary duplication and to facilitate the work of the Institute.

(c) The utilization for education and research purposes of the vast accumulation of pathologic material in the Institute to include their use in the Medical Museum.

(d) The character, scope, and adequacy of the technical and professional training programs of the Institute for Medical Department personnel and others.

(e) The use of new techniques, equipment, and scientific apparatus in consultation, education, and research.

(f) The character, size, and adequacy of consultation services to include the development and evaluation of new pathologic tests and diagnostic procedures.

(g) The continuation of review for quality control of pathologic diagnoses for governmental medical services.

In view of the foregoing, the renewal of the Scientific Advisory Board of the Armed Forces Institute of Pathology is in the public interest. There is no existing committee, agency, or activity within the Federal Government that can perform the functions of the advisory board.

The Board shall report to the Director, Armed Forces Institute of Pathology. The Executive Officer, Armed Forces Institute of pathology, who is a full-time salaried Federal officer, shall serve as the agency representative and as Executive Secretary of the Board with full authority to adjourn any meeting not considered to be in the public interest.

The Scientific Advisory Board of the Armed Forces Institute of pathology will terminate 2 years from this date unless rechartered for an additional period prior to termination.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

FEBRUARY 3, 1978.

[FR Doc. 78-3392 Filed 2-24-78; 8:45 am]

[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON NATIONAL/TACTICAL INTERFACE

Advisory Committee Meeting

The Defense Science Board Task Force on National/Tactical Interface will meet in closed session on 30-31 March 1978 in Sunnyvale, Calif.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is analyzing the major issues concerning the interface between national and tactical intelligence systems and the potential for satisfying the requirements of tactical/theater military commanders and those of national authorities and agencies.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be close to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directive, Washington Headquarters Service, Department of Defense.

FEBRUARY 22, 1978.

[FR Doc. 78-5085 Filed 2-24-78; 8:45 am]

[3810-70]

DISCHARGE REVIEW BOARDS (DRB'S)

Interim Guidance to the Military Departments Regarding the Impact of Pub. L. 95-126

To meet the requirements of Pub. L. 95-126 enacted on October 8, 1977, notice is hereby given that the Department of Defense is drafting a directive to establish uniform standards and procedures for discharge review. An initial proposal, FR Doc. 77-35794, published in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), has been superseded by a supplemental notice to the public, FR Doc. 78-5169, published in the FEDERAL REGISTER on February 24, 1978. On December 21, 1977, the Deputy Secretary of Defense issued a memorandum to the Military Departments to guide them in their internal management with respect to Pub. L. 95-126, pending adoption of the proposed rule. His memorandum follows as a matter of general information. The first sample letter, modified to meet specific cases, will be used by the Military Departments on a continuing basis to provide appropriate notificaton to individuals who may be barred from receiving veterans' benefits, regardless of the action taken by a DRB. Sample letters 2 and 3 attached to the memorandum are no longer applicable, since individuals concerned have already appropriately been notified.

Moreover, the Military Departments have tailored these samples to meet the specific cases of the individuals involved. Accordingly, the letters actually distributed often contain additional information not included in these samples.

THE SECRETARY OF DEFENSE,
Washington, D.C., December 21, 1977.

Memorandum For Secretaries of the Military Departments, Assistant Secretary of Defense (MRA&L), Assistant Secretary of Defense (PA).

Subject Implementation of Public Law 95-126.

Public Law 95-126 made amendments to Title 38 USC 101 and 3103 which impact on the performance of the discharge review function by the Military Departments and requires promulgation of a directive containing uniform standards and procedures to be followed by the Discharge Review Boards (DRBs). Upon publication of that directive, the Military Departments are to implement its provisions immediately. Although the Secretaries of the Military Departments retain final decision authority and responsibility for the operation of their respective discharge review programs, the guidance contained in Attachment 1 is provided in order to insure uniformity of interpretation and application now required by the law.

In order to maintain the requisite degree of uniformity in the future, the Secretary of the Army is designated the Department of Defense administrative focal point for initiating and/or processing all matters affecting DRBs. Specific responsibilities will be detailed in the forthcoming directive. The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) is delegated the authority to resolve all issues concerning DRBs which cannot be resolved among the Military Departments.

C. W. DUNCAN, Jr.,
Deputy.

ANALYSIS AND GUIDANCE FOR IMPLEMENTATION OF PUBLIC LAW 95-126

1. PRINCIPAL FEATURES

a. Addition of 180 days of continuous unauthorized absence to other reasons (e.g., conscientious objector, deserter) for discharge which act as a specific bar to eligibility for Veterans Administration (VA) benefits.

b. Requirement for publication of uniform standards (which are historically consistent with criteria for determining honorable service and do not include any criterion for automatically granting or denying such change or issuance) and procedures for Discharge Review Boards (DRBs) generally applicable to all persons administratively discharged or released from active duty under other than honorable conditions.

c. Prospective disqualification for receipt of VA benefits for those originally qualifying due to upgrade by Presidential Memorandum (P.M.) of 19 January 1977 or the Special Discharge Review Program (SDRP), unless an eligibility determination is made under the published uniform standards and procedures.

d. Reconsideration before 7 October 1978 of all cases on DRB initiative of those upgraded from other than honorable to Honorable or General Discharges under the P.M. of 19 January 1977 or the SDRP.

e. From date of publication of uniform DRB standards and procedures—for a period of at least one year—all former service-members (and heirs) with other than honorable discharges may apply for a discharge review/upgrade based on the new published rules.

2. DISCHARGE REVIEW BOARD (DRB) NOTIFICATIONS[1]

a. Written notification is required by the DRB commencing 8 October 1977 to each applicant whose record indicates he/she was discharged for a reason that would bar him/her from receipt of benefits under section 3103(a) of Title 38 U.S. Code, that separate action by the Board for the Correction of Military/Naval Records (BCM/NR) and/or the VA (in case of 180-day unauthorized absence disqualification) may confer eligibility for VA benefits. A sample notification letter is attached at enclosure 1.

As regards the 180 days consecutive unauthorized absence:

(1) Such absence must have been included as part of the basis for the applicant's discharge under other than honorable conditions.

(2) Such absence is computed without regard to the applicant's normal or adjusted ETS.

b. Written notification is required by the DRB concerned to individuals who received an upgrade to an Honorable or General Discharge from a Discharge Under Other Than Honorable Conditions (DUOTHC) (formerly Undesirable Discharge) under P.M. of 19 January 1977 or the SDRP when the DRB is advised by the VA that individuals have received, are in receipt of, or have applied for VA benefits (enclosure 2). (Notification is not required to individuals who received an upgrade to an Honorable Discharge from a General Discharge under the P.M. of 19 January 1977 or the SDRP.)

c. Written notification is required by the DRB concerned to individuals whose cases, upon "preliminary" determination by the DRB are found not to qualify for upgrade under published uniform standards and procedures. (See 3.b. below.)

NOTE.—An individual will be given a total of 45 days to respond to the notification letter regarding an adverse preliminiary determination. If he does not respond within that period, the discharge review board will proceed to make its final determination.

3. DISCHARGE REVIEW BOARD DETERMINATIONS

a. Both a preliminary and final determination are required by 7 October 1978, except in those cases where a personal appearance is requested, as to whether an individual who was originally discharged under other than honorable conditions and was upgraded to General or Honorable under the P.M. of 19 January 1977 or the SDRP would be entitled to an upgrade under published

[1] Or an activity so designated by the board to effect notifications.

uniform standards and procedures. Even if the DRB concerned simultaneously considered the case under its historically consistent discharge review criteria at the time of the SDRP determination and the decisional document specifically enunciated that the individual was upgraded under those normal criteria, another review is required. However, an abbreviated procedure should be considered in cases where the historically consistent discharge review criteria were applied and those criteria became published as "uniform standards."

b. The determination process is as follows:

(1) Preliminary—that is, an on-the-record review under the published uniform standards and procedures in the following order:

(a) Expedited basis—by 7 April 1978—upon notification by VA that an individual is receiving or has applied for benefits,

(b) DRB initiative—on all other cases where upgrade was based on P.M. of 19 January 1977 or SDRP, in time to meet 7 October 1978 deadline for final determination of these cases.

(c) DRB initiative—cases upgraded after 8 October 1977 prior to publication of uniform standards and procedures.

(2) Favorable preliminary determination:

(a) Enter into service record as a final determination (see 3.b.(4) (a) below).

(b) Notify VA in appropriate cases and individual concerned if that person has inquired.

(3) Unfavorable preliminary determination—notify individual concerned of adverse preliminary determination and of right to appear before the DRB under 10 USC 1553(c) (sample letter at enclosure 3).

(4) Final determination:

(a) A favorable preliminary determination.

(b) An unfavorable preliminary determination when individual does not reply to notification (enclosure 3) within 45 days.

(c) Action by the DRB after complete review of case in accordance with the published uniform standards and procedures.

(5) Special situations:

(a) Cases where no changes were made under P.M. of 19 January 1977 or the SDRP do not require redetermination.

(b) Determinations made prior to 8 October 1977 by a DRB which include both consideration of historical discharge review criteria and P.M. of 19 January 1977 or SDRP criteria, with a determination that no relief was warranted except under special program criteria, does *not* satisfy the preliminary determination requirements.

(c) The "de novo" hearings under the SDRP do not satisfy the requirement for advising an applicant of the right to a DRB hearing after an adverse preliminary determination has been made.

(d) Government counsel is not furnished under the provisions of Pub. L. 95-126

4. RECORDS

Upon a final determination by a DRB as to an applicant's entitlement to an upgrade of his/her discharge under published uniform standards and procedures and he/she has been given an upgraded discharge earlier under P.M. of 19 January 1977 or SDRP criteria, he/she will be issued a DD Form 215, stating, as applicable:

Discharge reviewed under P.L. 95-126 and a determination that change in characterization of service was warranted under provisions of (P.M. of 19 January 1977 or SDRP, as applicable).

Discharge reviewed under P.L. 95-126 and a determination that change in characterization of service is warranted by DOD Directive 1332.28.

(NOTE.—The DOD requirement for written request for a copy of DD Form 215 is suspended in these cases.)

5. ADDITIONAL REQUIREMENTS

Each DRB will consider written requests for a review of a Discharge Under Other Than Honorable Conditions postmarked before 1 January 1980 from any former service member regardless of the date of his/her discharge.

6. INFORMATION PROGRAM

Assistant Secretary of Defense (Public Affairs) will initiate action to:

a. Develop a public affairs plan to provide for appropriate media releases and responses to media, public and Congressional inquiries concerning:

(1) The DOD directive on uniform discharge review standards and procedures.

(2) The rights of individuals who received an upgrade of their discharges under other than honorable conditions under either the P.M. of 19 January 1977 or the SDRP to obtain a hearing under the published uniform standards and procedures. Emphasis is to be placed on the fact that the Military Departments will take action to do this on the initiative of the respective DRB.

b. Coordinate an educational program with the Military Departments to advise present service members that under P.L. 95-126 a discharge under other than honorable conditions resulting from a period of unauthorized absence in excess of 180 days is a conditional bar to the receipt of benefits administered by the VA.

SAMPLE LETTER No. 1

DEAR ————: Your request for review of your discharge has been received. An initial review of your military records reveals that the discharge was awarded under circumstances that may make you ineligible for the receipt of Veterans Administration (VA) benefits regardless of any action taken by the Discharge Review Board. Specifically, these circumstances are that your discharge was based (on a continuous unauthorized absence of at least 180 days or one of the other prohibitions set forth in title 38 USC 3103).

There are agencies which can take action on your case. The courses of action available to you are:

1. You may request that the Board for the Correction of Military Records act to change your records to remove the circumstances which constitute this bar to benefits. That Board can take such action when you provide it with proof that there was an error or injustice done in your case. An application form (DD Form 149) is enclosed to aid you if you decide to initiate such a request.

2. You may request the VA to consider your case. If you believe you have a basis for such a request, you should contact the nearest VA office for assistance in starting the request.

3. You may follow either or both of the above courses of action, as well as continuing your request for a discharge review if you desire, or you may do nothing at all. You are in the best position to evaluate what course or courses of action are most advantageous to you.

Please complete the enclosed attachment within 45 days from the date of this letter indicating your desires in this matter; otherwise, we will complete action on your discharge review application as it presently stands.

Sincerely,

————.

SAMPLE LETTER

DATE ————.

Appropriate DRB.
Address

I have received your letter pointing out that regardless of the action taken on my request for a review of my discharge I may be ineligible for any VA benefits.

I have decided that:

( ) I wish to have my discharge review request processed.

( ) I do not wish to pursue my request for a review of my discharge by the Discharge Review Board at this time.

Name ————
Street ————
City ———— State ——ZIP——
Phone number ————

SAMPLE LETTER No. 2

DEAR ————: On 8 October 1977 Public Law 95-126 was enacted. The law bars the Veterans' Administration from providing benefits to an individual whose, under other than honorable conditions, discharge (formerly Undesirable Discharge) was upgraded under discharge review criteria under any special discharge review programs. The law also provides that upon the request of the VA, the Discharge Review Board will again review your case to determine whether you would be entitled to an upgrade of your discharge under published uniform standards and procedures.

Since your present upgraded discharge does not entitle you to VA benefits under Public Law 95-126, your file will be expeditiously reviewed again to determine if you qualify for such an upgrade and you will be so advised. If you do not qualify for such an upgrade after the preliminary review by the Discharge Review Board, you will be told and given an opportunity to appear in person before the Board. No action is required by you at this time to initiate the additional review of your case.

The new law provides that if you are in receipt of benefits from the VA, these benefits may be terminated not later than 7 April 1978. The United States shall not make any claim to recover any benefits received by you prior to notification to you of termination of 7 April 1978. If you continue to receive benefits after this time, you may be required to repay the government.

If you have applied for VA benefits but have not yet begun to receive benefits, none will be given to you until a determination is made by the Discharge Review Board as to whether you would have been entitled to an upgrade of your discharge under published uniform standards and procedures. The VA will be notified of this decision and they will make the final determination as to your eligibility for VA benefits.

Please remember that no action is required of you at this time. If any action is required, you will be advised by a subsequent letter.

I hope this information is helpful to you in understanding how this new law affects you.

Sincerely,

SAMPLE LETTER NO. 3

Suspense (date).

DEAR ————: A preliminary review of your discharge has been completed by the Discharge Review Board as required by Public Law 95-126. As a result of this preliminary review, it has been determined that you do not appear to qualify for VA benefits based on the upgrade of your discharge under published uniform standards and procedures.

You are entitled to an opportunity to appear in person before the Discharge Review Board, if you so desire, before this preliminary determination becomes final. If you wish to appear personally, you are also entitled to present evidence on your own behalf or be represented by appropriate counsel. Please complete the enclosed DD Form 293 and mail it to the address shown, prior to the date shown as suspense in the heading of this letter. If you do not apply by that date, the Discharge Review Board will proceed to make a final determination on your case.

An adverse final determination may be a bar to receipt of benefits administered by the VA, based on the period of service covered by the discharge. This bar may exist despite the fact that you have received or do receive an upgraded discharge based on special discharge review criteria for the same period of service. The VA will be responsible for making the final decision as to eligibility for any benefits you have claimed or may wish to apply for in the future.

Sincerely,

————.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

FEBRUARY 23, 1978.

[FR Doc. 78-5171 Filed 2-24-78; 8:45 am]

[3810-70]

PRIVACY ACT OF 1974

New System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notification of a New System of Records.

SUMMARY: The Office of the Secretary of Defense (OSD), Department of Defense, proposes a new record system identified as DOCHA 08, entitled: "DoD Health Services Enrollment/Eligibility System." The purpose of this new system is to create a central automated file of all personnel who are legally eligible (e.g., active duty and retired military, plus dependents and annuitants) to receive health care benefits from the Uniformed Health Services Delivery System. The information will be used to determine eligibility to receive care in the system or through OCHAMPUS. The record system notice is published in its entirety below.

DATES: This system shall become effective as proposed without further notice in 30 calendar days from the date of this publication (March 29, 1978) unless comments are received on or before March 29, 1978, which would result in a contrary determination requiring republication for further comments.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT:

Mr. James S. Nash, Chief, Records Management Branch, ODASD(A), The Pentagon, Washington, D.C. 20301, telephone 202-695-0970.

SUPPLEMENTARY INFORMATION: The OSD systems of records notices as prescribed by the Privacy Act have been published in the FEDERAL REGISTER as follows:

FR Doc 77-28255 on September 28, 1977 at 42 FR 50730
FR Doc 77-36255 on December 22, 1977 at 42 FR 64334
FR Doc 78-1465 on January 19, 1978 at 43 FR 2751

The OSD has submitted this proposed new system of records on January 27, 1978 pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal Agencies regarding the preparations and submissions of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 5 U.S.C. 552a(o) (Pub. L. 93-579). This OMB Guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

FEBRUARY 23, 1978.

DOCHA 08

System name:

DoD Health Services Enrollment/Eligibility System.

System location:

Tri-Service Medical Information System (TRIMIS) Project Office, Pentagon, Washington, D.C. 20301, and various contractural facilities.

Categories of individuals covered by the system:

Active duty Armed Forces personnel and their dependents; retired Armed Forces personnel and their dependents; surviving dependents of deceased active duty or retired personnel; Coast Guard personnel and their dependents; Public Health Service (PHS) personnel (Commissioned Corps) and their dependents; and National Oceanic and Atmospheric Administration (NOAA) employees (Commissioned Corps) and their dependents.

Categories of records in the system:

File contains beneficiary's name, Service Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address if beneficiary (includes zip code), date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of eligibility, marital status and dates of beneficiary, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor.

Authority for maintenance of the system:

Chapter IV, Title 10, United States Code, Section 136: 1969 Pub. L. 91-121, section 404(A)(2), "Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975); Memorandum, "Establishment of DoD Health Council," dated December 28, 1976, and the DoD Appropriations Bill for FY 1976.

Routine uses of records maintained in the system, including categories of users and the purposes of such users:

Offices of the Surgeons General of the Army, Navy and Air Force for determination of eligibility to receive health care benefits from the Uniformed Health Services Delivery System.

Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), for determination, of eligibility to receive health care benefits and to receive reimbursement for health care services claimed under CHAMPUS.

Office of the Assistant Secretary of Defense (Health Affairs) and the Offices of the Surgeons General of the Army, Navy, and Air Force, for the conduct of health care studies and research on a longitudinal basis, and for planning, management and allocation of medical resources.

Offices of the Surgeons General of the Army, Navy, and Air Force, and OCHAMPUS for dissemination of health care information.

Department of Health, Education and Welfare; Veterans Administration; Federal Preparedness Agency and Commerce Department for the con-

duct of health care studies and for the planning and allocation of medical resources. Data will be provided to State and local government health planning agencies to assist in the determination and allocation of health resources. The data will include summary data on ages, sex, residence, and other demographic parameters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on magnetic tapes and discs housed in a controlled computer media library.

Retrievability:

Records about individuals are retrieved by an algorithm to be determined by contractor which uses name, enrollment number, which is not Social Security Number, date of birth, rank and duty location as possible inputs.

Retrievals are made on a summary basis by geographic location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals.

Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and demographic keys.

Safeguards:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas shall be restricted to those personnel with a valid requirement and authorization to enter. Physican entry shall be restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations). Exits used solely for emergency situations shall be secured to pervent unauthorized intursion.

Personal data stored at a separate location for backup purposes shall be afforded protection at least comparable to the protection provided at the primary location.

Requirements for protection of information are binding on contractors or their representatives and are subject to the following minimum standards:

(a) Restrict access to personal information to those who require the records in the performance of their official duties, and to the individual who is the subject of the record or authorized representative. Access to personal information shall be restricted by the use of passwords which are changed periodically.

(b) Insure that all whose official duties require access to, or processing and maintenance of, personal information are trained in the proper safeguarding and use of such information.

Retention and disposal:

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Services Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed only in accordance with DoD Component record management regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301-3314. Nonrecord material containing personal information and other material of similar temporary nature, shall be destroyed as soon as its intended purpose has been served under procedures established by the Head of the DoD Component consistent with the following requirement. Such material shall be destroyed by tearing, buring, melting, chemical decomposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

System manager(s) and address:

Director, Health Systems Planning, Office of the Assistant Secretary of Defense (Health Affairs), Room 3D200, Pentagon Washington, D.C. 20301.

Notification procedure:

Information may be obtained from Director, Tri-Service Medical Information System Program Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E182, Pentagon, Washington, D.C. 20301.

Record access procedures:

Requests from individuals should be addressed to: Director, Tri-Service Medical Information System Program Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E182, Pentagon, Washington, D.C. 20301.

Written requests for the information should contain full name of individual and sponsor if applicable and other attributes required by previously mentioned search algorithm.

Visits are limited to: Director, Tri-Service Medical Information System Program Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E182, Pentagon, Washington, D.C. 20301.

For personal visits the individual should be able to provide a data element required to satisfy the previously mentioned algorithm.

Identification should be corroborated with a driver's license or other positive identification.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Military Department's personnel and financial pay systems.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-5170 Filed 2-24-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

ALLEN & SHUMATE, INC.

Proposed Consent Order

I. Introduction

Pursuant to 10 CFR § 205.199J, the Ecomonic Regulatory Administration (ERA) of the Department of Energy (DOE), as successor to the Federal Energy Administration (FEA), hereby gives notice of a Consent Order which was executed between Allen & Schumate, Inc. (Allen & Shumate), and the FEA on September 19, 1977. In accordance with that section, the ERA will receive comments with respect to this Consent Order. Although the Consent Order has been signed and tentatively accepted by FEA, the ERA may, after consideration of comments received, withdraw its acceptance and if appropriate, attempt to negotiate an alternative Consent Order.

II. The Consent Order

Allen & Shumate, with its home office located at 1315 E. Main, P.O. Box 98, Alice, Tex. 78332, is a firm engaged in production and sale of crude oil and is, therefore, subject to ERA (FEA) regulations. FEA audited Allen & Shumate's sales of crude oil for the period September 1, 1973, through December 31, 1975. The audit disclosed that Allen & Shumate had apparently made sales of crude petroleum at prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR § 150.353 and the FEA price rule in 10 CFR § 212.73. FEA maintained that the overcharges occurred because Allen & Shumate disregarded the definition of property and treated separate reservoirs underlying two leases as separate properties. The company, as a result, sold "old" crude oil produced from those leases as "stripper well" crude oil at free market prices to the Sun Oil Co. (Sun).

In resolution of the issues raised by the audit results, FEA and Allen &

Shumate executed a Consent Order on September 19, 1977, the significant terms of which are as follows:

1. Allen & Shumate shall refund the amount charged Sun in excess of maximum lawful prices together with appropriate interest. FEA computed the total overcharge (extending interest) at $804,741.19.

2. All refunds and interest payments will be made over an 18 month period.

3. Pursuant to the provisions of Subpart P of Part 205, Allen & Shumate and the FEA agreed to compromise potential civil penalties arising out of the actions described in the Consent Order at $10,000.00.

4. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

III. Submission of Written Comments

Interested persons are invited to comment on the Consent Order by Submitting such comments in writing to James C. Easterday, Acting Director of Enforcement, Region VI, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Tex. 75235.

Copies of this Consent Order may be received free of charge by written request to this same address or by calling 214-749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Allen & Shumate, Inc., Consent Order." All comments received by 4:30 p.m. c.s.t., on or before March 29, 1978, will be considered by the ERA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C., on the 21st day of February 1978.

Richard B. Herzog,
Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 78-5076 Filed 2-24-78; 8:45 am]

[3128-01]

ASPHALT & PETROLEUM INDUSTRIES

Proposed Consent Order

I. Introduction

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy, as successor to the Federal Energy Administration, hereby gives notice of a Consent Order which was executed between Asphalt & Petroleum Industries (Asphalt) and FEA on August 23, 1977. Although this Consent Order has been signed and tentatively accepted by the ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternate Consent Order.

II. Consent Order

Asphalt, whose home office was formerly located in Tulsa, Okla., was a reseller-retailer of middle distillates and residual fuel oil and was thus subject to FEA regulations. On November 1976 the board of directors of Asphalt voted to cease all Asphalt's operations and liquidate its assets, which action was subsequently carried out by Asphalt. As a result of an audit conducted by FEA of Asphalt's pricing practices for the period November 1, 1973 through May 31, 1975, FEA advised Asphalt that it had apparently overcharged several of its purchasers of middle distillates and residual fuel oil by $251,817 through charging prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR § 150.35 and the FEA price rule in 10 CFR § 212.93. FEA contended that those overcharges resulted from Asphalt's disregard of applicable price regulations. In resolution of the issues raised by the audit results, FEA and Asphalt executed a Consent Order on August 23, 1977, the significant terms of which are as follows:

1. Asphalt currently has $38,000 cash on hand from the proceeds of its liquidation. Asphalt agrees that after deducting necessary legal and accounting fees, it will disburse the remainder to each overcharged purchaser in the proportion that the overcharge sustained by that purchaser bears to the total amount of all overcharges, in accordance with a schedule annexed to the Consent Order.

2. ERA believes that Asphalt's decision to terminate its business activities and to liquidate its holdings was made solely for legitimate business purposes and was not made, in whole or part, to frustrate or avoid the compliance action.

3. ERA believes that an equitable resolution of this matter requires a balancing of the public interest in having Asphalt refund all alleged overcharges with the financial resources that Asphalt has available to apply against such liabilities. ERA concluded that the limited financial resources which appear available to Asphalt raise considerable doubt as to whether a formal enforcement action would generate a greater amount of refunds than provided by this Order. In addition, ERA preliminarily determined that the management and stockholders of Asphalt have no personal liability for the alleged violations of FEA regulations and that the public interest appears to best be served by requiring Asphalt to apply the full amount of the remaining proceeds from liquidation to providing proportionate refunds to all overcharged customers.

4. All refunds will be made within 30 days from the effective date of the Consent Order.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

III. Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to James C. Easterday, Acting Director of Enforcement, Region VI, Department of Energy.

Copies of this Consent Order may be received free of charge by written request to the same address or by calling 214-749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Asphalt Consent Order." All comments received by 4:30 p.m. CST on March 29, 1978, will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C. on this 21st day of February, 1978.

Richard B. Herzog,
Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 78-5080 Filed 2-24-78; 8:45 am]

[3128-01]

HOWARD OIL CO., INC.

Proposed Consent Order

I. Introduction

Pursuant to 10 CFR section 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Consent Order which was executed between Howard Oil Co., Inc. (Howard) and the ERA on November 3, 1977. In accordance with that section, ERA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. The Consent Order

Howard, located in Maspeth, N.Y., is a firm engaged in the purchase and

resale of petroleum products and, therefore, subject to ERA's price regulations.

As a result of an audit conducted by DOE's predecessor, the Federal Energy Administration (FEA), of Howard's pricing practices for the period November 1, 1973 through December 31, 1974, FEA, advised Howard that Howard had apparently charged one customer of No. 6 residual fuel oil, Orange and Rockland Utilities, Inc. (O and R), prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR section 150.354 and the FEA price rule in 10 CFR section 212.93. FEA contended that those overcharges were the result of Howard's misinterpretation of FEA regulations when computing the valuation of its May 15, 1973 weight average unit cost of No. 6 residual fuel oil in inventory.

In an effort to conclude this compliance proceeding and to resolve the issues raised by the audit results, ERA and Howard entered into a Consent Order, the significant terms of which are:

(1) Howard shall refund, and has already refunded, to O and R all amounts charged in excess of maximum lawful prices together with appropriate interest. ERA computed the total overcharge at $1,084,697 and the total interest charge at $204,451.

(2) Howard shall calculate its maximum lawful selling prices consistent with ERA's rules and regulations.

(3) The provisions of 10 CFR section 205.199J including the publication of this Notice, are applicable to the Consent Order.

III. Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. Nicholas M. Zacchea, Acting Director of Enforcement, Region II, Department of Energy, 26 Federal Plaza, Room 3400, New York, N.Y. 10007. Copies of this Consent Order may be received free of charge by written request at this same address or by calling, 212-264-1896.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Howard Consent Order." All comments received by 4:30 p.m. EST on March 29, 1978, will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR section 205.9(f).

Issued in Washington, D.C. on this 21st day of February 1978.

Richard B. Herzog,
Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 78-5075 Filed 2-24-78; 8:45 am]

[3128-01]

McALESTER FUEL CO.

Action Taken on Consent Order

Pursuant to 10 CFR § 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as successor to the Federal Energy Administration (FEA) hereby gives notice to final action taken on a Consent Order. Under the terms of 10 CFR § 205.197(c), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms. On August 11, 1977, FEA published notice of a Consent Order which was executed between McAlester Fuel Co. (McAlester) and FEA (42 FR 155, August 11, 1977). With that notice, and in accordance with 10 CFR § 205.197(c), FEA invited interested persons to comment on the Consent Order. A press release in conformity with 10 CFR § 205.197(c) was issued simultaneously.

One comment was received on the Consent Order. That comment suggested that each refund should be made through a single lump sum payment rather than spaced throughout 36 month period provided in the Consent Order. It was suggested that this would grant any overcharged party an immediate refund and would forestall problems with the entitlement program and the monitoring of the statutory composite price. 10 CFR § 205.195(a) empowers the FEA (ERA) to provide such remedies as it determines are necessary to eliminate or to compensate for any violations. Accordingly, after giving due consideration to that comment, it is the determination of the ERA that the refund method directed in the proposed Consent Order is the most appropriate one under the circumstances of this case.

ERA has concluded that the Consent Order as executed between FEA and McAlester is an appropriate resolution of the compliance proceedings described in the Notice published on August 11, 1977 and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on February 27, 1978.

Issued in Washington, D.C. on the 21st day of February, 1978.

Richard B. Herzog,
Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 78-5081 Filed 2-24-78; 8:45 am]

[3128-01]

WOOD OIL CO.

Proposed Consent Order

I. Introduction

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as successor of the Federal Energy Administration (FEA) hereby gives notice of a Consent Order which was executed between Wood Oil Co. (Wood) and the FEA on September 27, 1977. In accordance with that section, ERA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. The Consent Order

Wood, with its home office located in Tulsa, Okla., is a firm engaged in the production and sale of crude oil and, therefore, subject to ERA and FEA regulations.

As a result of an audit conducted by FEA of Wood's pricing practices for the period September 1, 1973 through December 31, 1976, FEA advised Wood that Wood had apparently charged two of its purchasers of crude oil prices in excess of those permitted under Cost of Living Council price rule in 6 CFR § 150.354 and the FEA price rule in 10 CFR § 212.73. FEA contended that those overcharges were the result of (1) Wood's error when computing the base production control level for one property in accordance with 10 CFR § 212.72, (2) Wood's errors when computing its average daily production pursuant to 10 CFR § 212.54 and 10 CFR § 210.32 and (3) Wood's errors when determining the highest posted price for old oil pursuant to 10 CFR § 212.73.

In resolution of the issues raised by the audit results, FEA and Wood entered into a Consent Order, the significant terms of which are:

(1) Wood shall refund the amounts charged to its crude oil purchasers in excess of maximum lawful prices together with appropriate interest. FEA computed the total overcharge (excluding interest) at $1,158,290.96. Refunds shall be made in the form of price reductions on sales of crude oil.

(2) All refunds and interest payments will be made within 24 months of the effective date of the Consent Order.

(3) Wood shall notify refund recipients that the refunds were made pursuant to a Consent Order between Wood and the FEA and that the amount refunded constitutes a de-

crease in that purchaser's increased product costs for purposes of ERA price regulations.

(4) Wood shall calculate maximum lawful selling prices consistent with ERA's rules and regulations.

(5) The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. James C. Easterday, Acting Director of Enforcement, Region VI, Department of Energy, P.O. Box 35228, Dallas, Tex. 75235. Copies of this Consent Order may be received free of charge by written request to this same address or by calling 214-749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Wood Consent Order." All comments received by 4:30 CST on the 30th calendar day following publication of the Notice in the FEDERAL REGISTER will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C. on the 21st day of February 1978.

RICHARD B. HERZOG,
Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 78-5074 Filed 2-24-78; 8:45 am]

[3128-01]

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of January 27 through February 3, 1978

Notice is hereby given that during the week of January 27 through February 3, 1978, the appeals and applications for exception or other relief listed in the appendix to this notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

Dated: February 21, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

APPENDIX.—*List of cases received by the Office of Administrative Review*

[Week of Jan. 27 through Feb. 3, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 26, 1978	Wickland Oil Co., Sacramento, Calif. If granted: the DOE's Jan. 5, 1978, decision and order would be rescinded and the Office of Administrative Review would reconsider the denial by region IX of Wickland Oil Co.'s application to quash a subpoena which was issued to the firm on Nov. 30, 1977.	DMR-0015	Modification/Rescission of Wickland Oil Co., 1 DOE par. (Jan. 5, 1978).
Jan. 27, 1978	Gasco, Inc., San Francisco, Calif. If granted: The proceedings regarding Oahu Gas Service, Inc., case No. FEA-1469, would be stayed pending a final determination on Gasco, Inc.'s Freedom of Information Act request dated Jan. 26, 1978.	DES-0036	Stay request.
Do	General Motors Corp., Detroit, Mich. If granted: The Nov. 10, 1977, assignment order issued by DOE to Indiana Gas Co., Inc., would be rescinded and Indiana Gas Co., Inc.'s application for a permanent assignment of SNG feedstocks would be denied.	DEA-0125	Appeal of the Nov. 10, 1977, assignment order issued by DOE to Indiana Gas Co., Inc.
Do	Indiana Gas Co., Inc., Washington, D.C. If granted: The DOE's Nov. 10, 1977 assignment order would be rescinded and Indiana Gas Co., Inc., would be assigned a base period use of naphtha for synthetic natural gas (SNG) feedstock use at the Indianapolis plant.	DEA-0122	Appeal of DOE's Nov. 10, 1977, assignment order.
Do	Petrochemical Energy Group, Washington, D.C. If granted: The Nov. 10, 1977, assignment order would be rescinded and Indiana Gas Co.'s petition for permanent allocations of SNG feedstock would be denied.	DEA-0124	Appeal of Nov. 10, 1977, assignment order issued by DOE to Indiana Gas Co.
Jan. 30, 1978	Backer's Oil Co., Courtenay, N. Dak. If granted: Backer's Oil Co. would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0500	Exception to the reporting requirements.
Do	Bighorn Standard, Colorado Springs, Colo. If granted: Bighorn Standard would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0503	Do.
Do	DePalma's Garage, West Haven, Conn. If granted: DePalma's Garage would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0504	Do.
Do	Destin Exxon Station & Gift Shop, Destin, Fla. If granted: Destin Exxon Station & Gift Shop would not be required to file form EIA-8 (retail motor fuels service station survey) and form CB-55D.	DEE-0505	Do.
Do	Roy F. Hagedorn, Manchester, Conn. If granted: Roy F. Hagedorn would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0506	Do.
Do	Illinois Petroleum Marketers Association, Alexandria, Va. If granted: The Illinois Petroleum Marketers Association would receive a stay of the mandatory petroleum price regulations pending a determination of the proposed application for exception regarding the treatment of increased costs associated with purchasing the alcohol portion of the gasahol which they sell..	DES-0035	Price exception.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

Date	Name and location of applicant	Case No.	Type of submission
Jan. 30, 1978	Bill's Auto Service, Lyons Falls, N.Y. If granted: Bill's Auto Service would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0501	Exception to the reporting requirements.
Do	Brussells Street Texaco, St. Marys, Pa. If granted: Brussells St. Texaco would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0498	Do.
Do	Buck's Butane and Propane Service, Inc., San Jose, Calif. If granted: The Nov. 15, 1977, decision and order issued to Buck's Butane and Propane Service, Inc. would be modified to provide an additional period of time for the issuance of further orders in the matter..	DRX-0031	Supplemental to Buck's Butane and Propane Service, Inc., 1 DOE par. —— (Nov. 15, 1977).
Do	Dale Cannon, Kimball, Nebr. If granted: The Nov. 17, 1977, remedial order issued by DOE region VII would be rescinded and Dale Cannon would not be required to refund overcharges made on its sales of crude oil produced from the Eichenbeger No. 1, the Schneider No. 1 and Koch No. 2 properties.	DRA-0128 and DRS-0128	Appeal of the Nov. 17, 1977, remedial order issued by DOE region VII. Stay request.
Do	Jay Oil Co., Tulsa, Okla. If granted: The Jan. 16, 1978, remedial order issued by DOE region VI would be rescinded and Jay Oil Co. would not be required to refund overcharges made in its sales of motor gasoline and diesel fuel.	DRA-0123 and DRS-0123	Appeal of the Jan. 16, 1978, remedial order issued by DOE region VI.
Do	Robert C. Jones, Fort Dodge, Iowa. If granted: Robert C. Jones would not be required to file form EIA-8 (retail motor fuels service station survey).	DEE-0507	Exception to the reporting requirements.
Do	Kahn, Mike, Seminole, Okla. If granted: The Sept. 7, 1977, remedial order issued by DOE region VI would be rescinded and Mike Kahn would not be required to refund overcharges made in its sales of crude oil.	DRA-0126 and DRS-0126	Appeal of the Sept. 7, 1977, remedial order issued by DOE region VI. Stay request.
Do	L. Berry Gin Co. (Saveon Gas Co.), Holland, Mo. If granted: L. Berry Gin Co. (Saveon) would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0499	Exception to the reporting requirements.
Do	Little America Refining Co., Washington, D.C. If granted: Little America Refining Co. would receive an extension of the relief from its entitlement purchase obligations proposed in Doe's Sept. 19, 1977, proposed decision and order.	DXE-0495	Extension of the entitlement relief in DOE Sept. 19, 1977, proposed decision and order.
Jan. 31, 1978	Crystal Oil Co., Washington, D.C. If granted: The June 17, 1977, order issued by FEA would be rescinded and Crystal Oil Co. would not be required to include the crude oil runs to stills of the Adobe refinery in the reports which it files for purposes of the entitlements program.	DEA-0127	Appeal of June 17, 1977, order issued by FEA.
Feb. 1, 1978	Bassett Oil & Equipment Co., Bassett, Va. If granted: Bassett Oil & Equipment Co. would receive a stay of an order requiring the disbursement of an escrow account established by Bassett pending a determination on the appeal which the firm intends to file.	DRS-0139	Stay request.
Do	Leslie Ray Billingsley, Camarillo, Calif. If granted: Leslie Ray Billingsley would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0508	Exception to the reporting requirements.
Do	Caldo Oil Co., Inc.; Major Oil Co.; Miles Oil Co., Inc.; Olympian Oil Co.; Ramco Oil Co., Inc., Red Triangle Oil Co., Inc.; Rinehart Oil, Inc., San Francisco, Calif. If granted: The assignment order issued to Gulf Oil Corp. on Dec. 21, 1977, would be rescinded and Gulf Oil Corp. would continue to supply Caldo Oil Co.; Major Oil Co., Miles Oil Co., Olympian Oil Co., Ramco Oil Co., Red Triangle Oil Co., and Rinehart Oil, Inc., with their base period use of petroleum products.	DEA-0132 through DEA-0138	Appeals of DOE's Dec. 21, 1977, assignment order.
Do	Damon Service Station Houston, Tex. If granted: Damon Service Station would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0509	Exception to the reporting requirements.
Do	Duquesne Light Co., Pittsburgh, Pa. If granted: The DOE's Dec. 27, 1977, information request denial would be rescinded and Duquesne Light Co. would receive access to additional DOE data regarding the NOPV issued to Saber Petroleum Corp.	DFA-0130	Appeal of the DOE's information request denial dated Dec. 27, 1977.
Do	FS Services, Inc. and affiliated companies, Bloomington, Ill. If granted: FS Services, Inc. and affiliated companies would receive a stay of the mandatory petroleum price regulations pending a determination of the proposed application for exception regarding the treatment of increased costs of the alcohol portion of the gasahol which they sell.	DES-0037	Stay request.
Do	Hanover Management Co., Dallas, Tex. If granted; Hanover Management Co. would be permitted to sell the crude oil produced from the Dolly Cain No. 1 Well, Coyle Field, Payne County, Okla., at prices in excess of the lower tier ceiling prices.	DEE-0496	Price exception (sec. 212.73).
Do	Herbell Oil Exploration Co., Corona, Calif. If granted: Herbell Oil Exploration Co. would be permitted to sell the crude oil produced from Recreation Park lease, well No. 2, located in Los Angeles, County, Calif., at upper tier ceiling prices.	DEE-0497	Do.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

Date	Name and location of applicant	Case No.	Type of submission
Feb. 1, 1978	Laketon Asphalt Refining, Inc., Evansville, Ind. If granted: The DOE would stay a portion of Laketon Asphalt Refining Inc.'s entitlement purchase obligation resulting from the provisions of 10 CFR 211.67 pending a final determination on its application for exception.	DXE-0032	Stay request.
Do	Meridian Oil Corp., San Antonio, Tex. If granted: The DOE's interpretation 1977-46 issued on Dec. 19, 1977 would be rescinded and Meridian Oil Corp. would be permitted to classify the oil, gas and mineral lease dated Dec. 1, 1976, as "new" property and sell the crude oil produced from the property at upper tier ceiling prices.	DIA-0131	Appeal of DOE's interpretation 1977-46.
Do	Newhall Refining Company, Inc., Dallas, Tex. If granted: The DOE would stay a portion of Newhall Refining Co. Inc.'s entitlement purchase obligation resulting from the provisions of 10 CFR 211.67 pending a final determination on its application for exception.	DXE-0033	Stay request.
Do	Shank, Irwin, Conant, Williamson & Grevelle, Dallas, Tex. If granted: The DOE's Dec. 27, 1977, information request denial would be rescinded and Shank, Irwin, Conant, Williamson & Grevelle would receive access to additional DOE data regarding Interpretation 1975-24.	DFA-0129	Appeal of DOE information request denial dated Dec. 27, 1977.
Feb. 2, 1978	Brown's Gulf Service, Santa Paula, Calif. If granted: Brown's Gulf Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0510	Exception to the reporting requirements.
Do	Su-Ren Associates, Newark, N.J. If granted: Su-Ren Associates would not be required to file form FEA-P314-M-O (Monthly Survey of Distillate and Residual Fuel Oil Sales).	DEE-0502	Do.
Feb. 2, 1978	Sunbeam Service Center, Inc., New Haven, Conn. If granted: Sunbeam Service Center, Inc., would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0511	Do.

NOTICES OF OBJECTION RECEIVED

[Week of Jan. 27 through Feb. 3, 1978]

Date	Name and location of applicant	Case No.
Jan. 30, 1978	Pennzoil Producing Co., Houston, Tex	FXE-4776
Do	Don Sheetz Oil Co., Carlton, Minn	DRC-0011
Do	H & K Oil Co., Yankton, S. Dak	DRC-0012
Feb. 1, 1978	Getty Oil Co., Los Angeles, Calif	DXE-0222
Do	R. W. Tyson Producing Co., Jackson, Miss	FEE-4440

[FR Doc. 78-50792 Filed 2-24-78; 8:45 am]

[3128-01]

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of February 3 Through February 10, 1978

Notice is hereby given that during the week of February 3 through February 10, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

Dated: February 21, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

APPENDIX.—*List of cases received by the Office of Administrative Review*

[Week of Feb. 3 through Feb. 10, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 6, 1978	Caldo Oil Co., Inc.; Major Oil Co.; Miles Oil Co., Inc.; Olympian Oil Co.; Ramco Oil Co., Inc.; Red Triangle Oil Co., Inc.; Rinehart Oil, Inc., San Francisco, Calif. If granted: The assignment order issued to Gulf Oil Corp. on Dec. 21, 1977, would be stayed pending consideration of the appeals of the assignment order filed by Caldo Oil Co., Inc.; Major Oil Co.; Miles Oil Co., Olympian Oil Co.; Ramco Oil Co., Inc.; Red Triangle Oil Co., Inc.; Rinehart Oil, Inc.	DES-0132 and DES-0138	Stay requests of DOE's Dec. 21, 1977, assignment order.
Do	T-C Oil Co., Houston, Tex. If granted: The Jan. 6, 1978 remedial order issued by DOE region VI would be rescinded and T-C Oil Co. would not be required to refund overcharges made in its sales of crude oil produced from the Dennis O'Connor, et al. "L" lease.	DRA-0140	Appeal of the Jan. 6, 1978, remedial order issued by DOE region VI.
Feb. 7, 1978	Golden Eagle Refining Co., Inc. Carson, Calif. If granted: Golden Eagle Refining Co., Inc. would receive an exception from 10 CFR 211.67(a)(4) with respect to the calculation of its entitlement obligations.	DEE-0513	Exception from the entitlements program (sec. 211.67).
Do	Lunday-Thagard Oil Co., South Gate, Calif. If granted: The stay relief granted in DOE's decision and order of Jan. 13, 1978, would remain in effect..	DEX-0035	Supplemental *Lunday-Thagard Oil Co.*, 1 DOE Par. —— (Jan. 13, 1978).
Do	National Helium Corp., Liberal, Kans. If granted: National Helium Corp. would received an extension of the exception relief granted in the Mar. 29, 1977, decision and order to permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon incurred in the production of natural gas liquid products.	DXE-0515	Extension of the relief granted in *National Helium Corp.*, Case No. FXE-3891, (decided Mar. 21, 1977) (unreported decision).
Do	Neighborhood Gulf, Hazlet, N.J. If granted: Neighborhood Gulf would not be required to file Form EIA-8 (retail Motor Fuels Service Station Survey).	DEE-0512	Exception to the reporting requirements.
Do	Peninsular Gas Co., Omaha, Nebr. If granted: Peninsular Gas Co. would receive an extension of the exception relief granted in DOE's Dec. 16, 1977, decision and order to permit an adjustment to the firms base period use of propane.	DEE-0514	Extension of the relief granted in *Peninsular Gas Co., 1 DOE Par. —— (Dec. 16, 1977).*
Do	Shell Oil Co., Houston, Tex. If granted: The Dec. 23, 1977, assignment order issued by FOE region I to Cheshire Airways, Inc. would be rescinded and Shell Oil Co. would not be required to supply Cheshire Airways, Inc. with kerosene-base jet fuel.	DEA-0141	Appeal of the Dec. 23, 1977, assignment order issued by DOE region I.
Feb. 8, 1978	Arrow Fuel Oil Co., Philadelphia, Pa. If granted: Arrow Fuel Oil Co. would not be required to file Form EIA-9 (No. 2 Heating Oil Supply/Price Monitoring Report).	DEE-0521	Exception to the reporting requirements.
Do	Atlantic Richfield Co., Los Angeles, Calif. If granted: The Dec. 21, 1977 remedial order issued by DOE region IX would be rescinded and Atlantic Richfield Co. would not be required to refund overcharges made in its sales of gasoline to Waterbury Petroleum Products, Inc.	DRA-0106	Appeal of the Dec. 21, 1977, remedial order issued by DOE region IX.
Do	Augie's Exxon Service, Lee Vining, Calif. If granted: Augie's Exxon Service would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0517	Exception to the reporting requirements.
Do	B & E Service Center, Ellendale, Del. If granted: B & E Service Center would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0518	Exception to the reporting requirements.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Feb. 3 through Feb. 10, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 8, 1978	Cardon Oil Co., Phoenix, Ariz. If granted: Carbon Oil Co. would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0520	Exception to the reporting requirements.
Do	Coline Gasoline Corp., Washington, D.C. If granted: Coline Gasoline Corp. would receive an extention of the exception relief granted in the DOE's Nov. 2, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Rincon plant.	DXE-0516	Extension of the relief granted in *Coline Gasoline Corp.*, Case No. FXE-4463 (decided Nov. 2, 1977) (unreported decision).
Do	Eason Oil Co., Oklahoma City, Okla. If granted: Eason Oil Co. would be permitted to sell the crude oil produced from the Weiner property located at Madison County, Miss., at upper tier ceiling prices.	DEE-0522	Price exception (sec. 212.73).
Do	Great Southern Oil & Gas Co., Inc., Lafayette, La. If granted: Great Southern Oil & Gas Co., Inc. would receive an extension of the relief granted in the DOE's Nov. 2, 1977, decision and order which would permit the firm to sell the crude oil produced from the Castille Ra Sua, Breaux No. 1 located at St. Martin Parish, La., at upper tier ceiling prices.	DXE-0523	Extension of the relief granted in *Great Southern Oil & Gas Co., 1 DOE Par. 83,051 (Nov. 2, 1977).*
Do	Independent Oil Compounders Assoication. If granted: The DOE's interpretation 1977-50 regarding the application of the regulations to the sales of all finished lubricants by independent oil compounders prior to the exemption of finished lubricants and lubricant base oil stocks on Sept. 1, 1976, would be rescinded.	DIA-0142	Appeal of DOE's Interpretation 1977-50.
Do	LA Verne Blum Garage, Lee Vining, Calif. If granted: La Verne Blum Garage would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0519	Exception to the reporting requirements.
Do	Oceanic Petroleum Exploration Co., Los Angeles, Calif. IF GRANTED: Oceanic Petroleum Exploration Co.'s "Debbie 42" lease would be considered a stripper well property.	DEE-0524	Price exception (pt. 212, subpt. D).
Do	Prentice-hall, Inc. Washington, D.C. If granted: DOE's Jan. 9, 1978, information request denial would be rescinded and Prentice-Hall, Inc. would receive access to additional DOE data regarding a contract and contract offer by Commerce Clearinghouse, Inc.	DFA-0143	Appeal of DOE information request denial.
Do	Union Pacific Corp., (Champlin Petroleum) Fort Worth, Tex. If granted: The DOE's license No. 24-006782 would be rescinded and Champlin Petroleum Corp. would be permitted to import additional crude and unfinished oils in a license fee-exempt basis during the current allocation period, May 1, 1977, through Apr. 30, 1978.	DPI-0004	Appeal of DOE's license No. 24-006782.
Feb. 9, 1978	Jay Oil Co., Tulsa, Okla. If granted: Jay Oil Co. would receive a stay of the requirements of remedial order issued to the firm by FEA region VI on May 20, 1977, pending judicial review.	DRS-0029	Stay request.
Do	Triad Oil & Gas Co., Inc., Jackson, Miss. If granted: Triad Oil & Gas Co., Inc. would be permitted to sell the crude oil produced from the Henderson 17-8 No. 1 well located at Scott County, Miss., at prices in excess of the lower tier ceiling price.	DEE-0525	Price exception (sec. 212.73).
Do	Victory Oil Co., Long Beach, Calif. If granted: Victory Oil Co., would receive a stay of the requirements of a remedial order issued to it by DOE region IX on Nov. 15, 1977, pending a final determination on the firm's appeal of that order.	DRS-0065	Stay request.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Feb. 3 through Feb. 10, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 10, 1978	Mustang Fuel Corp., Oklahoma City, Okla. If granted: Mustang Fuel Corp. would receive an extension of the exception relief granted in the DOE's Nov. 2, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Calumt plant.	DEE-0526	Extension of the relief granted in *Mustang Fuel Corp.*, Case No. FXE-4511 (decided Nov. 2, 1977) (unreported decision).

NOTICE OF OBJECTION RECEIVED

[Week of Feb. 3 through Feb. 10, 1978]

Date	Name and location of applicant	Case No.
Feb. 7, 1978	Grenier Gas Service, Waterbury, Vt	DRC-0013
Do	Tri-City Gas, Inc., Wilmont, Minn	DRC-0014
Feb. 8, 1978	Fords Brook, Inc., Bolivar, N.Y	FEE-4834
Do	Marshall R. Young Oil co., Midland, Tex	FEE-4803
Feb. 9, 1978	Maurice L. Brown Co., Kansas City, Mo	FEE-4455
Do	Gulf Oil Corp., Tulsa, Okla	DXE-0251

PROPOSED REMEDIAL ORDERS, NOTICES OF OBJECTION RECEIVED

Date	Name and location of applicant	Case No.
Feb. 8, 1978	Austin Drilling Co., Seminole, Okla. Proposed Remedial Order: Jan. 23, 1978	DRO-0001
Do	Carter Brothers, Inc., Alexandria, Va. Proposed Remedial Order: Jan. 27, 1978	DRO-0002
Do	Drew Cornell, Inc., Lafayette, La. Proposed Remedial Order: Jan. 30, 1978	DRO-0003

[FR Doc. 78-5078 Filed 2-24-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

January 30 Through January 31, 1978

Notice is hereby given that during the period January 30 through January 31, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wished to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except federal holidays.

Dated: February 21, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

PROPOSED DECISIONS AND ORDERS

Independent Fuel Terminal Operators Association; Independent Terminal Operators Association; Mid-American Petroleum Marketers Association, Washington, D.C., FEE-4456, refined petroleum products

The Independent Fuel Terminal Operators Association, the Independent Terminal Operators Association, and the Mid-American Petroleum Marketers Association (the Associations) filed an Application for Exception from the provisions of 10 CFR 212.92. The application, if granted, would result in the certification of the Associations as representatives of a properly formed class for purposes of requesting retroactive exception relief from the requirement that retailers and resellers calculate their cost of product in inventory, prior to May 1, 1976, on a firmwide basis. On January 30, 1978, the Department of Energy issued a proposed Decision and Order which determined that the exception request be denied.

Kewanee Oil Co., Tulsa, OKLA., DXE-0407, crude oil

Kewanee Oil Co. filed an Application for Exception from the provisions of 10 CFR 212.73. The exception request, if granted, would result in the extension of the exception which the Federal Energy Administration previously granted to Kewanee and would permit the firm to sell the crude oil produced from the South Stanley Field at upper tier ceiling prices as specified in 10 CFR 212.74. On January 30, 1978, the DOE issued a Proposed Decision and Order which

determined that the exception request be granted.

Robert W. O'Meara, New Orleans, LA., DXE-0439, crude oil

Robert W. O'Meara filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted to O'Meara on three occasions and would permit him to sell the crude oil produced from the Louisiana Fruit No. 2 well, located in the Tiger Pass Field of Plaquemines parish, La; at upper tier celling prices. On January 30, 1978, the Department of Energy issued a Proposed Decision and Order which determined that the O'Meara exception request should be granted.

Pearland Oil Co., Pearland, Tex., DEE-0058, crude oil

Pearland Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Pearland to sell the crude oil produced from the C. H. Alexander Lease which is located on the West Hastings Field in Brazoria County, Tex., at upper tier ceiling prices. On January 30, 1978, the DOE issued a Proposed Decision and Order granting in part Pearland's exception application which permits the firm to sell 39.75 percent of the crude oil produced from the Alexander Lease for the benefit of the working interest owners at upper tier ceiling prices.

Rebholtz Gas & Electric, Inc., Edgerton, Wis., FEE-4801, Propane

Rebholtz Gas & Electric, Inc. (Rebholtz) filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would result in the assignment to Rebholtz of a new, lower priced supplier of propane. On January 30, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Union Oil Co. of California, Los Angeles, Calif., FEE-4411, crude oil

On July 12, 1978, Union Oil Co. of California (Union) filed an Application for Exception from the provisions of 10 CFR 211. 67 (a)(3) and (d)(4) and Special Rule No. 8. The request, if granted, would provide Union with retroactive and prospective relief from entitlement purchase obligations arising as a result of the above provisions. On January 30, 1978, the Department of Energy issued a Proposed Decision and Order which denied Union's Application for Exception.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases.

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Continental Oil Co.	Dee-0065	Nueces River	Live Oak County, Tex	$0.0099
	Dee-0174	Hennessee	Kingfisher County Okla	.0095
Doric Petroleum, Inc.	DXE-0457	Enid	Garfield County, Okla	.0060
Dougherty Group	DEE-0061	Normanna	Bee County, Tex	.0328
Mobil Oil Corp	DEE-0260	Dewey County Complex	Dewey County, Okla	.0071
	DEE-0261	Old Ocean	Brazoria County, Tex	.0065
Shell Oil	DEE-0157	Calumet	St. Mary Parish, La	.0253
	DEE-0158	Conley	Hardeman, County, Tex	.0237
	DEE-0159	Cow Island	Caddo Parish, La	.0071
	DEE-0160	Grand Chenier	Cameron Parish, La	.0058
	DEE-0161	Houston Central	Colorado County, Tex	.0092
	DEE-0162	Lake Washington	Plaquemines Parish, La	.0127
	DEE-0163	North Terrebonne	Terrebonne Parish, La	.0088
Sun Co., Inc.	DEE-0066	Fairway	Henderson County, Tex	.0054
	DEE-0067	Fullerton	Andrews County, Tex	.0114
	DEE-0068	Putnam-Oswego	Dewey County, Okla	.0066
	DEE-0380	Burnell	Bee County, Tex	.0258
	DEE-0381	Dragon Trail	Rio Blanco County, Colo	.0174
	DEE-0382	Okarche	Kingfisher County, Okla	.0167
	DEE-0383	Van	Van Zandt County, Tex	.0113

[FR Doc. 78-5077 Filed 2-24-78; 8:45 am]

[3128-01]

NOTICE OF PETITIONS FILED PURSUANT TO SECTION 202(c) OF THE FEDERAL POWER ACT

The purpose of this notice is to advise the public that the below listed petitions, requesting that the Economic Regulatory Administration exercise its authorities under section 202(c) of the Federal Power Act, 16 U.S. C. section 824a(c), have been filed:

EC 78-1—Petition of the municipalities of Breese, Carlyle, Freeburg, Highland, Mascoutah, Peru, and Princeton, Ill.

EC 78-2—Petition of Manufactures Association of Beaver County, Pa.

EC 78-3—Petition of the Public Utilities Commission of Ohio.

ERA has these applications under consideration and may exercise its statutory responsibilities with or without further hearing but invites comments thereon. Copies of these above listed petitions and responses, if any, thereto are available for inspection at the following locations:

Office of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20461.

Public Information Reading Room, Department of Energy, 12th and Pennsylvania Avenues NW., Washington, D.C. 20461.

Additional information may be obtained from:

Douglas C. Bauer, Assistant Administrator for Utility Systems, Economic Regulatory Administration, 1111 20th Street NW., Vanguard Building, Room 538, Washington, D.C. 20461, 202-254-9782.

Written comments may be filed with:

Public Hearing Management, Economic Regulatory Administration, Box SG, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C., February 23, 1978.

DOUGLAS C. BAUER,
Assistant Administrator, Utility Systems, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-5317 Filed 2-24-78; 11:40 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. CI78-394, et al.]

Amoco Production Co., et al.

Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates[1]

FEBRUARY 17, 1978.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1]This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft[2]	Pressure base
CI78-394(A) Feb. 2, 1978	Amoco Production Co., Security Life Building, Denver, Co. 80202.	El Paso Natural Gas Co., Choza Mesa Field, Rio Arriba County, N. Mex.	(1)	14.65
CI78-395(A) Feb. 2, 1978	Cabot Corp., P.O. Box 1101, Pampa, Tex. 79065.	Northern Natural Gas Co., block 143, South Marsh Island, south addition, offshore, La.	(1)	14.73
CI78-396(A) Feb. 3, 1978	Texas Eastern Exploration Co. P.O. Box 2521, Houston, Tex. 77001.	Texas Eastern Transmission Corp., block 606 field, West Cameron Area, south addition, offshore, La.	(1)	15.025
CI78-397(A) Feb. 3, 1978	Texas Eastern Exploration Co..	Texas Eastern Transmission Corp., block 620 field, West Cameron Area, south addition, offshore, La.	(1)	15.025
CI78-398(A) Jan. 30, 1978	Supron Energy Corp., Suite 1700, Campbell Centre, 8350 North Central Expressway, Dallas, Tex 75206.	Transcontinental Gas Pipe Line Corp., certain acreage in the Henry Dome Area, McMullen County, Tex.	(1)	14.65
CI78-399(A) Jan. 30, 1978	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Cities Service Gas Co., NW/4 of sec. 35-T34S-R9E, Chautauqua County, Kans.	(1)	14.65
CI78-400(A) Feb. 2, 1978	Amoco Production Co.	El Paso Natural Gas Co., certain acreage in San Juan County, N. Mex.	(1)	15.025
CI78-401(A) Feb. 3, 1978	Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.	Natural Gas Pipeline, Co. of America, Missouri Granite Wash B Zone found in the Whitehurst No. 1 from 10, 744 ft. to 10,852 ft and in the Austin No. 1 from 10,624 ft to 10,714 ft, both in the Mills Ranch Field, in Wheeler County. Tex.	(1)	14.65
CI78-402(A) Feb. 3, 1978	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	United Gas Pipe Line Co., Kelly No. 2, Bayou Rambio Field, Terrebonne Parish, La.	(1)	15.025
CI78-403(A) Feb. 3, 1978	Pacific Lighting Gas Development Co., 720 West Eight Street, Los Angeles, Calif. 90017.	Pacific Interstate Transmission Co., Rodgers No. 1 well, in sec. 95, Block F, G&MMB&A survey, Ward County, Tex.	(1)	14.73
CI78-404(A) Feb. 3, 1978	Natresco Inc., P.O. Box 1521, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., block 111, High Island Area, offshore, Tex.	(1)	14.65
CI78-405(A) Feb. 3, 1978	Canadian Superior Oil (U.S.) Ltd., P.O. Box 1521, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., block 111, High Island Area, offshore, Tex.	(1)	14.65
CI78-406(A) Feb. 3, 1978	Alminex U.S.A., Inc., P.O. Box 1521, Houston, Tex. 77001.	do	(1)	14.65
CI78-407(G-9924)(B) Jan. 30, 1978	Terra Resources, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	Texas Gas Pipe Line Corp., Bauer Ranch Field, Jefferson County, Tex.	Ceased production.	
CI78-408(A) Feb. 6, 1978	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Kansas-Nebraska Natural Gas Co. Inc., sec. 27, T1N-R18E CM, Texas County, Okla.	(1)	14.65
CI78-409(A) Feb. 6, 1978	Cities Service Co. successor to Cities Service Oil Co.) P.O. Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Harmon No. 1 well, sec. 11023N-16W, Major County, Okla.	(1)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-410(A) Feb. 6, 1978	Hunt Oil Co. (operator), et al., 2900 First National Bank Building, 1401 Elm Street, Dallas, Tex. 75202.	El Paso Natural Gas Co., northwest quarter, sec. 82, block Y, GC & SF Ry. Co. survey, Amacker Tippett, SW. (Wolfcamp) field, Upton County, Tex.	(2)	14.73
CI78-411(G-7057)(B) Feb. 6, 1978	Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, DeWitt County, Tex.	Depleted.	
CI78-412(G-4820)(B) Feb. 6, 1978	Texaco Inc.	do	Depleted, lease released, plugged and abandoned.	
CI78-413(A) Feb. 7, 1978	Terra Resources, Inc., 5416 South Yale, Tulsa, Okla. 74135.	Southern Natural Gas Co., block 35, Breton Sound Area, block 30 field, Plaquemines Parish, offshore, La.	(7)	15.025
CI78-414(A) Feb. 7, 1978	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Texas Eastern Transmission Corp., certain acreage in West Cameron, block 513, offshore, La.	(3)	15.025
CI78-415(A) Feb. 7, 1978	Amoco Production Co	Texas Eastern Transmission Corp., certain acreage in East Cameron, block 222, offshore, La.	(3)	15.025
CI78-416(A) Jan. 16, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	El Paso Natural Gas Co., Purvis Unit No. 1, located in sec. 18, T13N, R24W, SW Cheyenne Field, Roger Mills County, Okla., limited to Cherokee formation.	(8)	14.65
CI78-417(A) Feb. 7, 1978	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Texas Eastern Transmission Corp., certain acreage in Vermilion block 201, offshore, La.	(3)	15.025
CI78-418(A) Feb. 7, 1978	Amoco Production Co	Texas Eastern Transmission Corp., certain acreage in Vermilion block 147, offshore La.	(3)	15.025
CI78-419(CI62-143)(B) Feb. 6, 1978	C. E. Richner & R. E. Riley, P.O. Drawer 310, Pineville, W. Va. 24874.	Hope Natural Gas Co., Baileysville District, Wyoming, W. Va.	Plugged and abandoned.	

¹ Applicant is filing under gas sales contract dated Jan. 6, 1978.
² Applicant is filing under gas purchase contract dated Dec. 15, 1977.
³ Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
⁴ Applicant is filing under Gas Sales Contract dated Apr. 5, 1977, amended by amendment dated June 13, 1977 and ratified Nov. 18, 1977.
⁵ Not used.
⁶ Applicant is filing under gas purchase contract dated May 12, 1977.
⁷ Applicant is filing under gas purchase contract dated June 28, 1977.
⁸ Applicant is filing under gas purchase agreement dated Dec. 22, 1977.

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4916 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. RP75-62]

CITIES SERVICE GAS CO.

Extention of Time

FEBRUARY 17, 1978.

On January 24, 1978, Cities Service Gas Co. filed in the above referenced proceeding a motion to clarify the Commission's Order Clarifying Prior Order issued December 12, 1977, or in the alternative, to extend from February 15, 1978, to March 31, 1978, the date for filing for informational purposes an Index of Requirements attached as of January 1, 1978.

On February 7, 1978, General Motors Corp. filed a timely response to the Cities Service motion. The response states that the Cities Service request for relief from filing an Index of Requirements should be rejected. The General Motors response also asserts that if a new filing date for the Index of Requirements is granted, that date should not extend beyond March 17, 1978, at which time Cities Service is scheduled to file rebuttal testimony and exhibits. General Motors concludes that a prospective filing date of March 31, 1978, as requested by Cities Service, is too close to the April 4, 1978 commencement of hearings to permit any meaningful review of the Index of Requirements prior to the hearings' commencement.

In its Order Clarifying Prior Order issued December 12, 1977, the Commission stated that their intention in this proceeding is "to make every effort to conclude the proceeding on remand as soon as is practicable."

In accordance with the Commission's directive and upon consideration of the instant motion and response, notice is hereby given that an extension of time is granted to an including March 17, 1978, within which Cities Service shall file for informational

purposes an Index of Requirements attached as of January 1, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5023 Filed 2-24-78; 8:45 am]

[6740-02]

[Project No. 2829]

CITY OF LOVELAND, COLO.

Application for Minor Unconstructed License

FEBRUARY 21, 1978.

Public notice is hereby given that application for a minor unconstructed hydroelectric license was filed on December 6, 1977, by the City of Loveland, Colo. (correspondence to: Don W. Hataway, City Manager, City of Loveland, P.O. Box 419, Loveland, Colo. 80537).

Applicant proposes to reconstruct and operate the City of Loveland Municipal Power Project, located in Larimer County, Colo., about 13 miles west of the City of Loveland.

On July 31, and August 1, 1976, torrential rainfalls caused severe flash flooding in the Big Thompson River and Canyon. The dam, hydroelectric plant, pipeline and appurtenances which formed the City of Loveland Municipal Power Plant were either destroyed or damaged.

The flooding destroyed the 27 foot high reinforced concrete slab and buttress diversion dam having a 105 foot long overflow section, one 36" inlet gate and two 48" sluice gates, located approximately 1.5 miles east of Drake, Colo.

The new dam would be built on the same site occupied by the destroyed dam and would impound a reservoir of the same general dimensions as existed prior to the flood.

The project as reconstructed would consist of: (1) A concrete gravity dam approximately 196 feet long capable of diverting up to 74 cfs of water to the hydroelectric plant 1.6 miles downstream. The dam would comprise two non-overflow sections, each 42.5 feet high and 43 feet long separated by an ogee spillway section 26 feet high and 110 feet long; (2) a reservoir containing 45 acre-feet of water; (3) a 36-inch diameter aqueduct, 9,534 feet long, located along the river bank east of the dam; (4) a powerhouse located adjacent to the existing aqueduct in the Viestanz-Smith Mountain Park and containing two 450 kW vertical generating units; and (5) appurtenant facilities. Total capacity will equal 900 kW, the same as existed prior to the flood.

The aqueduct originally consisted of steel, wood stave, and concrete pipe segments. Of the total length, 300 lineal feet of concrete pipe and 1,400 lineal feet of steel pipe would be replaced due to flood damage. Additionally, 1,000 feet of wood stave pipe would be replaced with steel due to the deteriorated condition of the wood stave segments. 7,134 lineal feet of existing undamaged steel pipe would be reutilized in the proposed project.

The dam and approximately 50 percent of the aqueduct would be located on Federal land within the Roosevelt National Forest. The remainder of the pipeline, and the power plant would be located on lands owned by the County of Larimer, State of Colo., City of Loveland, and private owners.

The project would produce power and energy for transmission and sale to City of Loveland customers.

The Applicant is seeking funds to finance this reconstruction through the Federal Disaster Policy Act of 1974, Pub. L. 93-288.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before May 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.10 or 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46467 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5024 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-182]

COLORADO INTERSTATE GAS CO.

Application

FEBRUARY 16, 1978.

Take notice that on February 8, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-182 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 2,400 horsepower compressor station at the point of interconnection between Applicant's Desert Springs gathering system and Applicant's 22-inch Wyoming main line, in Sweetwater County, Wyo., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that this new facility would be designated as the Desert Springs Compressor Station and would consist of three 800-horsepower compressor units with appurtenant equipment at a total estimated cost of $1,536,000, which cost Applicant proposes to finance from working funds on hand, funds from operations, short-term borrowings, or long-term financing.

The application states that the Desert Springs Field area, located just north of Applicant's main line in Sweetwater County, Wyo., contains 50 wells, and that the field has been a prolific producer up to and including the present time. The application further states that gas from the Desert Springs area currently enters Applicant's main line at the Desert Springs Meter Station without benefit of field line compression, and that the wellhead pressure in this area has declined an average of 70 p.s.i.a. over the last five years as the normal result of production. It is indicated that this pressure decline has already resulted in a less than maximum flow from the Desert Springs Field on peak day, and that in order to maintain flows at acceptable levels, the operating pressure of Applicant's gathering system must

decrease in a manner corresponding to the wellhead decline. Unless the compression proposed herein is installed, the gathering system pressure cannot be reduced, it is said.

Applicant indicates that with the proposed facilities a gathering system pressure of 550 p.s.i.a. would be realized and a peak day volume of 77,061 Mcf would be available from the Desert Springs Field on the 1978-79 peak day, and that without these facilities the gathering system would face the main line pressure of 658 p.s.i.a. and a volume of only 55,765 Mcf, or a reduction of 21,296 Mcf, would be available. Applicant states that corresponding annual volumes during the first year of operation are projected to be 22,500,000 Mcf and approximately 20,500,000 Mcf, respectively, with and without the proposed facilities. It is stated that peak day and annual volumes would decline markedly thereafter in the absence of the proposed compression.

The application states that consistent with Applicant's traditional design philosophy of providing adequate backup horsepower on its system, a spare compressor unit is being proposed, and that this spare unit would permit deliveries from the Desert Springs Field to be maintained at design levels if one of the compressor units is rendered inoperable because of accident or major maintenance activities. Also, the spare unit as well as still additional horsepower would be needed in the near future to provide design peak day and annual volume deliveries as well as to meet producer contract obligations, it is stated.

Applicant indicates that in addition to the reduction in peak day and annual volume to its pipeline system caused by the wellhead pressure decline, Applicant's contracts with producers in the Desert Springs Field provide that Applicant maintain a pressure in its gathering system sufficiently low that 70 percent of the wells completed in the common source of supply and connected to Buyer's (Applicant's) field gathering system are physically capable of delivering their contract quantity at the then existing delivery pressure, but in no event would Buyer be obligated to reduce the pressure at said delivery points below 50 percent of the average shut-in wellhead pressure of all such wells of 250 pounds per square inch gauge, whichever is greater. Applicant indicates that in order that 70 percent of the wells would produce at contract quantity in 1978-79, a gathering system pressure of approximately 550 p.s.i.a. would be needed. The main line pressure would be approximastely 658 p.s.i.a. at that time, it is said. It is stated that the proposed compressor installation would provide suction and discharge pressure of 550 and 658 p.s.i.a., respectively, and that it is provable that in the following year, and each year thereafter, it would be necessary to reduce the gathering system pressure to 50 percent of the average wellhead shut-in pressure. This would result in increased horsepower requirements, it is stated.

Applicant indicates that with full utilization of all proposed horsepower, the suction pressure on the Desert Springs gathering system can be reduced to 430 p.s.i.a. while maintaining the 1978-79 peak day volume. Applicant further indicates that although this peak day volume would not be maintained beyond 1978-79, this pressure would be required in the near future, which would necessitate utilization of all the compressor units proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5016 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-19, RP78-20]

COLUMBIA GULF TRANSMISSION CO.

and

COLUMBIA GAS TRANSMISSION CORP.

Order Granting Rehearing and Modifying Prior Order

FEBRUARY 21, 1978.

On January 20, 1978, the city of Charlottesville, Va. (City) petitioned for rehearing or, in the alternative, for clarification of the Commission's order issued in these dockets on December 30, 1977. City requests that the outcome of the consolidated tax issue in Docket Nos. RP75-105 and RP75-106 govern the disposition of that issue in the instant proceeding. For the reasons set forth below, City's petition shall be granted.

On November 30, 1977, Columbia Gulf Transmission Co. (Columbia Gulf) tendered for filing in Docket No. RP78-19 proposed changes to its FERC Gas Tariff which would increase its jurisdictional revenues by approximately $3 million annually based on costs and volumes for the 12 months ended July 31, 1977, as adjusted for known and measurable changes through April 30, 1978.

Also on November 30, 1977, Columbia Gas Transmission Corp. (Columbia) tendered for filing in Docket No. RP78-20 proposed changes to its FERC Gas Tariff which would increase its jurisdictional revenues by approximately $67,100,000 annually based on costs and volumes for the 12 months ended July 31, 1977, as adjusted for known and measurable changes through April 30, 1978.

On December 30, 1977, the Commission issued an order in which it accepted for filing the proposed rate increases of both Columbia Gulf and Columbia, suspended their effectiveness for five months until June 1, 1978, consolidated the two dockets, denied Columbia's request for authorization to amend its PGA tariff provision, established procedures, and granted eighteen (18) petitions to intervene.

City notes in its January 20, 1978, pleading, that it made an identical request in Docket Nos. RP76-94 and RP76-95. This request was granted by the Commission's order of July 2, 1976 by including a provision which stated that "The final decision in Docket Nos. RP75-105 and RP75-106 (Consolidated Taxes) shall determine the issue in the instant proceeding of whether Federal income taxes should be calculated on the basis of the statutory rate or on the basis of the consolidated effective tax rate." City requests a similar provision in the instant proceeding.

By order issued on December 1, 1975 in Docket Nos. RP73-86, RP75-85 and

RP75-105 and RP75-106 (Consolidated Taxes), the Commission specifically ordered, inter alia, that the issue of whether Federal income taxes should be calculated on the basis of the statutory rate or the consolidated effective tax rate was to be expeditiously tried in the consolidated RP75-105 and RP75-106 proceeding. The case has been tried, and an initial decision was rendered on July 7, 1977. It is now under consideration by the Commission on exceptions.

Since the issue of how Federal income taxes should be calculated also arises in the instant proceeding, the Commission concludes that good cause exists to grant City's petition for rehearing and to grant City's request regarding disposition of the consolidated tax issue.

The Commission finds; Good cause exists to grant City's petition for rehearing and to modify our December 30, 1977 order to provide that the final decision in Docket Nos. RP75-105 and RP75-106 (Consolidated Taxes) shall determine the issue in the instant proceeding of whether Federal income taxes should be calculated on the basis of the statutory rate or on the basis of the consolidated effective tax rate.

The Commission orders; (A) City's petition for rehearing is hereby granted and our December 30, 1977 order is hereby modified to provide that the final decision in Docket Nos. RP75-105 and RP75-106 (Consolidated Taxes) shall determine the issue in the instant proceeding of whether Federal income taxes should be calculated on the basis of the statutory rate or on the basis of the consolidated effective tax rate.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5025 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. RP75-35, etc.]

CONSOLIDATED EDISON CO. OF NEW YORK, INC., ET AL.

Extension of Time

FEBRUARY 17, 1978.

On February 8, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., filed a motion for an extension of time for filing revised tariff sheets pursuant to Ordering Paragraph (C) of the Commission's January 26, 1978, Order in the captioned proceeding. The motion states that an extension is required to allow sufficient time in which to reflect in the tariff sheets results of the settlement conferences scheduled in February 1978, in the related proceedings at Docket Nos. RP77-141, et al. The motion further states that Staff Counsel does not object to the requested extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 27, 1978, for compliance with ordering paragraph (C) of the January 26, 1978 Order in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5026 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. EL78-8]

INTERSTATE POWER CO.

Application

FEBRUARY 21, 1978.

Take notice that Interstate Power Co., on January 31, 1978, tendered for filing an Application pursuant to section 203 of the Federal Power Act to sell certain real property subject to the jurisdiction of the Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5027 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-190]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

FEBRUARY 21, 1978.

Take notice that on February 13, 1978, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-190 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with El Paso Natural Gas Co. (El Paso) pursuant to a gas exchange agreement between Applicant and El Paso dated January 27, 1978, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that it and El Paso each operate large interstate pipeline transmission and gathering systems located in producing fields of the western Oklahoma and Texas panhandle area, and that from time to time, either Applicant or El Paso may acquire the right to purchase gas reserves located in proximity to the system of the other company. Consequently, Applicant proposes to exchange gas with El Paso, it is said.

It is stated that Applicant and El Paso would gather, deliver and exchange gas from the following wells:

Well name and No.	Location	Gathering party
Smith No. 1	Sec. 5, 13 N, 24 W, Roger Mills County, Okla.	El Paso.
Fillingim No. 1-40	Sec. 40, block M-1, H & GN survey, Hemphill County, Tex.	Do.
Bronco Creek No. 1.	Sec. 31, block A-8, H & GN survey, Wheeler County, Tex.	Do.
Cupp "D" No. 1	Sec. 26, 10 N, 26 W, Beckham County, Okla.	Applicant
Sooner Unit No. 1	Sec. 35, 10 N, 26 W, Beckham County, Okla.	Do.
Lippencott No. 1	Sec. 4, 13 N, 24 W., Roger Mills County, Okla.	Do.
Kouns "A" No. 1	Sec. 18, 17 N, 17 W, Dewey County, Okla.	El Paso.
State No. 1-33	Sec. 33, 14 N, 25 W, Roger Mills County, Okla.	Do.

It is indicated, with respect to the facilities required to connect the above indicated wells to the system of either Applicant or El Paso as approriate, that the agreement provides that the gathering party would install, own, maintain and operate the lines and facilities necessary to receive and measure the gas into its system, and, with respect to the Bronco Creek No. 1 well, that the agreement provides that Applicant would install, own, and maintain the gathering and measuring facilities even though El Paso is the gathering party since El Paso has no percentage interest in the Bronco Creek well. It is stated that Applicant contemplates that the construction and operation of all facilities which it would construct to connect the Bronco Creek Well as well as facilities which it would construct as the gathering party from the wells indicated above would be accomplished under its budget certificate for gas purchase facilities authorized by the order of January 22, 1977, in Docket No. CP77-373.

The application states that in order to enable Applicant and El Paso to ex-

change quantities of natural gas on a substantially current basis, the agreement provides for daily balancing, if possible, and at least once during each six month period through the term thereof. The balancing points are (1) an existing interconnection between the pipeline systems of Applicant and El Paso located in Roger Mills County, Okla., and (2) an existing point of intersection at Teddy G. Woods No. 1 well located in Dewey County, Okla.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5028 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. ER78-212]

MISSISSIPPI POWER & LIGHT CO.

Proposed Agreement

FEBRUARY 16, 1978.

Take notice that on February 8, 1978, Mississippi Power & Light Co. (MP&L) tendered for filing a letter agreement under its interconnection Agreement with the city of Yazoo City dated January 31, 1978. MP&L states that said letter agreement provides for interim delivery of economy energy for a period from January 31, 1978 to March 1, 1978.

MP&L requests waiver of the Commission rules requiring 30 days notice and requests an effective date of January 31, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5017 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-181]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

FEBRUARY 16, 1978.

Take notice that on February 8, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-181 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of pubic convenience and necessity authorizing the limited-term transportation of up to 100,000 Mcf of natural gas per day for Trunkline Gas Co. (Trunkline), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Trunkline would soon have available volumes of natural gas in the South Louisiana area which it cannot transport due to a capacity restriction in its pipeline system, and that such restriction would continue until the date Trunkline has installed and placed in service expansion facilities on its Lakeside Lateral. Applicant states that it and Trunkline have entered into an agreement dated January 10, 1978, which agreement provides that Applicant would transport, on a best efforts basis, up to a maximum of 100,000 Mcf of natural gas per day commencing on or about April 1, 1978, and continuing for a period ending upon completion and in service of the expansion of the Lakeside Lateral by Trunkline expected to be November 1, 1978, or until December 31, 1978, whichever date occurs first.

The application states that Trunkline would deliver gas to Applicant at the existing point of interconnection between the facilities of Stingray Pipeline Co. and Applicant (Stingray point of receipt), and the point of interconnection between the facilities of the U-T Offshore System (UTOS) and Applicant (UTOS point of receipt) to be constructed pursuant to Applicant's filing in Docket No. CP76-320, both points being near Holly Beach in Cameron Parish, La. Applicant proposed to redeliver said gas to Trunkline at an existing point of interconnection between Trunkline and Applicant in Montgomery County, Tex. The Montgomery County delivery point was authorized as an emergency exchange point between Trunkline and Applicant in Docket No. CP75-134 and upon completion of the limited-term transportation would revert to its status as an emergency exchange point.

Applicant states that the ability of it to transport said gas for Trunkline is dependent upon timely and favorable action by the Commission on Applicant's filing in Docket No. CP77-601 to construct additional facilities on its Louisiana Line. Applicant further states that upon completion of the construction, it anticipates that it would have spare capacity on its Louisiana Line during the summer and fall of 1978 enabling Applicant to transport gas, on a best efforts basis, for the limited-term for Trunkline, it is said.

Applicant indicates that it would charge Trunkline, for the proposed transportation service in addition to 1 percent fuel reimbursement, 2.49 cents per Mcf for gas tendered to Applicant at the Stingray point of receipt that does not exceed the reserve daily capacity provided in a transportation agreement between the two parties dated December 14, 1972, as amended. Applicant states that volumes of gas in excess of the reserve daily capacity at Stingray point of receipt and all volumes from the UTOS point of receipt would be charged 3.20 cents per Mcf in addition to the fuel reimbursement.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by

it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5018 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP75-141]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

FEBRUARY 16, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

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

Take notice that on February 8, 1978, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP75-141 a petition to amend the order of February 12, 1975 (53 FPC ——) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for the exchange of natural gas with Arkansas Louisiana Gas Co. (Arkla) at additional exchange points, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of February 12, 1975, Petitioner was authorized to exchange natural gas with Arkla and to construct and operate certain facilities to implemenmt such exchange. It is further indicated that pursuant to a long-term gas exchange agreement dated July 5, 1974, as amended, Petitioner and Arkla agreed to exchange up to 10,000 Mcf of gas per day on a gas-for-gas basis in Washita and Grady Counties, Okla.

Petitioner states that pursuant to an amendment dated January 16, 1978, it and Arkla have further amended the subject gas exchange agreement to provide for additional exchange points in Wheeler County, Tex., and Roger Mills County, Okla. Arkla has the preferential right to purchase gas reserves located in the proximity of Petitioner's pipeline system in Wheeler County, Tex., and the point of delivery for the subject gas would be located on Petitioner's 12-inch lateral in Wheeler County, Tex., it is stated. Petitioner states that any facilities required to effectuate receipt of gas from Arkla would be constructed under Petitioner's currently effective gas purchase facilities budget-type authorization issued in Docket No. CP77-540. Petitioner further indicates that it would redeliver equivalent volumes of gas to Arkla at the "Natural Point of Delivery", as defined in the subject gas exchange agreement, as amended.

It is indicated that Petitioner has a gas purchase contract with Napeco Inc., a subsidiary of Petitioner, to purchase gas produced from the Hickey No. 1-32 well located in Roger Mills County, Okla., and that Arkla also has an interest in the well and has connected said well to its existing pipeline system to effectuate its purchase. Arkla would accept gas for Petitioner's account for redelivery at the Arkla point of delivery, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 9, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5019 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-185]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

FEBRUARY 17, 1978.

Take notice that on February 10, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-185 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, retention in place and operation of certain gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Coquina Oil Corp., et al. (Coquina), and Pennzoil Co. (Pennzoil) commenced an emergency sale of gas to Applicant on December 14 and December 27, 1977, respectively, from reserves located in Wheeler County, Tex. Applicant states that in order to effectuate this emergency purchase it operated gas purchase facilities constructed by Perry Gas Transmission, Inc. (Perry) consisting of approximately 11,000 feet of 6-inch and 2,400 feet of 4-inch lateral, three 4-inch measuring stations and other appurtenant facilities (Perry facilities). Applicant further states that the Perry facilities were connected to Applicant's transmission system by the installation of approximately 225 feet of 4-inch lateral and a 4-inch tap connection.

Applicant indicates that it has now executed long term gas purchase contracts with Coquina and Cotton Petroleum Corp. (Cotton) both dated January 1, 1978, and Pennzoil dated January 15, 1978. Applicant has determined that the Perry facilities that it operated are substantially similar to facilities it would have had to construct should the Perry facilities not have been available, it is stated.

Consequently, Applicant proposes to acquire, retain and operate the Perry facilities, as well as the connecting facilities it has constructed, for the continued receipt of natural gas that Applicant would purchase from Coquina, Pennzoil and Cotton. Applicant also proposes to assume Perry's interest in a gas compression rental agreement between Perry and Compressor Systems, Inc.

Applicant states that it would pay Perry their out-of-pocket cost, estimated at approximately $200,000 for these facilities, which facilities were recently constructed and have never been utilized for the transportation of natural gas or for any other type of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5029 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-186]

NATURAL GAS PIPELINE CO. OF AMERICA

and

SOUTHWESTERN GAS PIPELINE, INC.

Petition for Declaratory Order and Application

FEBRUARY 21, 1978.

Take notice that on February 13, 1978, Natural Gas Pipeline Co. of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, and Southwestern Gas Pipeline, Inc. (Southwestern), 3900 One Shell Plaza, Houston, Tex. 77001, filed in Docket No. CP78-186 a joint petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order declaring that none of Southwestern's facilities other than those facilities to be utilized at the redelivery point are to be deemed jurisdictional, that no producer making any sale of natural gas to Southwestern would be deemed to be an independent producer subject to the Commission's jurisdiction, and that Southwestern be relieved from compliance with the uniform system of accounts and other accounting and reporting requirements arising out of the Commission's regulations as a result of the proposed operations, and a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Natural and Southwestern and the construction and operation of certain facilities needed to implement such exchange, all as more fully set forth in the petition and application on file with the Commission and open to public inspection.

It is stated that Natural has available for purchase by it from its affiliate, NAPECO Inc. (NAPECO) natural gas production from the Maud Graham A-2, the Hall No. 1 and the Hall No. 3 wells, located in Young County, Tex., and the Morton A-1 well, located in Palo Pinto County, Tex. The estimated quantity of natural gas reserves attributable to NAPECO's working interest in all of the aforementioned wells is 312,000 Mcf, while the estimated quantity of natural gas reserves attributable to the entire working interest in all of the aforementioned wells is 421,000 Mcf, it is said. It is stated that the discovery and development of these wells has been financed by Natural's customers through a revolving exploration fund program established pursuant to authorization issued by the Federal Power Commission in Docket No. RP73-63. It is further stated that pursuant to the FPC order of August 3, 1973, redesignated ordering paragraph (F) (12) in the order issued on August 2, 1974, in Docket No. RP73-63, all natural gas reserves discovered or acquired as a result of the exploration activities financed under the revolving exploration fund must be dedicated to service for Natural's customers and must be taken into Natural's system by the most feasible means.

It is indicated that Natural has no pipeline facilities located in either Young or Palo Pinto Counties, and that no other interstate pipeline has facilities nearer to such wells than Natural's facilities in Jack County, and that Natural cannot justify economically the extension of such facilities to such wells. It is stated that Southwestern does have pipeline facilities located in both Young and Palo Pinto Counties. Consequently, Natural and Southwestern have entered into an exchange agreement dated November 22, 1977, in order to enable Natural to get the natural gas from these wells into its system in compliance with the aforementioned order. Pursuant to the subject agreement, Southwestern would receive from Natural for exchange up to a total of 5,000 Mcf of natural gas per day through two delivery points to be respectively constructed on Southwestern's existing 8-inch pipeline in the W. McDowell A-1620 Survey, Young County, Tex., and on Southwestern's existing 6-inch pipeline in the J. Poitevent A-1057 Survey, Palo Pinto County, Tex., it is stated. Natural indicates that it would construct approximately 4.5 miles of gathering line from the wells located in Young County to the Young County Delivery Point, and approximately 0.11 mile of gathering line from the well located in Palo Pinto County to the Palo Pinto County Delivery Point. Southwest indicates that it would install, at Natural's expense, necessary facilities adequate to accept delivery and to measure the gas at the two aforementioned delivery points. It is stated that the estimated cost to Natural of all facilities proposed to be installed would be $332,000. All of the gas received by Southwestern from Natural at the delivery points would be consumed physically within the State of Texas, it is said.

It is stated that Southwestern concurrently would deliver equivalent volumes of gas produced from the D. J. Hughes No. 6 and the D. J. No. 7 wells to Natural through a redelivery point to be constructed on Natural's proposed 4-inch pipeline in Wise County, Tex., to a point on Southwestern's existing 4-inch pipeline. It is further stated that the estimated quantity of

natural gas reserves attributable to both of the aforementioned wells is 2,400,000 Mcf. Natural would construct approximately 700 feet of such 4-inch pipeline from its 20-inch gathering line in the NW/4 of the Robert Cunningham A-179 Survey to the redelivery point, and Natural would install, own, and operate a meter at the redelivery point. Natural indicates that it would enter into a gas compression agreement with Brazos Gas Compressing Co. (Brazos), pursuant to which Natural would pay 5 cents per Mcf per stage of compression for the compression of the gas received by Natural from Southwestern at the redelivery point in order to enable such gas to be at a pressure sufficient to enter Natural's 20-inch gathering line. It is stated that the gas to be redelivered by Southwestern to Natural would be gas being sold to Southwestern by various producers owning interests in the D. J. Hughes No. 6 or D. J. No. 7 wells located in Wise County. It is further stated that Southwestern purchases the natural gas produced from the two aforementioned wells pursuant to a gas contract dated May 21, 1952, originally between Miles Production Co., as seller, and Upham Gas Co., as buyer.

It is indicated that the gas and liquids delivered by Southwestern to Natural at the redelivery point would be gathered for processing in a commingled stream with other gas purchased by Natural in the Wise County Area to the Mitchell Energy Production Corp. Processing Plant situated near Bridgeport, Tex. (Plant). After processing, Southwestern would deliver exchange gas to natural for Natural's account at the tailgate of the Plant, it is stated.

It is stated that all volumes of gas delivered under the exchange arrangement would be adjusted for Btu content, and all gas balances would be calculated on a volume weighted average Btu basis. It is asserted that no monetary compensation is provided for in the exchange agreement, it being understood that the transaction is to be a straight gas-for-gas exchange, except with respect to the Btu allowance provided for in the agreement.

The petition indicates that because of the unique circumstances surrounding the exchange proposed herein, the sale of natural gas by the producers to Southwestern, who in turn would deliver such gas to Natural pursuant to the agreement, should not be viewed by the Commission as a sale for resale by such producers in interstate commerce, subjecting them to the Commission's jurisdiction, and that the activities which would be undertaken by Southern under the agreement should not result in Southwestern's becoming a natural gas company under the Natural Gas Act and subject to all of the Commission's regulations thereunder for the following reasons:

First, there is no practical alternative which can be utilized by Natural to accept the gas from the four (4) NAPECO wells, the discovery and development of which has been funded by Natural's customers, into Natural's system. The orders issued in Docket No. RP73-63 require that this gas be taken into Natural's system by the most feasible means. In the event that the contemplated exchange is not effectuated, NAPECO's lease pertaining to its Morton A-1 well would lapse on February 1, 1979, and the gas from such well would be lost forever to Natural and the interstate market. In addition, NAPECO's investment in such wells, funded by Natural's customers, also will be lost.

Second, the proposed transaction, in contemplation and effect, would be an exchange of thermally-equivalent volumes of gas between Natural and Southwestern, and would not in any way tend to drive upward the price at which new supplies might be available to interstate purchasers. Natural will make payment to NAPECO for the volumes of gas purchased by Natural from NAPECO at the applicable National rate established by the Commission for each of the four (4) NAPECO wells. Southwestern would continue to make payment to the various producers for the volumes of gas purchased by Southwestern from such producers pursuant to the terms of their existing gas contracts. In effect, Natural purchases its gas from NAPECO and Southwestern continues to purchase its gas from the producers with whom it has an existing contract. None of the producers would be performing either a gathering or a transportation function. In such circumstances, to hold that the various producers are making "sales" of gas to Natural truly would be a holding exalting form over substance.

Third, the producers sold their gas to Southwestern in part because they did not desire that the rates to be received by them for their gas be subject to Commission jurisdiction. The Agreement expressly provides that if the Commission does not waive the exercise of its jurisdiction over these producers, then Southwestern will not accept any certificate issued by the Commission.

Furthermore, with respect to Southwestern, no valid public purpose would be served by requiring that Southwestern's facilities, other than the facilities at the redelivery point which will be physically isolated from the rest of Southwestern's system, be considered jurisdictional, nor would any valid public purpose be served by requiring Southwestern to make the myriad reports required under the Commission's regulations. The volumes of gas involved are both small and isolated. The essential character of Southwestern's system, both before and after the implementation of the proposed exchange, would be that of an intrastate pipeline. In order to protect the service which Southwestern would be rendering to Natural hereunder, the Commission would have adequate jurisdiction hereunder through its certificate authority under section 7(c) of the Natural Gas Act, and its authority under section 7(b) of the Natural Gas Act.

Consequently, Natural and Southwestern request the following:

(1) A Declaratory Order determining:

(a) That none of Southwestern's facilities other than the jurisdictional portion of those facilities utilized to gather the natural gas from the D. J. Hughes No. 6 and the D. J. Hughes No. 7 Wells, and to redeliver such gas to Natural will become subject to the jurisdiction of the Commission;

(b) That none of the producers and any other producer making sales of natural gas to Southwestern, or any other supplier of natural gas to Southwestern, shall be deemed to be an "independent producer" subject to the Commission's jurisdiction under the Natural Gas Act; and

(c) That Southwestern be relieved from compliance with the Commission's Uniform System of Accounts under the Natural Gas Act and all other accounting and reporting requirements applicable to natural gas pipeline companies arising out of the Commission's regulations under the Natural Gas Act.

as a result of the implementation of the proposal herein,

(2) Issue a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of facilities, all as more fully set forth hereinabove.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene

is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5030 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-187]

NORTHERN NATURAL GAS CO.

Application

FEBRUARY 21, 1978.

Take notice that on February 13, 1978, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP78-187 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon and remove certain compressor facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate a new 2,100 horsepower (H.P.) compressor station (Finney County No. 4) on its existing Hugoton gathering system in Finney County, Kans. It is stated that the facilities of Finney County No. 4 compressor station would consist of one 1,320 H.P. unit and one 780 H.P. unit and approximately 0.25 mile of 10-inch discharge line at an estimate cost of $1,764,470, which cost would be financed from funds on hand.

The application states that the new 2,100 H.P. compressor station is required to provide a general reduction of gathering line pressure, and that the reduced gathering line pressure would improve production delivery capability from the field and, therefore, would assist Applicant in maintaining the present peaking capability from the Hugoton System.

Applicant asserts that the Hugoton System is its largest and most reliable single source of gas supply consisting of numerous well groups (subsystems) which produce natural gas from certain established system pools. Applicant states that the Finney County No. 4 compressor station would compress gas produced from 22 wells located in Applicant's Holcomb South subsystem.

It is stated that at the present, the Holcomb South subsystem production is being compressed by field service units located at Applicant's Holcomb compressor station, and that recent declines in flowing wellhead pressure require the lowering of the gathering line pressure in order to maintain delivery from these wells. The proposed Finney County No. 4 compressor station would lower the gathering line pressure to the level which would permit a subsystem delivery capability of 13,500 Mcf per day and thereby assist in maintenance of peaking capability of the Hugoton system, it is stated. Applicant indicates that the operation of the proposed Finney County No. 4 compressor station would increase peak day deliverability by 1,653 Mcf for the 1978-79 heating season, a volume which is not available from other sources of supply.

It is indicated that Applicant has determined that its Hooper, Nebr., compressor station, consisting of one 1,320 H.P. unit and six 850 H.P. units, is no longer required, and that Applicant can maintain required peak day deliveries of up to 293,453,000 Mcf per day at the suction of the South Sioux City Compressor Station with the full utilization of compressor horsepower at its Palmyra Compressor Station. It is indicated that due to a decline in volumes from sources behind Applicant's Hansford County, Tex., No. 1 compressor station, Applicant proposes to abandon and remove the 780 H.P. compressor unit from this location. A lower rated unit more suited to specific gathering system requirements would be installed at Hansford County No. 1 under budget-type authorization granted by the Commission order under section 157.7(g) of the Commission's regulations (18 CFR 157.7(g)).

Consequently, Applicant proposes to abandon and remove one 1,320 H.P. unit from the Hooper Compressor Station and one 780 H.P. unit from the Hansford County No. 1 compressor station. Applicant states that upon receipt of the requested authorization here, it intends to utilize the Hooper and Hansford County No. 1 compressor facilities in establishing the proposed Finney County No. 4 compressor station. The estimated cost to abandon and remove the facilities is $54,280, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5031 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-183]

NORTHWEST PIPELINE CORP.

Application

FEBRUARY 17, 1978.

Take notice that on February 9, 1978, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-183 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

The applicatin states that Natural has developed or otherwise acquired natural gas reserves in the Bar X Field in Uintah and Grand Counties, Utah, and that Natural desires to make available to its transmission system, which is remote from the Bar X Field, those volumes of natural gas to be produced from the Bar X Field for the ac-

count of Natural. Consequently, it is indicated that Applicant and Natural have entered into a gas purchase, gathering and transportation agreement dated December 20, 1977, which provides, inter alia, that Applicant would construct the necessary facilities to connect the Bar Creek No. 1 Federal to Applicant's Bar X gathering system and would transport 75 percent of the gas so gathered for delivery to El Paso Natural Gas Co. (El Paso), for the account of Natural, at an existing point of interconnection between the facilities of Applicant and El Paso in La Plata County, Colo. It is stated that the agreement provides that Natural can request Applicant to gather, transport and deliver to El Paso for Natural's account, those volumes of natural gas which Natural may develop or otherwise acquire in an area of interest encompassing approximately 40 Townships (921,600 acres) in Grand and Uintah Counties, Utah.

The application states that the implementation of the subject agreement would be on a well(s) by well(s) basis, and that Applicant would provide a gathering service for wells that become subject to the aforementioned agreement. Consequently, from time to time, as Natural has gas available in the area set forth in the agreement, the agreement would be amended to designate the source of supply, the acreage dedicated to such source of supply and the proposed gathering costs of service, it is said.

It is stated that the maximum volumes which are to be gathered and transported hereunder would be 25,000 Mcf of natural gas per day (exclusive of the quantities of gas which Applicant has a right to purchase under the agreement), and that the initial volumes available for gathering and transportation by Applicant for the account of Natural are considerably less than the maximum daily volume specified above; therefore, Applicant requests authorization to transport 5,000 Mcf per day.

Applicant states that it would receive, for transportation, such volumes as are delivered by Natural from the Bar Creek No. 1 Federal which is located in Grand County, Utah, and would redeliver equivalent volumes, subject to Applicant's option to purchase 25 percent of the volumes so delivered by Natural, to El Paso at an existing point of interconnection located in La Plata County, Colo. It is indicated that the gas so delivered to El Paso would be redelivered by displacement or otherwise to Natural, and that the volumes of gas so received for the account of Natural and delivered by Applicant to El Paso would be balanced on a Btu basis and such balancing would, to the extent possible, be achieved monthly.

Applicant indicates that it would pay Natural for the subject gas a price based on Natural's cost of gas purchased in the Bar X Field.

Applicant states that it would charge Natural 8 cents per Mcf for each Mcf of natural gas transported by Applicant on its mainline system to El Paso. Natural would also provide its proportionate share of compressor fuel required to operate the compressor facilities utilized to compress the gas being gathered and transported, it is said. Applicant states that it would also charge Natural a gathering charge which is based on its average cost of service for the year 1976 applicable to Applicant's gathering systems, exclusive of Applicant's San Juan, Big Piney and Piceance Creek Gathering systems, which average cost of service for these gathering systems for 1976 and 21.69 cents.

The application states that Applicant's obligation to exchange and/or transport volumes of natural gas for Natural would have priority over Applicant's future transportation agreements, with the exception of those involving certain preexisting obligations of Applicant.

Applicant proposes to construct the gathering facilities required to gather the volumes of gas proposed herein pursuant to § 157.7(b) of the Commission's regulations and pursuant to the Commission's order of September 30, 1977, in Docket No. CP77-507. Applicant estimates that it would construct approximately 1,585 feet of 4½-inch pipeline to tie in the Bar Creek No. 1 Federal Well to its A-1 lateral, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5032 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. ID-1802]

RICHARD L. JOHNSON

Termination

FEBRUARY 16, 1978.

By Order issued April 12, 1977, Mr. Johnson was authorized, pursuant to Section 305(b) of the Federal Power Act, to hold the following positions pending further Order of the Federal Power Commission in regard thereto:

Director, Wisconsin Electric Power Co.
Director, Wisconsin Michigan Power Co.

Due to the merger of Wisconsin Power Co. into Wisconsin Electric Power Co., effective 12 o'clock midnight, December 31, 1977, Mr. Johnson no longer holds the above-mentioned interlocking positions. Since Mr. Johnson no longer serves in interlocking positions for which authorization under section 305(b) is necessary, Docket No. ID-1802 is hereby terminated.

Notice of the termination of this docket is being sent to the appropriate regulatory commissions of the states of Wisconsin and Michigan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5020 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-184]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

FEBRUARY 16, 1978.

Take notice that on February 9, 1987, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed an application pursuant to section 7(c) of the Natural Gas Act, as amended, and the rules and regulations of the Federal Energy Regula-

tory Commission thereunder, for a certificate of public convenience and necessity authorizing the rendition of a natural gas transportation service for Texas Eastern Transmission Corp. (TETCO).

Tennessee requests authorization to receive from TETCO daily volumes of natural gas produced from Vermilion Block 60, offshore Louisiana (V60), up to 10,000 Mcf, and to transport and deliver such volumes to TETCO at a point of interconnection of the facilities of Tennessee and TETCO located in Allen Parish, La. Tennessee proposes to charge TETCO 3.94 cents per Mcf and to retain 0.06 percent of the volumes received for Tennessee's fuel and use requirements.

Tennessee's ability to render presently authorized service to its customers will not be affected by its proposal.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5021 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. CP78-179]

TEXAS EASTERN TRANSMISSION CORP. AND SOUTHERN NATURAL GAS CO.

Joint Pipeline Application

FEBRUARY 16, 1978.

Take notice that on February 7, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Southern Natural Gas Co. (Southern Natural), P.O. Box 2563, Birmingham, Ala. 35202 (applicants), filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing operation of facilities for the exchange of natural gas. Applicants request authorization for the construction of facilities and the exchange of natural gas pursuant to the agreement dated July 21, 1977. Southern Natural has the right to purchase certain gas supplies to be produced in Breton Sound Block 53, offshore Louisiana, and such gas may be delivered into Texas Eastern's existing pipeline traversing the block and terminating at the Gulf Venice Plant near Venice, La., where both parties are currently receiving gas from Gulf Oil Co. and deliveries can be made to Southern Natural for the account of Texas Eastern. Pursuant to the agreement, Texas Eastern shall receive approximately 5,000 Mcf of natural gas per day tendered for delivery by Southern Natural to Texas Eastern at the intersection of Southern's lateral and Texas Eastern's pipeline No. 40-B-1 in Breton Sound Block 53, through the tap for which authorization is requested herein, and Southern Natural shall receive a like quantity of natural gas delivered by Gulf for the account of Texas Eastern at the tailgate of the Gulf Venice Plant near Venice, La. The cost of the facilities will be approximately $184,500.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 9, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to interevene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5022 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket No. RP78-25 (DCA78-1)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Denying Rehearing

FEBRUARY 17, 1978.

On January 18, 1978, Transcontinental Gas Pipe Line Corp. (Transco) filed in Docket No. RP78-25 (DCA78-1) an application for rehearing of the Commission's letter order of December 30, 1977. By that letter order, we rejected certain tariff sheets which provided a change in Transco's method of collecting demand charge adjustments from the presently effective deferred method to a current method of collection. Our rejection was based upon the fact that the sheets would have allowed Transco to collect carrying charges on the unrecovered curtailment credits during the period over which Transco is eliminating the unrecovered balance accumulated under the present procedure.

In its application for rehearing, Transco submits that the Commission's rejection of the proposed tariff sheets is improper since it is contrary to a provision of the proposed settlement agreement which is pending in Docket Nos. RP76-136 and RP77-26. Transco asserts that the rejected tariff sheets were filed pursuant to Article VI of that settlement agreement, which provides for a separate filing to be made immediately to change the collection of curtailment credits to a current basis. Transco states that the associated compliance tariff sheets proposed by the settlement agreement and attached thereto provided for carrying charges, and that no party objected to the settlement provision requiring the filing of such tariff sheets, although Staff and possibly other parties were contesting the allowance of

carrying charges as a reserved issue. Finally, Transco urges in its application for rehearing that our rejection of its tariffs was unwarranted since Transco's customers will as a result be required to pay an additional $1 million annually due to rate base treatment of the deferred demand charge credits, which treatment Transco will continue to claim due to our denial of carrying charges.

After due consideration of the arguments presented in Transco's application for rehearing, we find that they fail to warrant modification of our December 30, 1977 order rejecting Transco's compliance tariff filing. We shall accordingly deny the application for rehearing.

The Commission's December 30, 1977, letter order, by rejecting the tariff sheets reflecting the revised demand charge adjustment clause with the carrying charge provision, in effect denied Transco's request to implement the proposed settlement agreement in Docket Nos. RP76-136 and RP77-26 in a two step manner. The Commission's decision was without prejudice to final Commission action on the issues of carrying charges on deferred demand charge amounts and on the proposed revised demand charge adjustment clause at such time as the Commission acted upon the entire settlement agreement in Docket Nos. RP76-136 and RP77-26. In view of the Commission's consistent past policy of disallowing carrying charges on deferred demand charge adjustment amounts, the Commission quite properly refused to implement a revised demand charge adjustment clause which provided for accrual and collection of carrying charges on deferred amounts (albeit subject to refund) until the carrying charge issue is resolved on the merits. Accordingly, the Commission shall deny Transco's application for rehearing of the December 30, 1977, letter order.

The Commission finds

Transco's January 18, 1978, application for rehearing of the Commission's December 30, 1977, letter order in this docket presents no new facts or principles of law which require modification of that letter order.

The Commission orders

(A) Transco's January 18, 1978, application for rehearing of the Commission's December 30, 1977, letter order in Docket No. RP78-25 (DCA78-1) is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5033 Filed 2-24-78; 8:45 am]

[6740-02]

[Docket Nos. G-5045, et al.]

SHELL OIL CO., et al.

Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

FEBRUARY 16, 1978.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-5045(D) Feb. 2, 1978	Shell Oil Co., P.O. Box 2099, Houston, Tex 77001.	United Gas Pipe Line Co., Weeks Island Field, Iberia Parish, La.	Depleted.	
G-12639(D) Feb. 6, 1978	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex 77056.	Northern Natural Gas Co., Fincham Field, Meade County, Kansas and Beaver County, Okla.	Leases expired.	
CI64-1547(D) Feb. 6, 1978	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex 75250.	Kansas-Nebraska Natural Gas Co., Inc., Frenchie Draw unit area, Wind River Basin, Fremont and Natrona Counties, Wyo.	Leases were undeveloped and were outside the bounds of the Frenchie Draw unit and have expired.	
CI76-334(C) Feb. 6, 1978	Cities Service Co., P.O. Box 300, Tulsa, Okla 74102.	Panhandle Eastern Pipe Line Co. Certain acreage in Weston County Wyo, limited to the interval between the surface and the base of the Muddy formation.	()	15.025
CI-77-110(C) Feb. 6, 1978	Cities Service Co	Panhandle Eastern Pipe Line Co., Certain acreage in Campbell County, Wyo, limited to casinghead gas produced from the interval between the surface and the base of the Shannon formation.	(*)	15.025
CI77-467(B)[2] Feb. 2, 1978	Gas Producing Enterprises Inc., 5 Greenway Plaza East, Houston, Tex 77046.	Florida Gas Transmission Co., State tract 120, offshore, Tex.		
CI78-25(C) Jan. 30, 1978	Amoco Production Co., Security Life Bldg., Denver, Colo 80202.	Cities Service Gas Co., certain acreage in Sweetwater and Carbon Counties, Wyo.	(*)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-302(A) Jan. 13, 1978	Texaco Inc., P.O. Box 60252, New Orleans, La 70160.	Transcontinental Gas Pipe Line Corp., Fausse Point Field, onshore, St. Martin and Iberia Parishes, La.	(*)	15.025
CI78-372(B) Jan. 23. 1978	R. J. A. deSeife, trustee and Gibbs L. Baker, c/o Gibbs L. Baker, 630 Sandy Nook St., Sarasota, Fla. 33581.	Consolidated Gas Supply Corp., Harris Well No. 1, on 47 acres belonging to Ocea Hoover, in Union District, Ritchie County, W. Va.	Line disconnected.	
CI78-373(B) Jan. 23, 1978	Coleary Petroleum Corp. P.O. Box 284 Okeene. Okla 73763.	Cities Service, Sargent 1-36, NW. SE. sec. 36-6N-26ECM, Knowles Field, Beaver County, Okla.	Depleted, plugged and abandoned.	
CI78-374(B) Jan. 23, 1978	Cleary Petroleum Corp	Cities Service, Sargent 1-35, C, SW., NE. sec. 35-6N-26ECM, Knowles Field, Beaver County, Okla.	Do.	
CI78-375(B) Jan. 23, 1978	Cleary Petroleum Corp., P.O. Box 284 Okeene, Okla. 73763.	Cities Service, Otto Barby 2-2, NE., NW., sec. 2-5N-26ECM, Knowles Field, Beaver County, Okla.	Depleted, plugged and abandoned.	
CI78-376(CI68-1314)(B) Jan. 23 1978	G. F. Abendroth, Lyons Petroleum Inc., 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La.	Depleted, lease expired, plugged and abandoned.	
CI78-377(B) Jan. 23, 1978	G. F. Abendroth	Natural Gas Pipeline Co. of, America, Balderas Field, Jim Hogg County, Tex.	Do.	
CI78-378,(CI67-1565)(B) Jan. 23, 1978	do	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-379(B) Jan. 23, 1978	do	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-380,(CI67-1565)(B) Jan. 25, 1978	William O. Watson, Jr., Lyons Petroleum Inc., 1500 Breck Bldg., Shreveport, La 71101.	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-381,(B) Jan. 25, 1978	William O. Watson, Jr.	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-382, (B) Jan. 25, 1978	do	Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex..	Do.	
CI78-383, (CI68-1314)(B) Jan. 25, 1978	do	Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La.	Do.	
CI78-384 (A) Jan. 26, 1978	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	United Gas Pipe Line Co., No. 2 J. P. Duhe well, in sec. 41-12S-8E, Iberia Parish, La.	(*)	15.025
CI78-385 (A) Jan. 27, 1978	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex.	Texas Gas Transmission Corp. "A" platform block A-334, east addition, south extension, High Island area, offshore, Tex.	(*)	14.65
CI78-386 (A) Jan. 27, 1978	Texas Gas Exploration Corp.	Texas Gas Transmission Corp. "B" platform block A-334, east addition, south extension, High Island area, offshore, Tex.	(*)	14.65
CI78-387 (G-290) (B) Jan. 30, 1978	Lock 3 Oil, Coal & Dock Co., 200 Union Carbide Bld., Pittsburgh, Pa. 15220.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va..	Uneconomical, insufficient pressure and water problem.	
CI78-388 (CI65-621) (B) Jan. 30, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	United Gas Pipe Line Co., Deer Island Field, Terrebonne Parish, La.	Leases expired, plugged and abandoned.	
CI78-389 (A) Jan. 30, 1978	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Southern Natural Gas Co., Grand Isle block 75 Field, offshore, La.	(*)	15.025
CI78-390 (A) Jan. 30, 1978	Cabot Corp., P.O. Box 1101, Pampa, Tex. 79065.	Northern Natural Gas Co., certain acreage in block 34, East Cameron area, offshore, La.	(*)	14.73
CI78-391 (A) Jan. 31, 1978	Tenneco Oil Co., P.O. Box 2511, Houston, Tex 77001.	El Paso Natural Gas Co., San Juan 29-7 Dakota unit well Nos. 109, 110, and 112, basin Dakota Field, Rio Arriba County, N. Mex.	(*)	14.65
CI78-392 (A) Jan. 31, 1978	Cities Service Co. (Successor in interest to Cities Service Oil Co.), P.O. Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Blackburn "A" No. 1 well, sec. 2-10N-10W, Caddo County, Okla.	(*)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-393 (A) Feb. 2, 1978	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Consolidated Gas Supply Corp., Reed Deemer Field, Indiana and Clearfield Counties, Pa.	(*)	14.73

¹Applicant is filing under Gas Purchase and Sales Agreement dated Jan. 5, 1976, amended by addendum to the gas purchase and sales agreement dated Dec. 2, 1977.
²Applicant is filing under gas purchase and sales agreement dated Oct. 11, 1976, amended by addendums to the gas purchase and sales agreement dated Sept. 14, 1977 and Nov. 10, 1977.
³Amendment to abandonment. Application filed in Docket No. CI77-467 is amended to include request for authorization to abandon service from interests acquired from Getty Oil Co. and Mission Corp.
⁴Applicant is filing under gas sales contract dated Aug. 1, 1977, amended by amendment dated Jan. 13, 1978.
⁵Applicant is filing under gas purchase contract dated Jan. 6, 1978.
⁶Applicant is filing under gas purchase contract dated June 6, 1977.
⁷Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
⁸Applicant is filing under gas purchase contract dated Dec. 15, 1977.
⁹Applicant is filing under gas purchase contract dated July 15, 1977.

Filing code:

A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-4917 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 860-1]

IDAHO DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

Approval of State Application

In accordance with the provisions of section 1413 of the Safe Drinking Water Act (Pub. L. 93-523, December 16, 1974), and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Milton G. Klein, Director of the Idaho Department of Health and Welfare, has submitted to the Environmental Protection Agency (EPA) an application to assume primary enforcement responsibility over public water systems in the State of Idaho.

Notice is hereby given that the Regional Administrator, EPA Region X, has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action is based on a thorough evaluation of the State's public water system supervision program in relation to the requirements of the Safe Drinking Water Act. The State:

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the Safe Drinking Water Act; and

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

This evaluation has shown that the Idaho program fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing regarding the Regional Administrator's determination on or before March 29, 1978. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Request for hearing shall be addressed to:

Donald P. Dubois, Regional Administrator, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Idaho application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Idaho:

Idaho Department of Health and Welfare, Division of the Environment, 700 West State Street, Fifth Floor, Boise, Idaho 83720.

Dated: February 21, 1978.

DONALD P. DUBOIS,
Regional Administrator,
Region X.

[FR Doc. 78-5115 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 860-3]

KANSAS DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

Approval of State Application

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Mr. Jack Burris, Director, Bureau of Water Supply, Kansas Department of Health and Environment, has submitted to the Environmental Protection Agency (EPA) an application to assume primary enforcement responsibility over public water supply systems in the State of Kansas.

Notice is hereby given that the Regional Administrator, EPA, Region VII, has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action is based on a thorough evaluation of the state's public water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of: (1) State primary drinking water regulations; (2) An inventory of public water supply systems; (3) A systematic program of sanitary surveys; (4) A state program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) A public water supply system plan review program; (7) Adequate statutory or regulatory enforcement authority; (8) Record-keeping and reporting proce-

dures; (9) A program for issuing variances and exemptions; and (10) A plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the Kansas program fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing to consider the Regional Administrator's determination on or before March 29, 1978. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

Kathleen Q. Camin, Ph. D., Regional Administrator, U.S. Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108

and shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Kansas application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Kansas:

The Kansas Department of Health and Environment, Forbes Air Force Base, Building No. 740, Topeka, Kansas 66620.

Dated: February 21, 1978.

KATHLEEN Q. CAMIN,
Regional Administrator,
Region VII.

[FR Doc. 78-5117 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 859-8]

MONTANA DRINKING WATER PROGRAM

Determination of Primary Enforcement Responsibility

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act of 1974 (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et. seq) and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Dr. A.C. Knight, Director of the Montana Department of Health and Environmental Sciences, has submitted an application for assumption of primary enforcement responsibility under the SDWA to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administratior of EPA Region VIII has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action was based upon a thorough evaluation of Montana's water supply supervision program in relation to the requirements of 40 CFR 142.10. Specifically, the State has adopted and implemented:

1. Primary drinking water regulations which are as stringent as the National Interim Primary Drinking Water Regulations;
2. An inventory of public drinking water systems;
3. A systematic program for conducting sanitary surveys of public drinking water systems;
4. A State program for certification of laboratories performing analyses of drinking water samples;
5. State laboratory procedures for drinking water analyses approved by EPA:
6. A plan and construction review program;
7. Statutory and regulatory enforcement authority and procedures;
8. Requirements for suppliers of drinking water to keep appropriate records and make appropriate reports to the State;
9. Requirements for suppliers of drinking water to give public notice for violation of State drinking water regulations;
10. A system for required State recordkeeping and reporting;
11. A program for issuing variances and exemptions; and
12. A plan for providing safe drinking water under emergency circumstances.

On or before March 29, 1978, any person may request a public hearing to consider the Regional Administrator's determination. If a public hearing is requested and granted, this determination will not become effective until such time, following the hearing, as the Regional Administrator issued an order affirming or rescinding the determination.

Requests for a public hearing shall be addressed to:

Mr. Alan Merson, Regional Administrator, U.S. Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80295.

and shall include the following information:

1. The name, address and telephone number of the individual, organization or other entity requesting a hearing;
2. A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting individual intends to submit at such hearing; and
3. The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of Montana's application for primary enforcement responsibility is available for public inspection, during normal business hours, at the Office of the EPA Regional Administrator, and at the following location in Montana:

Dated: February 21, 1978.

Montana Department of Health and Environmental Sciences, Water Quality Bureau, Cogswell Building, Helena, Mont. 59601.

ALAN MERSON,
Regional Administrator Environmental Protection Agency, Region VIII.

[FR Doc. 78-5114 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 860-2]

WASHINGTON DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

Approval of State Application

In accordance with the provisions of section 1413 of the Safe Drinking Water Act (Pub. L. 93-523, December 16, 1974), and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Dr. John A. Beare, Director of the Health Services Division, Washington State Department of Social and Health Services, has submitted to the Environmental Protection Agency (EPA) an application to assume primary enforcement responsibility over public water systems in the State of Washington.

Notice is hereby given that the Regional Administrator, EPA Region X, has approved this application for primary enforcement authority, to become effective on March 29, 1978. This action is based on a thorough evaluation of the State's public water system supervision program in relation to the requirements of the Safe Drinking Water Act. The State:

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the Safe Drinking Water Act; and

(5) Has adopted and can implement an adequate plan for the provision of

safe drinking water under emergency conditions.

This evaluation has shown that the Washington program fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing regarding the Regional Administrator's determination on or before March 29, 1978. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

Donald P. Dubois, Regional Administrator, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Washington application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location:

Department of Social and Health Services, Water Supply and Waste Section, Building Number 4, Airdustrial Center, Olympia Airport, Tumwater, Wash.

Dated: February 21, 1978.

DONALD P. DUBOIS,
Regional Administrator,
Region X.

[FR Doc. 78-5116 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 861-1; PF-91]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006, has submitted a petition (PP 8F2043) to the Environmental Protection Agency (EPA) which proposes that 40 CFR Part 180 be amended by establishing a tolerance for residues of the insecticide/nematocide 2-methyl-2-(methylsulfonyl) propanal O-[(methylamino)carbonyl] oxime in or on the raw agricultural commodities cottonseed at 0.05 part per million, cottonseed hulls at 0.1 part per million and soapstock from cottonseed oil refining at 0.6 part per million. The proposed analytical method for determining residues is by gas chromatography utilizing a flame photometric detector and incorporating a filter specific for sulfur-containing compounds. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 10, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-5111 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 861-2]

REGION IX

Approval of State Application for California Drinking Water Primacy Enforcement Responsibility

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR Part 142 (41 FR 2918, January 20, 1976), Mr. Henry Ongerth, California Department of Health, Public Health Division, has submitted an application to assume primary enforcement responsibility under the SDWA to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administrator, EPA, Region IX has determined that the California Department of Health, Public Health Division, has meet all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement authority for public water systems in the State of California. This determination is to become effective following public hearings to be held on April 4 and 6, 1978. This action is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the proposed adoption and implementation of: (1) State primary drinking water regulations; (2) An inventory of public water systems; (3) A systematic program of sanitary surveys; (4) A State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) A plan review program; (7) Adequate statutory or regulatory enforcement authority; (8) Record-keeping and reporting procedures; (9) A program for issuing variances and exemptions; (10) A plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the program which will be carried out by the State Health Department's Public Health Division fulfills all requirements for obtaining primary enforcement authority.

Public hearings will be held at:

U.S. Environmental Protection Agency, Region IX Office, 6th Floor, 215 Fremont Street, San Francisco, Calif. 94105, April 4, 1978, 7-9 pm and State of California Building, 107 South Broadway, Los Angeles, CA 90012, April 6, 1978, 7-9 pm.

The determination of primacy shall not become effective until such time, following the hearings, as the Regional Administrator issues an order affirming or rescinding the determination. Notice to intent to address a hearing shall be mailed to:

Paul De Falco, Jr., Regional Administrator, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting to address a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and summary of the information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the State Health Department's application for primary enforcement responsibility is available for public inspection during normal business hours at the office of the Regional Administrator and at the following locations in California:

State of California, Department of Health, Sanitary Engineering Section, 2151 Berkeley Way, Berkeley, CA 94704.

and all County Health Departments.

Dated: February 21, 1978.

CLYDE B. ELLER,
Acting Regional Administrator, Region IX.

[FR Doc. 78-5112 Filed 2-24-78; 8:45 am]

[6560-01]

[FRL 859-7]

REGION IX

Approval of State Application for Nevada Drinking Water Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and § 142.10 of the National Interim Primary Drinking Water Regulations Implementation, published in the FEDERAL REGISTER on January 20, 1976.

An application has been received from the Nevada State Health Officer, dated December 28, 1977, requesting that the Nevada State Division of Health be granted primary enforcement responsibility for public water systems in the State of Nevada, in accordance with the Provisions of this Act.

In response, I have determined that the Nevada State Division of Health has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of Nevada. The State:

1. Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

2. Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

3. Will keep such records and make such reports as required;

4. If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the Safe Drinking Water Act; and

5. Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

All documents relating to this determination are available for public inspection between the hours 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Bureau of Consumer Health Protection Services, Nevada Division of Health, 505 East King Street, Room 103, Carson City, Nev. 89710.

Regional Administrator, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before March 29, 1978. A request for a public hearing shall include the following information:

1. The name, address and telephone number of the individual, organization or other entity requesting a hearing.

2. A brief statement of the requesting person's interest in the Regional Administrator's determination and information that the requesting person intends to submit at such hearing.

3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made on or before March 29, 1978, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of Nevada of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication, as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After reviewing the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of such order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective March 29, 1978.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: February 21, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator, Region IX, Environmental Protection Agency.

[FR Doc. 78-5113 Filed 2-24-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16070]

COMSAT RATE CASE

Proposed Settlement

On February 17, 1978, representatives of the Common Carrier Bureau and General Counsel's Office and the Communications Satellite Corp. (COMSAT) reached agreement on a proposed settlement of FCC Docket 16070, the Comsat rate case. The proposal is subject to Commission approval and a finding that a settlement is in the public interest. The Comsat Board of Directors must also act upon the settlement. The proposed settlement is a result of negotiations announced by a letter of General Counsel Robert Bruce to parties of record in the proceeding. All parties were invited to attend and participate in the negotiations. In order to afford the widest possible consideration, the attached proposed "Settlement Agreement" is presented for public comment.

The proposed settlement agreement covers the issues remanded to the Commission by the U.S. Court of Appeals for the District of Columbia Circuit in its October 14, 1977 decision, which generally affirmed the Commission's rate order. Other outstanding questions in Docket 16070 are addressed, particularly those related to the funds subject to refund held by Comsat in escrow. The major points of the settlement follow:

(1) Comsat will refund to the public approximately $92.2 million plus interest (the sum of the monies already in escrow) plus approximately an additional $5.2 million called for in the proposed settlement agreement.

(2) Comsat will file new tariffs which will yield approximately a 48 percent reduction in the charges which would have been paid by Comsat customers in 1978, if Comsat's 1975 rates had remained in effect.

(3) Comsat will withdraw its further petitions for rehearing pending before the U.S. Court of Appeals for the District of Columbia Circuit and refrain from further rate case related litigation.

(4) These new tariffs for Comsat's services through the Intelsat system will be based on revenue requirement calculations which feature a number of modifications:

(a) Intelsat capital contributions (Comsat payments for Intelsat's construction program) will be allowed in the rate base.

(b) Other plant construction work will be allowed in the rate based when it is placed in service. While under construction, this plant will accrue "interest during construction".

(c) Comsat will include 75 percent of the investment in its laboratories in its rate base.

(d) Comsat's allowed return on equity will be restated, consonant with current market conditions to 12.2 percent.

(e) Until such time as Comsat acquires debt equal to 45 percent of its rate base, Comsat's overall allowed rate of return on rate base will be 11.48 percent. This is an average over a six year period of the imputation of debt beginning January 1, 1979 and continuing over the next five years at the rate of 9 percent per year. If Comsat acquires debt equal to 45 percent of its rate base, its overall rate of return would reflect a return on equity of 13.2 percent with the cost of debt being the cost of an A-rated public utility at the time Comsat acquires debt. The efficiency incentive allowed in the Commission's decision of an additional one per cent will be retained.

(5) For refund purposes, Comsat's new tariffs will be treated as if they were in effect September 9, 1977. This will result in the additional refunds to customers of approximately $5.2 million referred to above.

(6) The Commission will confirm its intention to require flow through by Comsat's carrier customers, to ultimate users both of funds in escrow and reductions in Comsat's tariffs. Any international common carrier which has not agreed to "flow through" by the time Comsat's new tariffs become effective will not have its escrow money refunded, nor will it be billed at the new rates until the flow through matter has been resolved in separate proceedings. Instead, Comsat will continue to hold the carrier's funds currently in escrow and continue to charge the rates in effect before the settlement. The difference between the presettlement rates and the new Comsat rates will also be held in escrow until the flow through issue is resolved. The international common carrier will bear the administrative costs of the escrow fund in the future.

(7) The proposed settlement also contains a variety of procedural provisions.

Accordingly, the Chief, Common Carrier Bureau hereby gives public notice of the terms of the proposed settlement agreement in Docket No. 16070 reached by representatives of the Common Carrier Bureau, the General Counsel and Comsat. As previously stated, this agreement is subject to approval by the Commission. Any individual or organization wishing to file comments concerning the proposed settlement agreement shall do so by March 30, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SETTLEMENT AGREEMENT

FEBRUARY 17, 1978.

1. Comsat will file revised tariffs for its jurisdictional international satellite communications services in full compliance with the Commission's December 4, 1975 Rate Decision (56 FCC 2d 1101) with the following adjustments to be made as of September 9, 1977:

(a) Comsat will include in rate base 75 percent of its net investment in its Laboratories;

(b) Comsat will include in rate base its capital contributions to Intelsat for space segment plant and related equipment in lieu of interest during construction, and it will be allowed compounded interest during construction on other construction work in progress computed at 9 percent, which represents approximately the present rate for A-rated public utility bonds;

(c) Based on the methodology used in the Rate Decision of a riskless rate of return (pegged to the current long-term government bond yield—presently 8.2 percent) plus a 4 percent risk premium, Comsat's allowed rate of return on equity will be 12.2 percent;

(d) When Comsat actually incurs debt equal to 45 percent of its rate base, Comsat's allowed rate of return on equity will be 13.2 percent to reflect the added risk of debt in accordance with the Rate Decision and the Court of Appeals Opinion. For purposes of computing Comsat's overall allowed rate of return on rate base, Comsat's cost of debt shall be calculated as the prevailing interest rate for a public utility with 45 percent debt engaged only in Comsat's jurisdictional business (presently assumed to be the rate for an A-rated public utility). Thus, for example, if, when Comsat actually acquires debt equal to 45 percent of its rate base, the prevailing interest rate for such a public utility is 9 percent, Comsat's overall rate of return would be 13.2 percent × 55 percent equity plus 9 percent × 45 percent debt or 11.31 percent (with an additional 1 percent allowed in the Rate Decision for efficiency).

(e) Until such time as Comsat actually incurs debt equal to 45 percent of its rate base, Comsat's overall allowed rate of return on rate base will be 11.48 percent to reflect the imputation of 45 percent debt (with an additional 1 percent for efficiency allowed in the Rate Decision). The 11.48 percent is the average rate of return over a six-year period beginning January 1, 1978, assuming a 12.2 percent rate of return on equity and the imputation of 45 percent debt at the rate of 9 percent per year for five years beginning January 1, 1979, with cost of debt calculated at the present interest rate for A-rated public utility bonds (9 percent).

2. A retrospective analysis of Comsat's informational tariffs of August 2, 1976, filed in accordance with the Commission's July 22, 1976 Escrow Order (FCC 76-688), indicates that the escrow accounts contain sufficient funds for an equitable refund for the period through December 31, 1977, assuming (1) that Comsat was entitled to a return of 11.3 percent on rate base (plus the 1 percent allowed for efficiency in the Rate Decision); and (2) that rate base might properly include Intelsat capital contributions, provided that Comsat makes an additional payment of not less than $5.2 million into the escrow fund. The additional payment would be calculated on the assumption that Comsat had voluntarily filed new informational tariffs on September 9, 1977 (the date of the Commission's letter of inquiry) calculated in accordance with paragraph 1 above. Pursuant to Commission order as described in paragraph 3 below, Comsat will distribute all funds (including interest thereon) that are properly in the escrow accounts for the period through December 31, 1977. Deposits placed in the escrow accounts for the period from January 1, 1978 to the date of final settlement will be divided between Comsat and its customers as if the revised tariffs calculated in accordance with paragraph 1 above had been in effect on January 1, 1978. Comsat will bear all administrative costs associated with the escrow accounts as provided in the Commission's Escrow Order.

3. The Commission will confirm its intention to require flow-through to the ultimate users both of the funds in escrow and of the cost savings to Comsat's carrier customers of reductions in Comsat's tariffs. With respect to funds in escrow subject to refund (with accrued interest) through the effective date of Comsat's revised tariffs, Comsat will not distribute such funds to any international communications common carrier until the flow-through issue has been finally resolved or until such earlier time as any carrier agrees to flow through any portion thereof, in which case such portion of the escrow shall be released for flow-through as approved by the Commission. Comsat will file its revised tariffs within seven business days after entry of a final order approving this Settlement Agreement. After such notice to the public as the Commission deems appropriate, the revised tariffs shall be the lawful governing tariffs for the provision by Comsat of international communications satellite services. If, at that time, the flow-through issue has not been finally resolved, Comsat will, upon request of the Commission, continue to bill at the rates in effect before the date of the Settlement Agreement those common carrier customers that do not agree to flow-through the cost savings resulting from the reductions in Comsat's tariffs or agree to place in escrow amounts equal to the difference between Comsat's revised tariffs and the tariffs in effect before the date of final settlement (the administrative cost of such escrow account to be borne by the carrier customer). In the event Comsat continues to bill any carrier customer at the rates in effect before the date of final settlement, Comsat will establish a separate escrow account into which it will place the difference between the amounts billed the carrier customer and Comsat's revised tariffs (the administrative costs of such escrow account to be borne by the carrier customer).

4. Upon entry of a final order approving this Settlement Agreement, Comsat will withdraw its petitions for further review of the Commission's December 5, 1975 Rate Decision, and the Commission will vacate its December 7, 1977 Order (FCC 77-802).

5. A Commission Order approving this Settlement Agreement will have the same prescriptive effect as if the provisions of the

Settlement Agreement had been incorporated in the Commission's 1975 Rate Decision.

6. Comsat will conform its books of account with the provisions of the Rate Decision and this Settlement Agreement as if the Decision and this Agreement had become effective June 16, 1976 (the effective date of the informational tariffs filed pursuant to the Commission's Escrow Order of July 22, 1976). Comsat will meet with the Commission staff to revise FCC Form 901 consistent with the Rate Decision and this Settlement Agreement.

7. Nothing in this Settlement Agreement precludes any party in Docket No. 16070 from adopting a different position in any future rate case.

This Settlement Agreement is subject to approval by the Board of Directors of Comsat and by the Commission, after notice to the public and opportunity for comment.

[FR Doc. 78-5072 Filed 2-24-78; 8:45 am]

[6712-01]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

[SC-72]

NUMERICAL IDENTIFICATION OF STATIONS IN MARITIME TELECOMMUNICATIONS SYSTEMS

WEDNESDAY, MARCH 15, 1978

TO: Special Committee No. 72—"Numerical Identification of Stations in Maritime Telecommunications Systems."

SUBJECT: Notice of 6th meeting.

DATE AND TIME: Wednesday, March 15, 1978, 10 a.m.

LOCATION: Conference Room 7327, 2025 M Street NW., Washington, D.C.

AGENDA

1. Call to order; Chairman's report.
2. Introduction of attendees; confirmation of Secretary.
3. Adoption of agenda.
4. Approval of SC-72 summary records.
5. Chairman's report on interim working party deliberations, Geneva, Switzerland, January, 1978.
6. Discussion of work assignments preparatory to CCIR special preparatory meeting.
7. Other business.
8. Establishment of next meeting date.

Francis K. Williams, Chairman, SC-72
Federal Communications Commission
Washington, D.C. 20554
Phone: 202-632-7054 for approval at this meeting.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1974. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat, phone 202-632-6490.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-5071 Filed 2-24-78; 8:45 am]

[6712-01]

[Report No. 1104]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

FEBRUARY 21, 1978.

Docket or RM No	Rule No.	Subject	Date received
20422	Sec. 73.202(b)	Amendment of sec. 73.202(b), Table of Assignments, FM Broadcast Stations. (Fort Walton Beach, Crestview, and Destin, Fla.).	
		Filed by John J. Duffy, attorney for Gulfcoast Broadcasting, Inc	Feb. 2, 1978.
		Filed by Daryal A. Myse and Dean George Hill, attorneys for Crestview Broadcasting Co..	Feb. 9, 1978.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before March 14, 1978. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-4962 Filed 2-24-78; 8:45 am]

[6712-01]

[Report No. 1103]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

FEBRUARY 22, 1978.

Docket or RM No.	Rule No.	Subject	Date received
20539	Pts. 74 and 78.	Amendment of Subpts. F and G of Pt. 74 and Subpt. B of Pt. 78 to provide for the use of FM microwave by television translator relay stations, and to provide for the operation of television translator stations using modulation of a direct video and audio feed.	
		Filed by Stephen R. Effros, executive director for Community Antenna Television Association, Inc.	Feb. 10, 1978.
		Filed by Roger E. Zylstra and Margaret E. Rolnick, attorneys for 67 CATV companies.	Feb. 13, 1978.
		Filed by Robert A. Luff, V.P./Engineering and Stuart F. Feldstein, Frederick W. Finn & Arthur H. Harding, attorneys for National Cable Television Association, Inc.	Feb. 14, 1978.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before March 14, 1978. Replies to an opposition must be filed within 10 days after time for filing opposition has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-5118 Filed 2-24-78; 8:45 am]

FEDERAL MARITIME COMMISSION

[6730-01]

[Independent Ocean Freight Forwarder License No. 1777]

TERCO, INC., D.B.A. BOSCO SERVICES FREIGHT FORWARDING CO.

Order of Revocation

The bond issued in favor of Terco, Inc., d.b.a. Bosco Services Freight Forwarding Co., 1121 Walker Street, Houston, Tex. 77002, FMC No. 1777, was canceled effective February 15, 1978.

By letter dated January 18, 1978, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1777 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 15, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised), section 6.01(d), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1777 be and is hereby revoked effective February 15, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1777 issued to Terco, Inc., d.b.a. Bosco Services Freight Forwarding Co., be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Terco, Inc., d.b.a. Bosco Services Freight Forwarding Co.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-5066 Filed 2-24-78; 8:45 am]

[6730-01]

FAR EAST AND PACIFIC WESTBOUND CONFERENCES

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 19, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10135-5 (Far East and Pacific Westbound Conferences' Member Lines Discussion Agreement).

Filing party: R. Frederic Fisher, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, Calif. 94111.

Summary: Agreement 10135-5 would permit the members of the Far East and Pacific Westbound Conferences' Member Lines Discussion Agreement to communicate amongst themselves by mail, telex, telecopier, or by tele-

phone between regular meetings of the lines in order to discuss, consider, and possibly to agree upon recommendations to the Pacific Westbound and Far East Conferences upon various matters of mutual interest specified in Agreement 10135.

Agreement No. T-2640-10.

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Summary: Agreement No. T-2640-10, between Port of Seattle (Port) and American President Lines, Ltd. (APL), modifies the parties' basic agreement which provides for the 20-year lease to APL of Terminal 25 in Seattle, Wash. The purpose of the modification is to provide for proposed additions to the Administration Building, consisting of an additional 1,520 square feet. After completion of the additions, Port will reimburse APL for the costs up to $82,500. Total monthly rent for land, cranes, and other improvements is increased to $115,161.04 per month and the lease bond will increase to $1,424,000.00.

Agreement No. T-3587.

Filing party: Joseph D. Patello, Port Attorney, Port of San Diego, P.O. Box 488, San Diego, Calif. 92112.

Summary: Agreement No. T-3587, between the San Diego Unified Port District (Port) and Marine Terminals Corp. (MTC), is a terminal operator agreement whereby MTC will provide for the handling, storing and delivering of merchandise and cargo, and perform additional accessorial services. MTC will set forth in a tariff, rates, rules and regulations relating to its services. In consideration for the collection of wharf storage and wharf demurrage in accordance with the Port's tariff, MTC is allowed to retain a percentage of revenues as set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: February 22, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-5063 Filed 2-24-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573.

Airguide Freight Forwarders, Inc., 7795 Northwest 32nd Street, P.O. Box 52-2243, Miami, FL 33152. Officers: John V. McGauran, president director and Jerome Richman, director/secretary.

James R. Linnehan, 5140 West 104th Street, Inglewood, CA 90304.

Pacific Outbound Service Co. (Lin-Sing Huang, d.b.a.), 1835 South Purdue Avenue, No. 10, Los Angeles, CA 90025.

Abbe International (Herbert W. Abbe, d.b.a.), 160-07 79th Street, Howard Beach, NY 11414.

Dey Freight Forwarding, Inc., 717 Ponce de Leon Boulevard, Suite 320, Coral Gables, FL 33134. Officers: Denis Seiglie, president and Eysa Rojas, vice president.

Aero Sea Shipping Co., Inc., 155-06 South Conduit Avenue, P.O. Box 30296, JFK Airport, Jamaica, NY 11430. Officers: John Suazo, president and Ceara, secretary.

R. G. Hobelmann & Co., Inc., 900 First National Bank Building, Light and Redwood Streets, Baltimore, MD 21202. Officers: Rolf Graage, president, Raymond E. Hemerich, vice president, Nicholas A. Ciaccio, vice president, James A. Gardner, secretary/treasurer, and Zelig Robinson, assistant secretary.

International Services Corp., 1776 K Street NW., Suite 605, Washington, DC 20006. Officers: Milton G. Nottingham, president and Mariano Echevarria, vice president.

Hanson Forwarding Co. (Charles Augustus Hanson, d.b.a.), 211 East Water Street, Rockland, MA 02370.

By the Federal Maritime Commission.

Dated: February 21, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-5065 Filed 2-24-78; 8:45 am]

[6730-01]

[Docket No. 78-3]

ORGANIC CHEMICALS (GLIDDEN-DURKEE) DIVISION OF SCM CORP. v. FARRELL LINES, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by Organic Chemicals (Glidden-Durkee), Division of SCM Corp. against Farrell Lines, Inc., was served February 17, 1978. The complaint alleges that respondent assessed rates on ocean freight which are unjust and unreasonable and are in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before July 16, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-5064 Filed 2-24-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANC-CORP.

Acquisition of Bank

Associated Banc-Corp., Green Bay, Wis., has applied for the Board's approval under sec. 3(a)(3), of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Associated Bank of Appleton, Appleton, Wis., a proposed new bank. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 14, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5047 Filed 2-24-78; 8:45 am]

[6210-01]

BYRON BANCSHARES, INC.

Formation of Bank Holding Company

Byron Bancshares, Inc., Byron, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank in Byron, Byron, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5048 Filed 2-24-78; 8:45 am]

[6210-01]

CHEMICAL NEW YORK CORP.

Proposed Acquisition of Citizens Mortgage Co.

Chemical New York Corporation, New York, N.Y., 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 acquire, through its subsidiary, the Galbreath Mortgage Co., the mortgage servicing portfolio of Citizens Mortgage Co., Houston, Tex. Notice of the application was published on December 13, 1977, in the Houston Chronicle, a newspaper circulated in Houston, Tex.

Applicant states that Galbreath Mortgage Co. is engaged in servicing mortgage loans and will add the portfolio of Citizens Mortgage Co. to its own. Servicing mortgage loans has been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 21, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5049 Filed 2-24-78; 8:45 am]

[6210-01]

COMMERCE BANCSHARES, INC.

Order for oral Presentation

Commerce Bancshares, Inc., Kansas City, Mo. ("Commerce"), a bank holding company within the meaning of the Bank Holding Company Act ("the Act"), has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Manchester Financial Corp., St. Louis, Mo. ("MFC"), a bank holding company within the meaning of the Act.

On September 19, 1977, notice of the application was given to the Comptroller of the Currency ("Comptroller") and the Missouri Commissioner of Finance ("Commissioner"), as required by section 3(b) of the Act, and to the Federal Deposit Insurance Corporation and the U.S. Department of Justice. Notice of the application also was published in the FEDERAL REGISTER on October 4, 1977, to afford opportunity for interested persons to submit comments and views (42 F.R. 53999 (1977)).

On October 19, 1977, the Board received a letter dated October 10, 1977, from Manchester-Tower Grove Community Organization, Missouri Association of Community Organizations for Reform Now ("ACORN"), and on October 26, 1977, a letter dated October 21, 1977, from Plaza Bank of West Port, St. Louis, Mo. ("Plaza Bank"). Both ACORN and Plaza Bank have requested that a hearing, either formal or informal, be held on the subject application.

Plaza Bank raises three issues in connection with the application. Plaza Bank alleges that the proposal is anticompetitive, that because of the alleged anticompetitive effects of the merger the convenience and needs of the community, both Statewide and within Plaza Bank's primary service area ("PSA"), would not be served by consummation of the proposal, and that, in a suit before the Eighth Circuit Court of Appeals, Plaza Bank contends that "a bank holding company arrangement is disfavored under the laws of the State of Missouri."[1] Plaza Bank requests "a formal or informal hearing" at which Plaza Bank could "extra-polate and more thoroughly present" the above issues to the Board. Commerce contends that a hearing would serve no purpose since "no facts are presented in support of the protest" by Plaza Bank. To date, the Board has not received a response to staff's letter of October 28, 1977, to Plaza Bank requesting a statement of reasons why a written presentation would not suffice in lieu of a formal oral hearing, identifying, with specificity, any questions of fact that Plaza Bank feels are in dispute and generally summarizing the evidence that Plaza Bank would present at such a hearing. In fact, the Board has not received any further communication from Plaza Bank concerning the subject application subsequent to Plaza Bank's initial letter to the Board. In view of Plaza Bank's lack of diligence in pursuing its request for a hearing and for other reasons, the Board hereby denies Plaza Bank's request for a hearing, either formal or informal.[2]

Turning to the protest by ACORN, it appears its opposition to the proposed merger is based upon the belief of ACORN, that upon merger with MFC, Commerce intends to move MFC's largest bank, the Manchester Bank of St. Louis, St. Louis, Mo. ("MBStL"), from its present location to a new location in downtown St. Louis, thereby depriving residents of the neighborhood surrounding MBStL of the only source of commercial banking services presently located within the neighborhood. Second, ACORN asserts that the proposed merger "would significantly limit" the amount of competition between banks serving the area, since the next closest bank to MBStL is Commerce Bank of Mound City, St. Louis, Mo. ("CBMC"), a subsidiary bank of Commerce. Third, ACORN maintains that both Commerce's and MFC's subsidiary banks located within the city of St. Louis[3] do not adequately serve the convenience and needs of the communities to be served because of their alleged failure to make "mortgage, home improvement and small business loans" avail-

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[1] On August 15, 1977, the Board approved the application of MFC to acquire Manchester Bank West County, Maryland Heights, Mo. ("MBWC"), a de novo bank. Both ACORN and Plaza Bank had submitted comments in opposition to that acquisition and Plaza Bank subsequently petitioned the Board for reconsideration and a stay of its Order, both of which were denied by the Board by Order dated December 7, 1977. Plaza Bank has petitioned for review of the Board's August 15 approval Order in the Eighth Circuit Court of Appeals and requested that the Court stay the Board's August 15 Order. On December 13, 1977, the Court of Appeals denied Plaza Bank's motion to stay the Board's Order.

[2] The Act does not require a hearing on an application under section 3 unless within a specified time period the Comptroller of the Currency (if the transaction involves a national bank) or the appropriate State banking supervisor (if the transaction involves a State-chartered bank) recommends to the Board disapproval of the application. (12 U.S.C. 1842(b)). No such recommendation for disapproval was filed in this case and, therefore, no hearing is required. *Northwest Bancorporation* v. *Board of Governors*, 303 F. 2d 832, 843 (8th Cir. 1962), *Farmers and Merchants Bank of Las Cruces, New Mexico* v. *Board of Governors* (D.C. Cir. No. 76-1367, November 7, 1977). Of course, under its Rules of Procedure (12 CFR 262.3(g)), the Board may grant a hearing, either formal or informal, if the Board determines that such action is desirable.

[3] MFC's subsidiary bank in St. Louis is MBStL, and Commerce's subsidiary banks in St. Louis are Commerce Bank of St. Louis and CBMC. In addition, Commerce urges that Commerce Bank of University City, University City, Mo., be considered a St. Louis bank although it is located immediately adjacent thereto.

able to residents of St. Louis and that Commerce has "an obligation to show that the merger will positively aid the neighborhood" of which MBStL is now a part.[4] Fourth, ACORN argues that its protest has been strengthened by the recent enactment of the Community Reinvestment Act of 1977, ("CRA") which provides that the "convenience and needs of communities include the need for credit services as well as deposit services," and that the Board, in deciding whether a merger is to take place, shall "* * * assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods * * *."[5]

ACORN has requested a "public" hearing, indicating a preference for a "formal hearing that allowed for a full public presentation of the issues involved in this merger," but noting that should such a formal hearing not be possible, it "would be satisfied with a less formalized public hearing," to be held in St. Louis, "preferably in the evening since many neighborhood residents work during the day." ACORN has requested that its members "and other concerned citizens be allowed to present evidence and arguments regarding the merger, and that responsible representatives of Commerce Bancshares be present to answer questions relevant to the merger." In support of its request for a hearing, ACORN has argued that a public hearing is needed to provide an opportunity for Commerce to describe its plans and answer questions from community residents; that the hearing would enable ACORN members and others to raise questions about and give their reactions to Commerce's plans; that the public hearing would provide the neighborhood residents a chance to "present more evidence based on their own experience, and on some research currently being done"; and that should the Board choose to rely only upon written submissions to the record concerning the application, "the input of many people of the neighborhood will be effectively stifled." Commerce contends that no "worthwhile purpose" would be served by a formal or informal hearing on the issues raised by ACORN, "since there has been no challenge to facts presented" in Commerce's application.

According to the figures submitted to the Board, it appears that the subsidiary banks of both Commerce and MFC located within the city of St. Louis extend a smaller number and total dollar amount of their mortgage loans within the city of St. Louis than to the surrounding suburban areas. Commerce contends that this is primarily due to a relative lack of demand from St. Louis residents and provides figures indicating the high rate of accepted applications from the residents of St. Louis. ACORN responds that applications reflect only those who have been encouraged to apply by a bank interested in extending a loan. ACORN points to the higher rate of mortgage loans made to the residents of St. Louis by some of the other banks located in St. Louis as an indication that the demand for loans exists. In addition, ACORN contends that residents of St. Louis are receiving more mortgage loans from nonbanking sources than are residents of the surrounding suburban area and argues that this is another indication of an existing demand by residents of St. Louis for loans.

To date, the Board has not received any comments on the subject application from the Comptroller of the Currency. On September 29, 1977, the Missouri Commissioner of Finance advised the Board that the Commissioner had no objection to the merger of Commerce and MFC under section 3 of the Bank Holding Company Act, nor under Missouri statutes relating to bank holding companies. On December 15, 1977, Governor Joseph P. Teasdale of Missouri wrote to the Federal Reserve Bank of St. Louis and to the Board, urging that "serious consideration" be given to the request for a hearing, "particularly in light of the recently passed Community Reinvestment Act."

The Board has given careful consideration to the facts alleged and to all arguments and comments presented by the parties and by others interested in this matter. Under section 3(b) of the Act, the Board is required to hold a formal hearing on section 3 applications only if the appropriate bank supervisory authority (in this case the Comptroller of the Currency and the Missouri Commissioner of Finance) recommends disapproval of the application. No such recommendation for disapproval was received in this case, and therefore, the Board is not statutorily required to hold a formal hearing. However, under the Board's rules of procedure (12 CFR 262.3(g)), the Board may, if it deems it "desirable," order a formal hearing or an oral presentation before the Board or its designated representatives.[6] The Board has on several prior occasions considered allegations of community disinvestment relating to a bank holding company application in the context of the Board's inquiry into considerations relating to the convenience and needs of the community to be served pursuant to section 3 of the Act.[7] In light of the interest in this issue as evidenced by the submissions to the Board to date, the Board believes that a public oral presentation on the issue of alleged community disinvestment raised by ACORN would be desirable.

The Board intends that the members of ACORN and other interested members of the community shall have an opportunity to present orally their positions and arguments and to provide relevant facts with respect to this issue. At the same time, the Board recognizes that Commerce is entitled to a prompt decision on its application and the Board intends the oral presentation shall proceed in an expeditious

[4] By Order dated August 15, 1977, the Board, in approving the application of MFC to acquire a de novo bank, addressed the view expressed by ACORN that MFC's subsidiary bank, MBStL, follows a practice of disinvestment in the city of St. Louis, as evidenced by the distribution of its mortgage and home improvement loans between St. Louis and the surrounding suburban area. The Board stated that ACORN's comments focused "primarily upon the origination of residential real estate loans, and ignores the many other types of services and loans" offered by MBStL. Citing figures indicating that MBStL emphasized loans to businesses rather than residential mortgages, the Board indicated that to "evaluate a bank's performance with respect to serving the convenience and needs of the community solely on the basis of only one of the services a bank may offer overlooks entirely the interests of the many other customers a bank may serve through a broad range of services denominated as 'commercial banking'." Indicating that the Board would look "to the aggregate of all the commercial banking services provided by a bank in evaluating what weight should be accorded the convenience and needs considerations in connection with a particular application," the Board found that the data submitted to the Board by ACORN, "when considered in the context" of MBStL's "aggregate investment and loan portfolio and the variety of other services offered by that institution, do not, in the Board's judgment, establish probable cause to believe" that MBStL "has failed to serve the needs of the community in which it operates." 63 Fed. Res. Bull. 848, 849-50 (1977). See footnote 1.

[5] Pub. L. 95-128, 91 Stat. 1147, enacted October 12, 1977. Under the provisions of the CRA, regulations are to be promulgated to carry out its purpose "and shall take effect no later than 390 days after the date of enactment." Although the CRA is not required to be implemented until November 6, 1978, pursuant to section 3 of the Bank Holding Company Act, the Board has considered the issue of whether the credit needs of a bank's community will be served by the consummation of a proposal as part of the Board's determination of whether a proposal would meet the convenience and needs of the community to be served. See the Board's Orders of November 19, 1975, approving the acquisition and merger applications of Marine Midland Bank, Inc., Buffalo, N.Y., 61 Fed. Res. Bull. 890 (1975); February 19, 1976, approving the application of American Security and Trust Corp., to acquire the successor by merger to American Security & Trust Co., both of Washington, D.C., 62 Fed. Res. Bull. 255 (1976); and August 15, 1977, approving the application of Manchester Financial Corp., St. Louis, Mo., to acquire Manchester Bank West County, 63 Fed. Res. Bull. 848 (1977).

[6] See footnote 2.

[7] See footnote 5.

and orderly fashion without undue delay. The submissions already provided to the Board by ACORN and Commerce, together with the opportunity that will be afforded at an oral presentation to supplement the record with additional facts and argument, should provide a fully adequate record for Board consideration and decision on the issue raised by ACORN.

Accordingly, it is hereby ordered, That, pursuant to § 262.3(g)(3) of the Board's rules of procedure (12 CFR 262.3(g)(3)), a public oral presentation be held.

The presentation shall be held before Robert E. Mannion, Associate General Counsel, representing the Board, commencing at 10 a.m. on March 9, 1978, at the Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, Mo. 63102, in the Assembly Room. If it appears to the Board's representative that additional time will be necessary, the Board's representative may continue the hearing past the normal close of business. Such presentation shall consist of presentation of statements in either oral or written form, together with supporting or supplemental written submissions.

It is further ordered, That the issue upon which evidence and argument will be received at the oral presentation ordered herein is whether consummation of the proposed transaction would serve the convenience and needs of the St. Louis, Mo. community including the so-called Manchester-Tower Grove community, and more particularly, whether banking subsidiaries of Commerce and MFC have been, are, and will be, in the event of consummation, responsive to the credit needs of the communities to be served by the subsidiary banks of Commerce and MFC, including the so-called Manchester-Tower Grove community.

The name of any person wishing to present testimony in either oral or written form or to present evidence, argument, or otherwise participate in the proceeding must be submitted, together with a request containing a statement of the extent of participation desired and the general nature and subject matter of the testimony to be presented together with any supporting or supplementary statements, on or before March 3, 1978, to the Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. A copy of all such information and material should also be provided on or before March 3, 1978, to the Senior Vice President, Bank Supervision and Structure, Federal Reserve Bank of Kansas City, Mo. 64198, Commerce, ACORN, and Plaza Bank. A transcription of the hearing will be made and will become part of the record to be considered by the Board in connection with the subject application. The transcript and all material submitted at the oral presentation will be made publicly available, pursuant to the Board's Rules Regarding Availability of Information (12 CFR Part 261).

To the extent testimony is anticipated to be duplicative of other testimony, it should be submitted in written, preferably affidavit form. The representative of the Board conducting the oral presentation will schedule the time and duration of all testimony. The Board's representative may rule that a statement be submitted in written form in lieu of testimony the Board's representative concludes is repetitious or duplicative of other testimony. Only the Board's representative will be permitted to conduct examination of witnesses at the oral presentation.

By Order of the Board of Governors,* effective February 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5050 Filed 2-24-78; 8:45 am]

[6210-01]

CORYDON BANCORPORATION

Formation of Banking Holding Company

Corydon Bancorporation, Corydon, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.87 percent of the voting shares of Corydon State Bank, Corydon, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5051 Filed 2-24-78; 8:45 am]

[6210-01]

HAWKEYE BANCORPORATION

Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of the National Bank of Washington, Washington, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 16, 1978.

Board of Governors of the Federal Reserve System, February 17, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5055 Filed 2-24-78; 8:45 am]

[6210-01]

JEFCO, INC.

Formation of Bank Holding Company

JEFCO, Inc., Cedar Rapids, Iowa, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 55 percent or more of the voting shares of City National Bank of Cedar Rapids, Cedar Rapids, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

JEFCO, Inc., Cedar Rapids, Iowa, has also applied, pursuant to 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of LTD Leasing Co., Cedar Rapids, Iowa. Notice of the application was published on January 30, 1978, in The Cedar Rapids Gazette, a newspaper circulated in Cedar Rapids, Iowa.

Applicant states that the proposed subsidiary would engage in the activity of leasing of equipment and vehicles used in the operation of banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased

*Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson and Partee. Absent and not voting: Chairman Burns and Governors Wallich and Lilly.

or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 16, 1978.

Board of Governors of the Federal Reserve System, February 17, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5052 filed 2-24-78; 8:45am]

[6210-01]

K-4 BANCO CORP.

Formation of Bank Holding Company

K-4 Banco Corp., Latimer, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.1 percent or more of the voting shares of Latimer State Bank, Latimer, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5099 Filed 2-24-78; 8:45 am]

[6210-01]

QUANAH BANCSHARES, INC.

Formation of Bank Holding Company

Quanah Bancshares, Inc., Quanah, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Quanah, Quanah, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5053 Filed 2-24-78; 8:45 am]

[6210-01]

UNITED MICHIGAN CORP.

Acquisition of Bank

United Michigan Corp., Flint, Mich., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 66.6 percent or more of the voting shares of Community State Bank of Fowlerville, Fowlerville, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 20, 1978.

Board of Governors of the Federal Reserve System, February 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5101 Filed 2-24-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO on February 21, 1978 (ICC), and February 22, 1978 (FTC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before March 17, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new Premerger Notification Report Form. The FTC and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice will conduct a premerger notification program pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. § 18A). The Act requires that certain persons contemplating significant mergers and acquisitions file notification with the Commission and Assistant Attorney General, Prior to consummation, and provide such documentary and other information that will support a meaningful evaluation of the possible antitrust consequences of the acquisition. In order to complete the Form, a filing person must identify the parties and describe the transaction in some detail, provide its dollar revenues for 1972 by industry and by manufactured product and for the most recent year by industry and by manufactured product class, and identify its significant stockholders and stockholdings. In certain cases, the person must also describe the geographic areas within which it does business, the purchases it has made from another party to the same transaction, and its previous acquisitions. Documents prepared in anticipation of, or in connection with, the acquisition, or indices thereof, must be submitted with the Form, as well as specified annual reports, financial statements, and certain recent filings made with the United States Securities and Exchange Commission. The FTC estimates that as many as 1,000 respondents will have to file this report and that reporting time will average 50 hours per report.

INTERSTATE COMMERCE COMMISSION

The ICC requests clearance of revisions to the reporting regulations for Form BOp-108, Carrier Performance Report, which is filed by Household Goods Carriers with the ICC and fur-

nished each prospective customer. The purpose of the report is to provide information to prospective customers which will permit them to intelligently compare the services of competing carriers. The requirement and data to be included in the report are specified in 49 CFR 1056.7. By docket Ex Parte MC 19 (Sub-No. 19a) served January 12, 1976, 49 CFR 1056.7 was amended to eliminate approximately 500 household goods carriers engaged solely in the transportation of "used household goods, restricted to the transportation of shipments having a prior or subsequent movement, in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with the packing, crating and containerization or unpacking." Docket Ex Parte MC 19 (Sub-No. 29), service date December 1, 1976, and corrected order, service date January 25, 1977, amended the reporting date from "on or before the 45th day of each year" to "on or before March 31 of each year." In Ex Parte MC 19 (Sub-No. 29) modifications also provided for additional changes in the data required to be included in the performance report relating to the handling of claims to make this data even more meaningful when reviewed by perspective shippers. The ICC estimates that respondents will be approximately 2,500 Household Goods Motor Carriers and that reporting time will average 10 hours for each annual report.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc. 78-5069 Filed 2-24-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F-461]

SECRETARY OF DEFENSE

Delegation of Authority

Subject: Delegation of authority.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Sacramento Municipal Utility District involving its proposed electric rate increase.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

FEBRUARY 13, 1978.

[FR Doc. 78-4996 Filed 2-27-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-78-844]

SPECIAL ALLOCATION FOR SECTION 8 SUBSTANTIAL REHABILITATION (NEIGHBORHOOD STRATEGY AREAS)

Fiscal Year 1978

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of special allocation.

SUMMARY: The Secretary is announcing availability of additional new contract authority under the section 8 substantial rehabilitation program. The authority will be used in areas which are approved by HUD as neighborhood strategy areas (NSAs) on the basis of proposals by local governments for concentrated housing rehabilitation and neighborhood revitalization.

FOR FURTHER INFORMATION CONTACT:

The HUD area office for your jurisdiction. To find out the office which serves your jurisdiction, write or telephone the Office of Assisted Housing Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C., telephone 202-755-5656.

SUPPLEMENTARY INFORMATION: Eligible applicants are those local governments which are applying for or are eligible to receive assistance under the community development block grant program pursuant to 24 CFR 570.102 and 103, except as noted below. To qualify for NSA designation, a chief executive officer of a local jurisdiction must submit a request for approval of an NSA in accordance with 24 CFR 881.303. Four copies of each request must be received by the HUD field office by the close of business on May 30, 1978. Final determinations as to which application shall receive allocations will be made by the Assistant Secretary for Housing—Federal Housing Commissioner.

Section 881.302(b)(2) authorizes HUD to impose criteria to be used in selecting NSAs to receive the authority being made available. The following criteria are applicable to this allocation:

(1) Eligible applicants must also be: (a) A city of at least 25,000 population (according to the Census estimates for 1975); or (b) an urban county eligible for assistance under the community development block grant program.

(2) Ten thousand of these units must be financed by State housing finance and development agencies (HFDAs). The other 10,000 units are not restricted as to source of financing. Cities in States with active HFDAs are to take maximum advantage of opportunities for financing available from those HFDAs and to limit the number of units which would utilize alternate sources of financing. HUD's selection will reflect the requirement that the overall allocation of authority result in this division between HFDA and non-HFDA financing.

(3) The Department does not expect to fund NSA requests for more than five hundred (500) units for any local government, except where a larger proposal is clearly superior based on the applicable criteria.

Where limited availability of contract and budget authority requires the Assistant Secretary for Housing to select among local governments responding to this notice, the selection criteria to be employed are those specified in 24 CFR 881.304(e) (1) to (7) and the additional selection criteria that selections shall represent a broad cross section of local governments by size and geographical distribution.

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

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

[FR Doc. 78-4990 Filed 2-24-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6674-A]

ALASKA NATIVE CLAIMS SELECTION

Easements Reserved; Karluk Native Corp.; Temporary Suspension

The decision to issue conveyance to Karluk Native Corp., notice of which

was published in the December 7, 1977 issue of the FEDERAL REGISTER (42 FR 61896), is hereby temporarily suspended pending the reconsideration of easements reserved pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act.

This suspension is in accordance with the agreement dated November 12, 1976, between the Secretary of the Interior, Karluk Native Corp. and Koniag Inc.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-4989 Filed 2-24-78; 8:45 am]

[4310-84]

[NM 32759, 32879, 32880, and 32890]

NEW MEXICO

Applications

FEBRUARY 15, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 6, lot 11.
T. 28 N., R. 11 W.,
Sec. 27, S½SW¼;
Sec. 29, W½SE¼ and SE¼SE¼.
T. 31, N., R. 11 W.,
Sec. 5, E½SE¼ and SW¼SE¼.

These pipelines will convey natural gas across 0.559 of a mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-4994 Filed 2-24-78; 8:45 am]

[4310-84]

[NM 32701]

NEW MEXICO

Notice of Application

FEBRUARY 15, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 11 W.,
Sec. 28 S½NE¼.

This pipeline will convey natural gas across 0.113 mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-4995 Filed 2-24-78; 8:45 am]

[4310-31]

Geological Survey

TRAINING AND QUALIFICATIONS

Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations

In the Notice to the publication of the U.S. Geological Survey (USGS) Outer Continental Shelf (OCS) standard, entitled "Training and Qualification of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65293), vol. 42, No. 251, the USGS stated that the language of finalized National OCS Order No. 2 will require that personnel employed in certain position classifications must be qualified by December 1, 1979. In addition, it was stated that the USGS would review and approve the training and qualification programs which are to be utilized in meeting these requirements. Furthermore, our stated intention was that only those personnel attending training programs after the USGS approval date would be considered qualified in accordance with the terms of this standard.

For the purpose of ensuring quality education of the personnel addressed by the training standard and as a means of recognizing the past excellent quality of training provided through various industry and university programs, the USGS has modified the stated intention of certifying only those personnel attending approved training courses after the approval date.

The following guidelines will be utilized in the determination of acceptable training:

I. Any driller, toolpusher, or operator's representative who has completed a training course in well-control operations prior to December 1, 1975, must attend and successfully complete a training course in well-control operations in a USGS-certified program by December 1, 1979.

II. Any driller, toolpusher, or operator's representative who received training between December 1, 1975, and December 1, 1978, will be credited with having completed formal well-control training in accordance with OCS Order No. 2. Such training shall be supplemented by a refresher course as described in GSS-OCS-T 1 prior to December 1, 1979, and comply with the provisions of GSS-OCS-T 1 thereafter. In order to maintain his qualification, the employee must successfully complete a USGS-approved program within 4 years of the anniversary date of completion of his previous training. Records must be maintained at the jobsite indicating the specific well-control course successfully completed, the date of completion, and the names and dates of satisfactory completion of the annual refresher requirements.

III. After December 1, 1978, only successful completion at USGS-approved schools shall be recognized as meeting the training requirements set forth in GSS-OCS-T 1. Records must be maintained at the jobsite indicating the specific well-control course successfully completed, the date of completion, and the names and dates of the satisfactory completion of the annual refresher requirements.

The following guidelines are provided by the USGS for those organizations submitting well-control programs for review by the USGS to be utilized in meeting the requirements of GSS-OCS-T 1 for drillers, toolpushers, and operator's representatives:

I. General Well-Control Program Requirements.

A. An organization which submits a program for approval will:

1. Mail the program to: Chief, Conservation Division, U.S. Geological Survey, MS620, National Center, 12201 Sunrise Valley Drive, Reston, Va. 22092.
2. Provide the Chief with 6 copies of the information requested in FEDERAL REGISTER, vol. 42, No. 251, Friday, December 30, 1977, page 65292, except item (h) (Handouts or materials to be furnished students).
3. Provide the Chief with 1 copy of the information requested in (h) (see above

FEDERAL REGISTER reference) and 6 copies of a listing of the materials contained therein.

B. The USGS will make an onsite review of the school and facility during a training session.

C. A program must include *all* the aspects of training specified in GSS-OCS-T 1 for a particular job classification before the school will be considered for approval. No partial or conditional approvals will be granted.

II. Specific well-control program guidelines. An organization which submits a program for review by the USGS is encouraged to utilize the following guidelines:

A. In addressing item (a) published in the December 30, 1977, FEDERAL REGISTER Notice, the curriculum outline should be submitted in a format similar to the following:

Job Classification—Driller:
First Day—10 hours:
  Subject X—5 hours:
    Detail A, Detail B, Detail C.
  Subject Y—3 hours:
    Detail D, Detail E.
  Subject Z—2 hours:
    Detail F, Detail G.
Second day—10 hours:
  Subject M—5 hours:
    Detail H, Detail I, Detail J.
  Subject N—5 hours:
    Detail K, Detail L.

B. In addressing item (b), qualifying credentials of instructors shall include education and experience (both work experience and teaching experience).

C. In addressing item (c), the maximum class size shall be: 1. Lecture—20 students; 2. Lab (hands-on)—4 students per exercise.

D. The organization shall also identify the means to be utilized to instruct and test those individuals believed to be qualified but nonresponsive to conventional educational and testing techniques.

In addition to addressing the subject of training for any driller, toolpusher, or operator's representative, the Geological Survey Standard GSS-OCS-T 1, also sets criteria for the training of personnel employed as a rotary helper or derrickman on rigs operating on the OCS. Any program to be utilized in meeting these criteria, whether conducted under the auspices of the employer or other organizations, is also to be submitted for USGS review and approval. The program description must state the means to be utilized to provide the pertinent instructions to the employee, the means to measure his understanding of the instructions, and the means to provide the required "hands-on" experience as set forth in the Standard.

Although it is recognized that such programs shall tend to be less structured than those for a driller, toolpusher, or operator's representative, the program descriptions submitted for USGS review shall be similar to those outlined for well-control schools as set forth in the December 30, 1977, FEDERAL REGISTER Notice, with the following exceptions:

I. The personnel responsible for providing the instructions should be identified in item (b) instead of instructor qualifications.
II. The description of classroom and lab facilities item (d) is not required if the majority of the training is on the rig.
III. Item (j), copies of proposed certificates of completion, may be deleted.
IV. Item (k) may be deleted since instructions should pertain to specific equipment on the rig where employed.
V. Item (n) may be deleted.
VI. Item (o) may be deleted.
VII. Item (p) may be deleted.

Any organization intending to submit a program description for USGS review and approval, under the criteria specified in GSS-OCS-T 1, is encouraged to discuss preliminary details of the submittal with any of the following U.S. Geological Survey personnel:

Mr. Jerry Richard—Reston, Va. 703-860-7540
Mr. Larry Ake—Washington, D.C. 202-254-7870
Mr. Jack Hendricks—Metairie, La. 504-837-4720
Mr. Glenn Shackell—Los Angeles, Calif. 213-688-2846
Mr. Brian Schoof—Anchorage, Alaska 907-278-3571

Other questions pertaining to the content of the training Standard should be addressed to the primary authors, Richard B. Krahl and Paul E. Martin, Branch of Marine Oil and Gas Operations, Conservation Division, Mail Stop 620, U.S. Geological Survey, Reston, Va. 22092, telephone 703-860-7531.

J. R. BALSLEY,
Acting Director.

[FR Doc. 78-4997 Filed 2-24-78; 8:45 am]

[4310-09]

Office of the Secretary

GARRISON DIVERSION UNIT

Public Hearing on Draft Comprehensive Supplementary Environmental Statement

In compliance with the May 11, 1977, stipulation and order entered into and approved by the Court in the case of *National Audubon Society, Inc.* v. *Andrus*, Civil No. 76-0943 in the U.S. District Court for the District of Columbia, and pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft comprehensive supplementary environmental statement for the Garrison diversion unit, North Dakota. This statement (INT DES 78-2, dated February 1, 1978) was made available to the public on February 1, 1978, and supplements the final environmental statement for the project (INT FES 74-3) and supplement (INT FES 74-21) filed with the Council on Environmental Quality January 10, 1974, and May 3, 1974. This statement analyzes the impacts of six primary alternate plans, which range from foregoing additional construction and providing about 20,000 acres of irrigation, to development of the unit with 250,000 acres of irrigation as authorized by Congress in 1965.

A draft report describing a proposed plan for modification of the authorized project that would irrigate 96,300 acres as well as serving other functions was also released with the environmental statement for review. This plan is a synthesis of features of the primary alternatives in the draft statement and is based on and derived from analysis of those plans and their environmental impacts.

Copies of the environmental statement and report are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-3007.
Office of the Regional Director, Bureau of Reclamation, P.O. Box 2553, Billings, Mont. 59103, telephone 406-657-6214.
Missouri-Souris Project Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, N. Dak. 58501, telephone 701-255-4011.

Single copies of the environmental statement and report may be obtained on request to the Commissioner of Reclamation, the regional director, or the project office. Please refer to the statement number above.

Public hearings will be held in Minot, Devils Lake, and Jamestown, N. Dak., on March 28, 29, and 30, 1978, to receive views and comments concerning the environmental impacts of the proposed plan and alternatives described in the environmental statement and report. All three hearings will start at 12 noon, recess by 5 p.m., begin again at 6 p.m., and continue until all interested parties have had an opportunity to be heard. The hearings will be held:

Tuesday, March 28, 1978, at the Ramada Inn in Minot.
Wednesday, March 29, 1978, at the Art Claire Motel in Devils Lake.
Thursday, March 30, 1978, at the Holiday Inn in Jamestown, N. Dak.

Organizations or individuals desiring to present statements at the hearing should contact the Project Manager, Bureau of Reclamation, Room 232, 304

East Broadway, Bismarck, N. Dak. 58501, telephone 701-255-4011, extension 4242, and express their intention to participate. Requests for scheduled presentation will be accepted up to 5 p.m. on March 22, 1978. Any requests received later will be handled on a first-come-first-served basis following the scheduled presentations. Oral statements at the hearings will be limited to 15 minutes each. Speakers will not be allowed to trade their time to make a longer oral presentation. However, the person authorized to conduct the hearing may allow any speaker additional time after all persons wishing to comment have been heard. Whenever possible, speakers will be scheduled according to the time requested in their letter or telephone request. Any scheduled speaker not present when called will be recalled at the end of the scheduled presentations.

Those unable to attend, and those wishing to supplement their oral presentation at the hearing may submit written comments to be included in the hearing record. Comments should be sent on or before March 31, 1978, directly to:

Chairman, Garrison Diversion Unit Oversight and Management Group, Room 7543, Department of the Interior, Washington, D.C. 20240.

Dated: February 21, 1978.

DANIEL P. BEARD,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-4966 Filed 2-24-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment on the Arts

DANCE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will take place March 12, 1978, from 9 a.m.-7 p.m.; March 13, 1978, from 9 a.m.-10 p.m.; on March 14, 1978, from 9 a.m.-6 p.m.; and March 15, 1978, from 9 a.m.-6 p.m. in Room 1422, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 13, 1978, from 5:30 p.m.-10 p.m. The topic of discussion will be guidelines.

The remaining sessions of this meeting on March 12, 1978, from 9 a.m.-7 p.m.; March 13, 1978, from 9 a.m.-5:30 p.m.; March 14, 1978, from 9 a.m.-6 p.m.; and March 15, 1978, from 9 a.m.-6 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation of the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 19-7, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation On the Arts and the Humanities.

FEBRUARY 21, 1978.

[FR Doc. 78-4976 Filed 2-24-78; 8:45 am]

[7536-01]

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will take place on March 15, 1978, from 9 a.m.-5:30 p.m.; March 16, 1978, from 9 a.m.-5:30 p.m.; and March 17, 1978, from 9 a.m.-5 p.m.; in Room 1340, Columbia Plaza, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 15, 1978, from 9 a.m.-5:30 p.m.; and March 16, 1978, from 9 a.m.-5:30 p.m.; for the purpose of preliminary application review of the basic State agency applications.

The remaining sessions of this meeting on March 17, 1978, from 9 a.m.-5 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation On the Arts and the Humanities.

FEBRUARY 21, 1978.

[FR Doc. 78-4973 Filed 2-24-78; 8:45 am]

[7536-01]

MEDIA ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (General Programs) to the National Council on the Arts will take place March 13, 1978, from 9 a.m.-5:30 p.m.; March 14, 1978, from 9 a.m.-5:30 p.m.; and March 15, 1978, from 9 a.m.-5:30 p.m., in Room 1219, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1967, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of section 552 of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

FEBRUARY 21, 1978.

[FR Doc. 78-4974 Filed 2-24-78; 8:45 am]

[7536-01]

MUSEUM ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will take place March 14, 1978, from 9 a.m.-5

p.m.; and March 15, 1978, from 9 a.m.–5 p.m. in the Shoreham Building, first floor conference room, 806 15th Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 14, 1978, from 2 p.m.–5 p.m. and March 15, 1978, from 9 a.m.–1:30 p.m. The topics for discussion will be guidelines and policy.

The remaining sessions of this meeting on March 14, 1978, from 9 a.m.–2 p.m., and March 15, 1978, from 1:30 p.m.–5 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts, and the Humanities.

FEBRUARY 21, 1978.

[FR Doc. 78-4975 Filed 2-24-78; 8:45 am]

[7536-01]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Craftsmen's Fellowships) to the National Council on the Arts will take place March 15, 1978, from 9:30 a.m.–5:30 p.m.; March 16, 1978, from 9:30 a.m.–5:30 p.m.; and March 17, 1978, from 9:30 a.m.–5:30 p.m. in Room 1115, 2401 E Street NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and 9(B) of section 552 of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

FEBRUARY 21, 1978.

[FR Doc. 78-4977 Filed 2-24-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

AMERICAN NATIONAL STANDARDS INSTITUTE, DRAFT ANSI STANDARD N18.10, "GENERIC REQUIREMENTS FOR LIGHT WATER NUCLEAR POWERPLANT FIRE PROTECTION"

Summary of Public Meeting

The Nuclear Regulatory Commission staff met publicly with representatives of the ANSI-N18.10 Work Group to discuss staff comments on the draft ANSI Standard N18.10, "Generic Requirements for Light Water Nuclear Power Plant Fire Protection." The meeting was held on January 26, 1978, in Room 6507 of the Commission's offices at 7735 Old Georgetown Road, Bethesda, Md., and began at 9:15 a.m.

The following is a list of the major topics covered at the meeting:

(1) Quality assurance program for fire protection.

(2) The use of analysis to justify spatial separation of redundant safety-related cable systems.

(3) The use of analysis to justify fire barriers with less than a 3-hour rating separating the redundant safety divisions.

(4) The use of water as a fire extinguishing agent.

(5) The use of fire stops in vertical and horizontal cable trays.

(6) The use of fixed self-contained battery powered emergency lighting.

(7) The need for fixed emergency communications independent of the normal plant communications.

The meeting was adjourned at 12:45 p.m.

The items discussed at this meeting will be evaluated by the full membership of the ANSI-N18.10 Standards Writing Group. The Writing Group will determine how these items are resolved within the N18.10 document. The NRC staff will review the resolution of these and other outstanding items to determine their acceptability.

Persons desiring additional information regarding the meeting should contact Mr. Eugene V. Imbro, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5420.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 21st day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-5001 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendments Nos. 34 and 31 to facility operating licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) which revised technical specifications for operation of the Zion station units Nos. 1 and 2, located in Zion, Ill. The amendments are effective as of the date of issuance.

These amendments establish: (1) Surveillance requirements for steam generator tubes, and (2) maximum reactor coolant to secondary side steam generator leak rate limits.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated August 16, 1977, (2) amendments Nos. 34 and 31 to licenses Nos. DPR-39 and DPR-48, and (3) the Commission's revised safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Waukegan Public Library, 128 North County Street, Wau-

kegan, Ill. 60685. 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 6th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5002 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 24 to facility operating license No. DPR-61 issued to Connecticut Yankee Atomic Power Co. which revise technical specifications for operation of the Haddam Neck plant located in Middlesex County, Conn. The amendment is effective as of 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 section is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 25, 1977, as supplemented December 15, 1977, (2) amendment No. 24 to license No. DPR-61, and (3) the Commission's related safety evaluation dated November 25, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Conn. 16457. 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 6th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5003 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendments Nos. 55, 55, and 52 to facility operating licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Co. for operation of the Oconee nuclear station, Unit Nos. 1, 2, and 3, located in Oconee County, S.C. The amendments are effective as of the date of issuance.

These amendments revise the technical specifications to: (1) Delete the requirements for annual reports, (2) require written confirmation for prompt reportable occurrences, and (3) delete the technical specification section on respiratory protection program.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see: (1) The applications for amendments dated October 31, 1977, and December 2, 1977, (2) amendments Nos. 55, 55, and 52 to licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. 29691. 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 30th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5004 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-316]

INDIANA & MICHIGAN ELECTRIC CO., AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 1 to facility operating license No. DPR-74, issued to Indiana & Michigan Electric Co. and Indiana & Michigan Power Co., which revised technical specifications for operation of the Donald C. Cook nuclear plant, unit No. 2 (the facility) located in Berrien County, Mich. The amendment is effective as of its date of issuance.

These amendments reflects installation of a main steam/feedwater isolation trip on low steamline pressure with no coincidence signal and changes the delay time on the containment air recirculation system return air fan auto start signal. In addition, this amendment revised ice condenser surveillance requirements to be identical with those of D. C. Cook unit 1 with increased surveillance frequency.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Part 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 applications for amendment dated February 3, 1978, and February 16, 1978, (2) amendment No. 1 to license No. DPR-74, and (3) the Commission's related safety evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 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 Project Management.

Dated at Bethesda, Md., this 17th day of February 1978.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 78-5005 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 38 to facility operating license No. DPR-56 issued to Philadelphia Electric Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co., which revised technical specifications for operation of the Peach Bottom atomic power station unit No. 3. The amendment is effective as of its date of issuance.

The amendment will revise the technical specifications related to safety related snubbers by deleting two of the HPCI snubbers (which have been replaced by rigid support struts) from the list of snubbers requiring periodic surveillance to assure their operability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 3, 1977, (2) amendment No. 38 to license No. DPR-56, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. 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 16th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-5006 Filed 2-24-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the standard review plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 9.1.1 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the standard review plan for the review of safety analysis reports for nuclear powerplants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 9.1.1. is $4. Foreign price information is available from NTIS. A copy of the standard review plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 16th day of February 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 78-5007 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-312]

SACREMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 18 to facility operating license No. DPR-54 issued to Sacremento Municipal Utility District (the licensee), which revised technical specifications for operation of the Rancho Seco nuclear generating station (the facility), located in Sacramento County, Calif. The amendment becomes effective 30 days after its date of issuance.

The amendment incorporates fire protection technical specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and

the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendments.

For further details with respect to this action, see: (1) The application for amendment dated August 1, 1977, as supplemented December 16, 1977, (2) the Commission's letter to the licensee dated November 25, 1977, (3) amendment No. 18 to license No. DPR-54, and (4) the Commission's related safety evaluation issued November 25, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, Calif. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-5008 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 30 to provisional operating license No. DPR-13, issued to Southern California Edison Co. and San Diego Gas & Electric Co. (the licensee), which revised technical specifications for operation of the San Onofre nuclear generating station, unit No. 1 (SO-1) located in San Diego County, Calif. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the technical specifications by deleting the requirement for submittal of an annual operating report while retaining the requirement to submit occupational exposure data on an annual basis.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 1, 1977 (proposed change No. 66), (2) amendment No. 30 to license No. DPR-13, (3) the Commission's related safety evaluation, and (4) the Commission's letter to the licensee dated September 16, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, Calif. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5009 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-57]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 16 to facility operating license No. R-77, issued to the State University of New York at Buffalo, which revised the license and technical specifications for operation of the nuclear science and technology facility (the facility) located in Buffalo, N.Y. The amendment is effective as of its date of issuance.

This amendment modifies the primary piping carrying reactor coolant in the PULSTAR type research reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Noice of proposed issuance of amendment to facility operating license in connection with this action was published in the FEDERAL REGISTER on May 2, 1977 (42 FR 22211). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated March 14, 1977, (as supplemented by letters dated May 16, and June 8, 1977), (2) amendment No. 16 to license No. R-77, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Public Health Library, New York City Department of Health, 125 Worth Street, New York, N.Y. 10013. 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 16th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-5010 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment is effective within 30 days of the date of issuance.

The amendment to the Technical Specification establishes, (1) Provisions for steam generator tube inspection that are consistent with the guidance contained in Regulatory Guide 1.83, Revision 1, dated July 1975, with the exception of deviations determined by the staff to enhance the overall inspection program, (2) provisions for monitoring secondary water chemistry, and (3) a new limit on reactor coolant to secondary leakage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1976, as supplemented September 6, 1977, (2) Amendment No. 18 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. 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 31st day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5012 Filed 2-24-78; 8:45 am]

[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (the licensee) which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to: (1) provide updated organizational charts of the licensee's corporate nuclear staff and the Kewaunee plant, (2) redefine the composition of the Nuclear Safety Review and Audit Committee, (3) delete the requirements for an Annual Operating Report, (4) make minor changes to reporting requirements for radioactive effluent releases and (5) delete section 6.12 of the Technical Specifications titled Respiratory Protection Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 28, 1977, (2) Amendment No. 19 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Kawaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. 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 25th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5011 Filed 2-24-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.122, Revision 1, "Development of Floor Design Response Spectra for Seismic Design of Floor-Supported Equipment or Components," describes methods acceptable to the NRC staff for developing two horizontal and one vertical floor design response spectra at various floors or other equipment-support locations of interest from the time-history motions resulting from the dynamic analysis of the supporting structure. This guide, the last in a series of guides that delineate current procedures for applying the vibratory ground motion to design, was revised as the result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public

Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 14th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-5013 Filed 2-24-78; 8:45 am]

[3160-01]

OFFICE OF TELECOMMUNICATIONS POLICY

U.S. INMARSAT PREPARATORY COMMITTEE WORKING GROUP

Meetings

Notice is hereby given that the U.S. INMARSAT Preparatory Committee Working Group will meet at 9:30 a.m., in Room 712A, Office of Telecommunications Policy, 1800 G Street NW., Washington, D.C., on March 28, April 11, May 9, and June 6, 1978.

The principal agenda items will be development of national positions relating to the technical, economic and organizational aspects of the INMARSAT system which will be addressed in meetings of the INMARSAT Preparatory Committee and its Technical, Economic and Organizational Panels in June and July, 1978.

The meetings will be open to the public; any member of the public will be permitted to file a written statement with the Working Group before or after the meetings.

The names of the members of the Working Group, copies of the agendas, summaries of the meetings and other information pertaining to these meetings may be obtained from William T. Adams, Office of Telecommunications Policy, Washington, D.C. 20504, telephone 202-395-3782.

L. DANIEL O'NEILL,
Advisory Committee Management Officer.

[FR Doc. 78-4993 Filed 2-24-78; 8:45 am]

[3160-01]

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 9:30 a.m., at the Office of Telecommunications Policy, 1800 G Street NW., Washington, D.C., in Room 712 on March 10, 1978.

The principal agenda items will be (1) Progress report on World Administrative Radio Conference preparatory work including discussions by Government sub-committee conveners; (2) consideration of results of 1978 Aeronautical ITU Conference; (3) an overview of recently concluded CCIR meetings; (4) discussion of OTP research paper, "Performance of Telecommunication Systems in the Spectral-Use Environment, IV Statistical Criteria, EMI Environments, and Scenarios," September 15, 1977.

The meeting will be open to the public. Any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

Information pertaining to the meeting may be obtained from Mr. Jack E. Weatherford, Office of Telecommunications Policy, Washington, D.C. telephone 395-5?23

Dated: February 15, 1977.

L. D. O'NEILL,
Advisory Committee Management Officer.

[FR Doc. 78-4992 Filed 2-24-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice 4710-01]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The Department of State will hold a meeting on March 13 for the Working Group on OECD Investment Undertakings of the Advisory Committee on Transnational Enterprises. The Working Group will meet from 2 p.m. to 5 p.m. The meeting will be held in Room 1205 of the State Department, 2201 C Street NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss issues relating to the three parts of the OECD investment package, i.e. the Guidelines for Multinational Enterprises, the decision on national treatment, and the decision on incentives and disincentives. At the March 13 meeting, the Working Group will also review the status of negotiations in the United Nations leading toward a code of conduct relating to transnational corporations.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on area code 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: February 21, 1978.

RICHARD D. KAUZLARICH,
Executive Secretary.

[FR Doc. 78-5036 Filed 2-24-78; 8:45 am]

[4710-02]

Agency for International Development

JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the eighth meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on March 13-15, 1978.

The purpose of this meeting is to receive a progress report on the development of criteria for university inclusion on the roster; to receive a progress report on baseline studies of research, education and extension; to review the status of Title XII projects in Asia, Africa, Latin America, and the Near East; to work out operating procedures for the Regional Work Groups of the Committee and to consider other business brought before the Committee.

The meeting on March 13, 1978, will convene in Regional Work Groups (RWGs): Africa RWG at 9:30 a.m. in Room 2497, New State Department Building, Asia RWG at 10 a.m. in Room 609, Rosslyn Plaza Building, 1601 North Kent Street, Rosslyn, Va.; Latin America RWG at 10 a.m. in Room 2242, New State Department Building; and Near East RWG at 2 p.m. in Room 6484, New State Department Building. The meeting on March 14 and 15, 1978, will convene from 9 a.m. to 5 p.m. at the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. Room designation will be posted in the lobby of the Quality Inn. The meeting is open to the public. Any interested person may

attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher E. Riggs, Deputy to the Associate Assistant Administrator, Development Support Bureau is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9001.

Dated: February 22, 1978.

FLETCHER E. RIGGS,
AID Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 78-5261 Filed 2-24-78; 8:45 am]

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given to the ninth meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on March 14 and 15, 1978.

The purpose of this meeting is to continue development of a schedule of research priorities to be undertaken under the Collaborative Research Support Program.

The meeting will begin at 9 a.m. and will adjourn at 4:30 p.m. on both days. The meeting on March 14, 1978, will be held in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va., and on March 15, 1978 the meeting will be held in Room 206, Rosslyn Plaza Building C, 1601 North Kent Street, Rosslyn, Arlington, Va. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Associate Assistant Administrator, Development Support Bureau, is designated as AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20524, or telephone him at 703-235-2243.

Dated: February 22, 1978.

ERVEN J. LONG,
AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-5262 Filed 2-24-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-78-019]

MARINE SANITATION DEVICES (MSD's)

Recertification

On Monday, 28 November 1977 (42 FR 60619) the Coast Guard published a notice of waiver of the Type I MSD installation date. Included in that notice was a list of Coast Guard certified Type I MSD's. This list showed the International Water Saving Systems, Inc. Marine Sanitation Device Models 1000 and 1000A as having their certifications suspended. This notice is published to advise all interested parties that on 6 December 1977 the certifications for these devices were reinstated. These devices along with the Nautromatic 350 are listed below as they not appear in the list of Coast Guard certified Type I MSD's. The six column list follows:

Manufacturer	Device	Model No.
International Water Saving Systems, Inc., P.O. Box 366, 587 Granite St., Braintree, Mass. 02184.	Nautromatic	350
	IWSS System 1000.	1000
	IWSS System 1000A.	1000A

Certification No.	System description	Capacity
159.15/1009/1/I.....	Small vessel physical/chemical.	4 uses/hr.
159.15/1009/2/I.....		4 persons.
159.15/1009/3/I.....		Do.

Dated: February 13, 1978.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-5068 Filed 2-24-78; 8:45 am]

[4910-13]

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held March 15, 1978, from 9 a.m. to 1 p.m., in conference room 312A at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

The agenda for this meeting is a discussion on a proposed amendment to Agency Order 7110.75, "Simultaneous Use of Intersecting Runways for Arriving and Departing Aircraft."

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. 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, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on February 21, 1978.

F. L. CUNNINGHAM,
Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 78-4941 Filed 2-24-78; 8:45 am]

[4910-13]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

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 Executive Committee to be held March 21, 1978, Ball Room, Fort Myer Officers Club, Arlington, Va., commencing at 9:30 a.m. The agenda for this meeting is as follows: (1) Approval of minutes of meetings held October 28, 1977, November 16, 1977, and January 27, 1978; (2) special committee activities report for January and February 1978; (3) Chairman's report of RTCA administration and activities; (4) consideration of proposed revision to terms of reference for Special Com-

mittee 134 on General Purpose Electronic Test Equipment; (5) consideration of establishing new special committees to: (a) Address emergency locator transmitter installation problems, (b) prepare minimum operational performance standards for airborne area navigation equipment, and (c) assess the application of satellites for navigation and communication; and (6) other business.

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 21, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-4880 Filed 2-24-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the National Highway Safety Advisory Committee to be held March 20, 21, 22, and 23, 1978 in Washington, D.C.

The agenda for this meeting is as follows:

On March 20, from 9 a.m. to 4 p.m. the Adjudication and Alcohol Subcommittee will meet to prepare their Report on Adjudication of Traffic Offenses on Indian Reservations in room 4234 of the DOT Headquarters Building.

On March 21, from 8:30 a.m. to 12 noon the full Committee will meet in a General Session in room 2230 of the DOT Headquarters Building to hear an update on National Center for Statistics and Analysis, an overview of the MAST (Military Assistance for Safety and Traffic) Program, a briefing on the Federal-Aid Highway Program and its relationship to the Construction Program and the 3½ Standards, a briefing on research priorities, and old or new business.

On March 21, from 1 p.m. to 4 p.m. the Adjudication and Alcohol Subcommittee will meet in room 4234 of the DOT Headquarters Building to hear a status report on White House Conference on Alcoholism, a briefing on the New Mexico site visits to the Indian reservations, preparation of Report on Adjudication of Traffic Offenses on Indian Reservations, and old or new business.

On March 21, from 1 p.m. to 5 p.m. the Vehicle Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear a discussion of NHTSA's proposed rulemaking on Vehicle Identification Numbers (Standard 115), an overview of DOT's experience with various speed control devices, the impact of fuel economy standards on vehicle speed capability, and old or new business.

On March 22, from 9 a.m. to 12 noon the State-Federal Relations Subcommittee will meet in room 4234 of the DOT Headquarters Building to hear a discussion on the Highway Safety Act of 1966 and details of the amendments proposed in the Highway Safety Act of 1978, an overview of highway safety program management envisioned under the proposed amendments in the Highway Safety Act of 1978 (changes and resources required), developments in highway safety program management, planning for subcommittee site visits, and old or new business.

On March 22, from 9 a.m. to 12 noon the Driver Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear an introduction and overview of FHWA's Bureau of Motor Carrier Safety (BMCS): Vehicle and Driver Regulatory Responsibilities, and old or new business.

On March 22, from 1 p.m. to 4:30 p.m. the Highway Environment Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear an update on the RRR Standards program, a briefing on safety in construction zones, a presentation on Illinois "Expedient" standards for reconstruction type projects, an update on the railroad grade crossing situation, and old or new business.

On March 22, from 5 p.m. to 6:30 p.m. the Executive Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear a discussion of future agenda items, a discussion of resolution format as presented for voting, determination of priority issues for Committee consideration, and old or new business.

On March 23, from 9 a.m. to 1 p.m. the full Committee will meet in a General Session in room 2230 of the DOT Headquarters Building to hear an introduction and overview of driver licensing, reports of the subcommittee chairpersons, and old or new business.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT official.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW. (DOT Headquarters Building), Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on February 22, 1978.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-5122 Filed 2-24-78; 8:45 am]

[4910-59]

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Availability of Report

Published herewith is a report on the National Motor Vehicle Safety Advisory Council's Awards Subcommittee closed meeting. This report is required by section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) and DOT Order 1120.3A, paragraph 9c (Committee Management Policy and Procedures). These directives state that a report summarizing the activities of closed meetings be made available to the public. The report follows:

The National Motor Vehicle Safety Advisory Council's Awards Subcommittee held a closed meeting on April 13, 1977, at the Sheraton National Motor Hotel in Arlington, Va. The meeting was closed in accordance with exemption 6 of the Freedom of Information Act and was approved by the Secretary of Transportation. Members of the subcommittee present at the meeting were: Mrs. Julie Candler, Dr. Don Ivey, Dr. Basil Scott, Dr. Julian Waller, and Dr. Ruth Winkler.

The purpose of the meeting was to review the nominations submitted for the Excalibur Award. The Excalibur Award is presented to outstanding contributors in the field of motor vehicle and highway safety at the Council-Sponsored International Congress on Automotive Safety. Nominations received during 1977 and those from previous years were reviewed by the subcommittee. In accordance with the Council Bylaws, five names were chosen. The five were: Kenneth Roberts, Dr. John D. States, Dr. George Snively, Roy Haeusler, Ernst Fiala.

Dr. Waller, Chairman of the Awards Subcommittee, presented the five names to the full Council at its meeting on April 14. The Council members then voted on the names. The winner, Dr. John D. States, was announced at the Council-Sponsored Fifth International Congress on Automotive Safety held July 11-13, 1977 in Cambridge, Mass.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on February 22, 1978.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-5121 Filed 2-24-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 597]

ASSIGNMENT OF HEARINGS

FEBRUARY 22, 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 134477 Sub 167, Schanno Transportation, Inc., is now assigned for hearing April 18, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 124692 Sub 179, Sammons Trucking, Inc., is now assigned for hearing April 19, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 133330 Sub 10, Halvor Lines, Inc., is now assigned for hearing April 20, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 115331 Sub 429, Truck Transport, Inc., is now assigned for hearing April 21, 1978 (1 day) at St. Paul, MN, at a hearing room to be later designated.

MC 106120 Sub 4, Badger Coaches, Inc., is now assigned for hearing April 24, 1978 (1 week) at Milwaukee, WI, at a hearing room to be later designated.

MC 4405 Sub 567, Dealers Transit, Inc., is now assigned for hearing April 13, 1978 (2 days) at Dallas, TX, at a hearing room to be later designated.

MC 67121 (Sub-No. 10), Harp Transportation Lines, now being assigned March 21, 1978 (2 days), at Denver, CO, in a hearing room to be later designated.

MC 124211 (Sub-No. 294), Hilt Truck Line, Inc., now being assigned April 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 108119 (Sub-No. 68), E. L. Murphy Trucking Co., now assigned March 22, 1978, at Los Angeles, CA, is cancelled and application dismissed.

MC 125433 Sub 122, F-B Truck Line Co., is now assigned for hearing April 5, 1978 (1 day) at San Francisco, CA, at a hearing room to be later designated.

MC 124211 Sub 299, Hilt Truck Line, Inc., is now assigned for hearing April 6, 1978 (1 day) at San Francisco, CA, at a hearing room to be later designated.

MC 119789 Sub 352, Caravan Refrigerated Cargo, Inc., is now assigned for hearing April, 7, 1978 (1 day) at San Francisco, CA, at a hearing room to be later designated.

MC 128273 Sub 256, Midwestern Distribution, Inc. and MC 115826 Sub 267, W. J. Digby, Inc., are now assigned for hearing April 10, 1978 (10 days) at San Francisco, CA, at a hearing room to be later designated.

MC 116763 Sub 392, Carl Subler Trucking, Inc. now being assigned April 5, 1978 (3 days) at Boston, MA, in a hearing room to be later designated.

MC 126667 Sub 3, Brush Hill Transportation Co. now being assigned April 10, 1978 (1 week) at Boston, MA, in a hearing room to be later designated.

MC 111625 Sub 24, Berman's Motor Express, Inc. now being assigned April 24, 1978 (1 week) at Binghamton, NY, in a hearing room to be later designated.

MC 99610 Sub 17, Ross Neely Express, Inc. now being assigned April 25, 1978 for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, DC.

MC-F 13210, System 99—Purchase (portion)—O.N.C. Freight Systems now assigned February 28, 1978, at San Francisco, CA is postponed to March 6, 1978 (1 day) at San Francisco, CA and will be held in Room 510, 211 Main Street.

MCC-9855, *Presley Tours, Inc.* v. *National Mehl Tours, Inc., et al.*, now assigned March 20, 1978 at Chicago, IL, will be held in Room 280, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 121598 Sub 2, Shelbyville Express, Inc., is now assigned for hearing April 25, 1978 (4 days) at Memphis, TN, and will be held at the Executive Plaza Inn, 1471 East Brooks Road; and will continue May 1, 1978 (5 days) at Monroe, LA, at the Ramada Inn, 1311 U.S. Hwy 165.

MC 9812 Sub 6, C. F. Kolb Trucking Co., Inc. is now assigned for hearing March 24, 1978, at St. Louis, MO and will be held at Court Room No. 3, 15th floor, U.S. Court and Customs House, 1114 Market Street.

MC 107496 Sub 1114, Ruan Transport Corp. is now assigned for hearing March 22, 1978, at St. Louis, MO, and will be held at Court Room No. 3, U.S. Court and Customs House, 1114 Market Street.

MC 60014 Sub 57, Aero Trucking, Inc. is now assigned for hearing March 23, 1978, at St Louis, Mo., and will be held at Court Room No. 3, U.S. Court and Customs House, 1114 Market Street.

MC 113678 Sub 692, Curtis, Inc. is now assigned for hearing March 7, 1978, at Chicago, Il and will be held at Room 209, 536 South Clark Street.

MC 82492 Sub 153, Michigan & Nebraska Transit Co., Inc. is now assigned for hearing March 8, 1978, at Chicago, Il and will be held at Room 209, 536 South Clark Street.

MC 138562 Sub 1, Cates Trucking, Inc. is now assigned for hearing March 9, 1978, at Chicago, Il and will be held at Room 209, 536 South Clark Street.

MC 117068 Sub 76, Midwest Specialized Transportation Inc., is now assigned for hearing March 7, 1978, at Denver, CO, and will be held at OSHRC Court Room Suite 1718, 1050 17th Street.

MC 32882 Sub 80, Mitchell Bros. Truck Lines, is now assigned for hearing March 9, 1978, at Denver, CO, and will be held at OSHRC Court Room Suite 1718, 1050 17th Street.

MC 115826 Sub 270, is now assigned for hearing March 13, 1978, at Denver, CO, and will be held at OSHRC Court Room Suite 1718, 1050 17th Street.

MC 139482 Sub 16, New Ulm Freight Lines, Inc. is now assigned for hearing March 7, 1978 at St. Paul, MN, and will be held at Court Room No. 2, 7th floor, Federal Building, 316 N. Robert Street.

MC 129903 Sub 7, Emporia Motor Freight, Inc., is now assigned for hearing March 27, 1978, at Emporia, KS, and will be held at Room 209, U.S. Post Office Building, 625 Merchant.

MCF 13172 C. P. Brown & Hemmings Control Chicago Express Co. Inc., MC 68656 Sub 3, Chicago Express Co., Inc., is now assigned for hearing March 9, 1978 at Chicago, Il, and will be held at Room 280, Everett McKinley Dirksen Building, 219 South Dearborn Street.

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

[FR Doc. 78-5103 Filed 2-24-78; 8:45 am]

[7035-01]

[Rule 19; Ex Parte 241; Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY ET AL.

Exemption Under Provision of the Mandatory Car Service Rules

To All Railroads:

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

* * * * *

Atlantic and Western Railway, Reporting Marks: ATW.

Chicago & Illinois Midland Railway Co., Reporting Marks: CIM.

Fonda, Johnstown and Gloversville Railroad Co., Reporting Marks: FJG.

Hartford and Slocomb Railroad Co., Reporting Marks: HS.

Lackawaxen and Stourbridge Railroad Corp., Reporting Marks: LASB.

Louisiana Midland Railway Co., Reporting Marks: LOAM.
Manufacturers Railway Co., Reporting Marks: MRS.
Maryland and Pennsylvania Railroad Co., Reporting Marks: MPA.
Pickens Railroad Co., Reporting Marks: PICK.
Roscoe, Snyder and Pacific Railway Co., Reporting Marks: RSP.
Wellsville, Addison & Galeton Railroad Corp., Reporting Marks: WAG.

Effective February 15, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

* * * Atlanta & Saint Andrews Bay Railway Company deleted.

[FR Doc. 78-5105 Filed 2-24-78; 8:45 am]

[7035-01]

[Docket Nos. AB-18 (Sub-No. 25); AB-19 (Sub-No. 37)]

CHESAPEAKE AND OHIO RAILWAY CO., ET AL.

Notice of Findings

In the matter of the Chesapeake & Ohio Railway Co.—Abandonment in the vicinity of Indiana Harbor, Lake County, IN and the Baltimore & Ohio Railroad Co., and the Baltimore & Ohio Chicago Terminal Railroad Co.—Abandonment in the vicinity of Indiana Harbor, Lake County, IN.

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 3, 1977, and the order of the Commission, Division 1, served January 31, 1978, adopted the order of the Commission, Commissioner Brown, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit by the Baltimore & Ohio Railroad Co., the Baltimore & Ohio Chicago Terminal Railroad Co., and the Chesapeake & Ohio Railway Co. of a line of railroad between Valuation Station 13184+30 and Valuation Station 13289+10 in the vicinity of Indiana Harbor, IN, a total distance of approximately 1.98 miles in Lake County, IN. A certificate of abandonment will be issued to the Baltimore & Ohio Railroad Co., the Baltimore & Ohio Chicago Terminal Railroad Co., and the Chesapeake & Ohio Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-5104 Filed 2-24-78; 8:45 am]

[7035-01]

[Docket No. AB-2 (Sub-No. 18)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between Fayetteville and the Coosa River, in Talladega and Shelby Counties, Ala. Notice of Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated February 6, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen,* 354 I.C.C. 76 (1977), the present and future public convenience and necessity permit the abandonment by the Louisville and Nashville Railroad Co. of an unconnected or broken line of railroad extending from milepost LE-448, at Fayetteville, AL, in a southwesterly direction to the east bank of the Coosa River, to milepost LE-444.9 a distance of 3.1 miles in Talladega County, AL, and extending from the west bank of the Coosa River, from milepost AM-441.8 in a westerly direction to Shelby, AL, milepost 436, a distance of approximately 5.8 miles in Shelby County, AL. The total abandonment of 8.9 miles includes the stations of Talladega Springs, milepost LE-445, and Avery, milepost 437. A certificate of public convenience and necessity permitting abandonment was issued to the Louisville and Nashville Railroad Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective April 13, 1978.

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

[FR Doc. 78-5106 Filed 2-24-78; 8:45 am]

[7035-01]

[AB 102 (SDM)]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Revised System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Missouri-Kansas-Texas Railroad Co., has filed with the Commission its revised color-coded system diagram map in Docket No. AB 102 (SDM). The maps reproduced here in black and white are reasonable reproductions of that revised system diagram map and the Commission on January 23, 1978, received a certificate of publication as

required by said regulation which is considered the effective date on which the revised system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 102 (SDM).

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

LINE DESCRIPTION

(a) Portion of Western Subdivision.

(b) States of Texas and Oklahoma.

(c) Counties of Wichita (Texas) and Cotton, Tillman, and Jackson (Oklahoma).

(d) MP B-14.0 at Burkburnett, Texas, to MP B-78.56 at Altus, Oklahoma.

(e) MP 27.1 at Grandfield, Oklahoma; MP 50.7 at Frederick, Oklahoma; and MP 75.6 at Altus, Oklahoma (Mobile Agent).

[FR Doc. 78-5110 Filed 2-24-78; 8:45 am]

[7035-01]

[Notice No. 298]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 29, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC 77527, filed January 25, 1978. Transferee: BRENNAN EXPRESS, INC., 5872 Marbury Rd., Bethesda, MD 20034. Transferor: VIRGINIA FREIGHT LINES, N. Main Street, Kilmarnock, VA 22482. Applicants' representative: James W. Lawson, 1511 K Street NW., Washington, DC 20005. Authority sought for purchase by transferee of a portion of the operating rights of transferor, set forth in Certificate No. MC 99213 (Sub-No. 1), issued December 23, 1968, and all of the operating rights of transferor, as set forth in Certificate No. MC 99213 (Sub-No. 6), issued December 16, 1964, as follows: General commodities, with certain exceptions, over specified regular routes, between Tappahannock, VA, and Baltimore, MD, serving the intermediate points of Fredericksburg and Owens, VA, and Washington, DC, and serving the off-route point of Dahlgren, VA; and general commodities, with certain exceptions, over specified regular routes, between Office Hall, VA, and Port Royal Cross Roads, VA, as an alternate route for operating convenience only, serving no intermediate points. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC 77531, filed February 8, 1978. Transferee: EMRICK'S VAN & STORAGE CO., P.O. Box 1106, Enid, OK 73701. Transferor: EMRICK'S VAN & STORAGE CO., INC., Same address as transferee. Applicants' representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, OK 73112. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135250 (Sub-No. 1), issued May 24, 1972, as follows: Used household goods, between Garfield County, OK, on the one hand, and, on the other, points in Grant, Alfalfa, Kay, Garfield, Noble, Major, Pawnee, Woodward, Harper, Osage, Woods, and Washington Counties, OK. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

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

[FR Doc. 78-5107 Filed 2-24-78; 8:45 am]

[7035-01]

[AB 16]

SAN DIEGO AND ARIZONA EASTERN RAILWAY CO.

Abandonment in San Diego and Imperial Counties, Calif.

February 21, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the proposed abandonment by the San Diego and Arizona Eastern Railway Co. of its lines of railroad between (1) San Diego and El Cajon, (2) San Diego and San Ysidro, (3) National City and the end of the Coronado Branch, and (4) Division and Plaster City (a total distance of 108.17 miles in San Diego and Imperial Counties, Calif.), 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 diversion of rail traffic to motor carrier will not cause significant increases in energy consumption, air pollution, or noise intrusions. Diversion of rail traffic could accelerate deterioration of certain streets and highways in the San Diego/Tijuana area. However, these impacts are not environmentally significant as the future condition of the roads will primarily be a matter of repair costs. Ths remaining impacts on the area road system are expected to be minimal.

There are indications of definite plans to develop certain rail-served industrial sites. Abandonment would probably preclude the location at the sites of rail-requiring industries presently considering locating there. However, the potential employment loss is not of sufficiently large scope to be significant. In addition, abandonment would not preclude the location at the sites of industries geared to motor carrier transportation. Therefore, abandonment should not have a serious adverse impact on rural and community development.

Finally, it was recommended that any abandonment certificate be conditioned to: (1) facilitate future public use of the right-of-way, (2) mitigate potentially negative effects on two endangered species, and (3) mitigate or avoid the potential adverse effect on the Campo railroad station, which is eligible for inclusion in the National Register of Historic Places.

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 30, 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 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. 78-5109 Filed 2-24-78; 8:45 am]

[7035-01]

[No. AB-12 (Sub-No. 47)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment—San Bruno Branch Between Daly City and Baden in San Mateo County, Calif.; Notice of Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order of the Commission, Division

1, acting as an Appellate Division, served February 13, 1978, as modified, adopted the report and order of the Commission, Review Board Number 5, which is administatively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen,* 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Co. of the line of railroad beginning at milepost 7.39 near Daly City, and extending to milepost 10.80, near Baden, a distance of 3.41 miles in San Mateo County, CA. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a Government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as it necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

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

[FR Doc. 78-5108 Filed 2-24-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

[6320-01]

1

NOTICE OF ADDITION AND DELETIONS OF ITEMS OF THE FEBRUARY 23, 1978, AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (addition) 16a. Docket 28778, Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case (Memo No. 7778, OGC, OEA) (deletion) 20. Docket 31737, Amendment of Part 300 on Separation of Functions (request for instructions) (OGC) (deletion) 22. Freedom of Information Act appeals from Herbert Rosenthal and Mary DeOreo for section 902(f) material (OGC, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The public target date for Board action on Item 16a is February 27, 1978. The staff's recommendation was submitted on February 17. However, the last open Board meeting before the target date is scheduled for February 23. To meet the target date, the Board's decision must be made at that meeting. The staff work for Items 20 and 22 has not been completed in time for the Board Members to review it prior to the February 23, 1978 meeting for which they were scheduled. The requesters in Item 22 have agreed to a one week's delay in the Board's determination of their appeal. Accordingly, the following Members have voted that agency business requires the addition of Item 16a and the deletion of Items 20 and 22 from the February 23, 1978 agenda on less than 7 days' notice and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-427-78 Filed 2-22-78; 4:16 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, March 2, 1978.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTER TO BE CONSIDERED: Briefing by Texas Instruments and FCC Laboratory on high performance TV receivers.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone number 202-632-7260.

Issued: February 23, 1978.

[S-431-78 Filed 2-23-78; 2:37 pm]

[6740-02]

3

MARCH 1, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 1, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information, room 1000.

POWER AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER77-546, Dayton Power & Light Co.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2230, City and Borough of Sitka, Alaska.
P-2.—Project No. 2146, Alabama Power Co.

POWER AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-207, Pennsylvania Power & Light Co.
CAP-2.—Docket No. ER78-198, Public Service Co. of Okla.
CAP-3.—Docket No. ER78-201, Central Hudson Gas & Eectric Co.
CAP-4.—Project No. 372, Southern California Edison Co.
CAP-5.—Project No. 2329, Central Maine Power Co.

MISCELLANEOUS AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

M-1.—Docket No. RM78-2 (Formerly ex parte No. 308), Valuation of Common Carrier Pipelines.

GAS AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

A. Pipeline rates
RP-1.—Docket Nos. RP71-107 and RP72-127, Northern Natural Gas Co.

II. PRODUCER MATTERS

A. Producer certificates
CI-1.—Docket No. CP77-558, United Gas Pipe Line Co.
CI-2.—Docket No. CP77-577, Michigan Wisconsin Pipe Line Co.
CI-3.—Reserved.
CI-4.—Reserved.
B. Producer rates
CI-5.—Docket No. CI74-78, Rate Schedule No. 4, Freeport Oil Co.

III. PIPELINE CERTIFICATE MATTERS

A. Order No. 533 Authorizations
CP-1.—Docket No. CP76-501, Transcontinental Gas Pipe Line Corp.
CP-2.—Reserved.
CP-3.—Reserved.
B. Storage
CP-4.—Docket Nos. CP74-289, CP73-334 and CP75-360, El Paso Natural Gas Co.
CP-5.—Reserved.
CP-6.—Reserved.
C. Synthetic Natural Gas
CP-7.—Docket Nos. CP77-495, CP77-596 and CP77-598, Transcontinental Gas Pipe Line Corp.

CP-8.—Reserved.
CP-9.—Reserved.
D. Curtailment
CP-10.—Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.

GAS AGENDA, 79TH MEETING, MARCH 1, 1978, REGULAR MEETING

CAG-1.—Docket No. RP75-73 (AP78-1), Texas Eastern Transmission Corp.
CAG-2.—Docket No. RP74-26 (PGA78-2), Louisiana-Nevada Transit Co.
CAG-3.—Docket Nos. RP73-97 and RP76-93 (PGA78-2), Kentucky-West Virginia Gas Co.
CAG-4.—Docket No. RP78-38, Panhandle Eastern Pipe Line Co.
CAG-5.—Docket No. RP72-149 (PGA78-4), Mississippi River Transmission Corp.
CAG-6.—Docket No. CI61-780, et al., Sohio Petroleum Co., et al
CAG-7.—Docket No. CI61-1281, et al., Mobil Oil Corp. (operator), et al.
CAG-8.—Docket No. CI64-1155, Chevron Oil Co., Western Division.
CAG-9.—Docket No. CI70-725, Mobil Oil Corp. (operator), et al.
CAG-10.—Docket No. CI76-640, Sun Oil Co.
CAG-11.—Docket No. CI72-679, Amoco Production Co.
CAG-12.—Docket No. CI77-106, et al., Patty R. Richner.
CAG-13.—Docket No. CS77-846, et al., The Tassinari Trust, et al.
CAG-14.—Docket No. CS71-560, et al., Martha B. Hilliard Sverdlow, et al.
CAG-15.—Docket No. CS67-15, et al., NE-O-TEX Corp., et al.
CAG-16.—Docket No. G-5236, et al., Cabot corp., et al.
CAG-17.—Docket No. G-12548, et al., Sun Oil Co. (operator), et al.
CAG-18.—Docket No. CP78-1, Sea Robin Pipeline Co. and Transcontinental Gas Pipe Line Corp.
CAG-19.—Docket No. CP77-580, Sea Robin Pipeline Co.
CAG-20.—Docket No. CP77-601, Natural Gas Pipeline Co. of America
CAG-21.—Docket No. CP78-156, United Gas Pipe Line Co.
CAG-22.—Docket No. CP75-158, Consolidated Gas Supply Corp.
CAG-23.—Docket No. CP77-71, Natural Gas Pipeline Co. of America
Docket No. CP77-118, Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.
Docket No. CP77-125, Texas Gas Transmission Corp.

KENNETH F. PLUMB,
Secretary.

[S-429-79 Filed 2-23-78; 1:07 pm]

[6740-02]

4

FEBRUARY 21, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 17, 1978 4:15 p.m.

STATUS: Open.

MATTER TO BE CONSIDERED: Matters relating to national defense or foreign policy.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary 202-275-4166.

The following members of the Commission have voted that agency business requires the holding of an open meeting on less than the one week's notice required by the Government in the Sunshine Act:

Chairman Curtis
Commissioner Smith
Commissioner Sheldon
Commissioner Holden
Commissioner Hall

KENNETH F. PLUMB,
Secretary.

[S-430-78 Filed 2-23-78; 1:07 pm]

[1750-01]

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday March 1, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative matters

(1) Approval of minutes of nonadjudicative matters considered at meetings of January 24, and 26, 1978.
(2) Consideration of initiation of nonpublic investigation.

Adjudicative matters under part 3 of the Rules of Practice

The Commission has not yet scheduled any adjudicative items for discussion at this meeting.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-432-78 Filed 2-23-78; 3:29 pm]

6

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4d. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Board of Directors meeting of March 1, 1978:

4. Financial Planning.

Board members Dunlop, Edwards, Gallamore, Head, Lorentzsen, Luna, Mills, Nathan, Quinn, and Reistrup determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

The revised agenda for the meeting follows:

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION, MEETING OF THE BOARD OF DIRECTORS—MARCH 1, 1978

CLOSED SESSION, 1:30 P.M.

1. Internal personnel matters.
2. Litigation matters.
3. Fare increase strategy.
4. Financial planning.

OPEN SESSION, 3 P.M.

5. Approval of minutes of regular meeting of January 25, 1978 and special meeting of February 8, 1978.
6. DOT restructuring study.
7. Commitment approval requests: 78-61 Station improvement, Little Rock, Ark.
8. President's reports:
A. Operations: (1) National operations; (2) Operations support; (3) Northeast Corridor operations.
B. Marketing.
C. Government affairs.
D. Other.
9. Financial reports.
10. General fare increase.
11. Amendment to resolutions delegating voting authority.
12. Approval of 1978 board meeting dates.
13. New business.
14. Adjournment.

Inquiries regarding the agenda for the March 1, 1978, Board meeting should be directed to the Corporate Secretary at 202-383-3973.

Dated: February 23, 1978.

ELYSE G. WANDER,
Corporate Secretary.

[S-434-78 Filed 2-23-78; 3:46 pm]

[4410-01]

7

PAROLE COMMISSION.

TIMES AND DATES: Friday, February 24, 1978 starting at 11:30 a.m. Continued on Saturday, February 25, 1978, 10 a.m-4 p.m.

PLACES:

February 24, 1978—Room 500, 320 First Street NW., Washington, D.C.
February 25, 1978—the Executive Room, Quality Inn 415 New Jersey Avenue NW., Washington, D.C.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 15, 1978, Vol. 43 No. 32 p. 6716.

CHANGES IN THE MEETING: The portion of this meeting to be held on Saturday, February 25, 1978 shall be open to the public. Agency business requires that this change be effected on less than one week's notice to the public, and no earlier announcement of the change is possible.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-3117.

[S-433-78 Filed 2-23-78; 3:35 pm]

[8010-01]

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 27, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, February 28, 1978, at 8:30 a.m. and on Thursday, March 2, 1978, immediately following the open meeting scheduled for 10 a.m. An open meeting will be held on Thursday, March 2, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 28, 1978, at 8:30 a.m., will be:

Formal orders of investigation.
Referral of investigative files to Federal, State or Self-Regulatory authorities.
Chapter X proceeding.
Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Freedom of Information Act appeal.
Opinion.
Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, March 2, 1978, immediately following the open meeting, will be:

Settlement of administrative proceedings.
Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, March 2, 1978, at 10 a.m., will be:

1. Proposed issuance of a release to solicit public comment on revised proposed Rule 17j-1 under the Investment Company Act of 1949, which would prohibit certain activities on the part of persons affiliated with registered investment companies or their investment advisers or principal underwriters.

2. Rule proposal submitted by the New York Stock Exchange, Inc. to offer two types of annual memberships which respectively, would permit a qualified broker-dealer to (a) maintain a physical presence on the New York Stock Exchange trading floor and obtain electronic or direct wire access to the floor or (b) obtain only electronic or direct wire access to the floor.

3. Proposed adoption of amendments to Rule 15c3-1, the Uniform Net Capital Rule, pertaining to certain trading strategies in listed options known as "straddles".

4. Issuance of a release soliciting comment on revised proposed standards for the registration of clearing agencies; issuance of a notice extending the existing registration of registered clearing agencies and notice of extension of time for the conclusion of proceedings with respect to clearing agencies.

5. Request for waiver, pursuant to Rule 6(e) of the Commission's Conduct Regulation, filed by the law firm of Fulbright and Jaworski, to allow the firm to continue to represent First National Bank of Chicago in connection with that entity's request for an exemption under the Investment Company Act, arising from the association with the firm of former Commission staff member, Jean Gleason.

6. Proposed transmittal of letters from the Office of the Chief Accountant to the Auditing Standards Executive Committee of the American Institute of Certified Public Accountant and to the Financial Accounting Standards Board relating to matters concerning "subject to" qualifications in auditors' reports and uncertainties.

7. Proposed issuance of (a) an interpretative release regarding the classification by registrants of their businesses into industry segments and (b) proposed adoption of technical amendment to Regulation S-K to clarify when registrants may furnish line of business information in lieu of segment data.

8. Proposed issuance of a release listing issues for consideration at and order of small business hearings and the proposed issuance of a release concerning simplified registration statement Form S-18.

FOR FURTHER INFORMATION CONTACT:

Myrna Siegel at 202-755-1183 or John Sweeney at 202-376-7077.

FEBRUARY 23, 1978.

[S-428-78 Filed 2-23-78; 1:07 pm]

federal register

MONDAY, FEBRUARY 27, 1978
PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS, AND AIR TRAVEL CLUBS

Flight and Duty Time Limitations and Rest Requirements for Crewmembers

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121 and 123]

[Docket No. 17669; Notice No. 78-3; Operations Review Program Notice No. 7]

DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT; AIR TRAVEL CLUBS USING LARGE AIRPLANES

Flight Crewmember Flight and Duty Time Limitations and Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the flight and duty time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, commercial operators and air travel clubs. These proposed amendments are part of the operations review program that provided a comprehensive review of the Federal Aviation Regulations (FAR), taking into account the significant changes in the environment in which airmen and aircraft operators function by updating the regulations which apply to them.

DATE: Comments must be received on or before May 30, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 17669, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

I. Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before May 30, 1978, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

II. Availability of NPRM

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

III. Operations Review Program

A. BACKGROUND

The aviation industry in the United States has grown substantially during the last 10 years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen and aircraft operators function.

To enable the FAA to become more responsive to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities, the FAA issued Notice No. 75-9 (40 FR 8585; February 28, 1975), inviting all interested persons to submit proposals for consideration during the Operations Review Program.

In response to that invitation, the FAA received more than 5,000 individual comments contained in 123 submissions. Based on those comments and on the Compilation of Propoals, the agency prepared a number of working documents for the Operations Review Conference held in Arlington, Va., on December 1-5, 1975. It distributed those documents to each person who participated in the Operations Review Program and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all of the scheduled agenda items during the conference. At the close of the discussions on each agenda item, summaries were given by the FAA Committee Chairmen. Persons present were given the opportunity to correct these oral summaries. They were then edited, combined with an attendee list for the conference and with transcripts of certain plenary session speeches, and distributed to all attendees and to all persons requesting them in accordance with a Notice of Availability (Notice No. 75-9A; 41 FR 9413; March 4, 1976).

B. THE PROPOSALS

In general, the proposals contained in this notice are based upon Proposal No. 552 to the Operations Review Program; however, many of the regulations proposed at that time have been revised in light of discussions conducted at the December 1975, Operations Review Conference, comments and proposals that were made in connection with the Operations Review, and further FAA study.

Three of the proposals made in the Operations Review, Nos. 553, 557, and 559, were withdrawn by the persons submitting them for reasons set forth at the Operations Review Conference and in the Conference Summary.

Proposal No. 554, which recommended a required rest period at the conclusion of a duty period, has been accommodated in this proposal.

Proposal No. 560 suggested that the calendar month concept be substituted in the rules in places where the term "30 consecutive days" now appears. This recommendation is included in this proposal.

Proposal No. 561 suggested removal of the term "in air carrier service." That term is not used in this proposal since the FAA believes that any flight time accumulated for the certificate holder should be considered in computing total flight time.

Operations Review Proposals Nos. 555, 556, and 558, which dealt with flight time limitations for flight attendants, are not included within the scope of this proposal.

A counterproposal was made to Operations Review Proposal No. 552 by the Air Line Pilots Association. The details of this proposal have been carefully reviewed and are incorporated into the proposals where appropriate.

The Air Transport Association (ATA) responded to the Operations Review flight time limitations proposals at the Operations Review Conference by the submission of comments and written materials. The ATA pointed out that airline safety per passenger mile flown has vastly improved in the years since the 1930's when flight time limitations were first introduced. The ATA contended that this correlation demonstrates the soundness of the existing regulations. Accordingly, except for providing domestic air carriers long-range capabilities now provided flag air carriers by the flight time limitations regulations, the

ATA believes the current flight time limitations are adequate to ensure flight crewmembers are not unduly fatigued. The ATA also stated that labor-management agreements result in even greater limitations on pilot flight time than do the regulations.

IV. Background

A. The need for improvement in the current regulations

The flight time limitations which apply to air carriers and commercial operators have remained essentially unchanged for over 30 years. During this time, the agency has been involved in litigation over the meaning of certain phrases contained in these rules and has issued over 1,000 pages of interpretations, primarily in response to requests from air carriers and flight crewmembers. Additional requests for interpretations continue to be submitted to the agency on a regular basis, and the complexity of the current rules has generated complaints from numerous, different sources. In short, the complexity of the flight time limitations has been and continues to be a significant burden on the agency and on a large portion of the aviation community. Moreover, the agency believes this is an appropriate time to re-examine some of the current rules to determine whether they are too restrictive or ineffective from the standpoint of fatigue.

In response to this situation, the FAA has prepared this proposal. It is an example of the agency's determination and commitment to the President's goal of improving Government regulations because it: (1) Simplifies and clarifies existing material; (2) consolidates overlapping rules; and (3) eliminates conflicts and inconsistencies in the current regulations.

Since it appears that all air carrier and commercial operations conducted in large and complex modern aircraft involve the same fatigue-causing factors, this proposal treats all Part 121 operators identically by consolidating three subparts into one and by eliminating inconsistencies. Although the differences which at one time existed between these operators (such as the type of aircraft flown and the composition of flight crews) justified the differences in flight time limitations, the agency believes these distinctions may no longer be applicable.

Additionally, this proposal reduces the number of regulatory sections pertaining to flight time limitations from 24 to 8 and has decreased the amount of regulatory material by approximately 65 percent. An example of this simplication and clarification is the daily flight time limitations. Under the current rules, they are contained in almost all of the 24 sections; in the proposal they are set forth in just one section.

The proposals will clarify the concepts embodied in the flight time limitations and lessen the need for legal interpretations. One example of how this was accomplished is the addition of a definitions section in proposed § 121.473.

In light of these changes, and others, the agency believes that the proposal is presented in a clear and simple manner and represents a major improvement over the current regulations.

B. The requirement for flight time limitations

Some industry sources have suggested that the agency abolish flight time limitations and allow the crewmembers and carriers to establish appropriate limitations during contract negotiations. The agency is advised that these negotiations have, in the past, resulted in stricter flight time limitations than those which appear in the regulations. Obviously, the parties to these contracts are free to establish their own limitations provided they are not contrary to the FARs.

However, section 601(a)(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1421(a)(5)) imposes upon the Administrator the duty to promote safety of flight in air commerce by prescribing and revising reasonable rules and regulations governing, in the interests of safety, the maximum hours or periods of service of airmen, and other employees of air carriers. In prescribing such regulations, section 601(b) of the Act requires that the Administrator give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest. Moreover, regardless of this stautory obligation, the agency does not agree with the proposition that it should allow this aspect of air safety to be left exclusively to industry.

V. Discussion of the Proposal

A. General

Due to the nature of flight time limitations in general, the agency has prepared a series of examples which it believes will provide a clearer understanding of this proposal. The examples have been set forth in a separate appendix to the preamble and should not be considered part of the proposed regulatory material. Where an example has been provided to illustrate a particular situation, a reference to the appropriate example number in the appendix will be found in the body of the preamble.

The instant proposals differ from the current regulations in many respects. The discussion which follows focuses on these changes and highlights the more salient features of the proposed amendments.

B. Certificate holders covered

The present rules are set forth in three subparts within Part 121: Subpart Q applicable to domestic air carriers, Subpart R applicable to flag air carriers and Subpart S applicable to supplemental air carriers and commercial operators. The new proposal consists only of Subpart Q and, as previously mentioned, it will apply uniformly to all Part 121 certificate holders.

Flight crewmembers of air travel clubs certificated under Part 123 are not currently required to comply with the flight time limitations of Part 121, but are governed by § 123.47 which provides for an 8-hour rest period in any 24-hour period. Flight crewmembers employed by air travel clubs would be subject to new Subpart Q. In view of the increased use of modern turbojet-powered aircraft by air travel clubs and the increased activity engaged in by these clubs, the FAA believes that these increased safety standards are warranted. The FAA received no objection to the inclusion of air travel clubs in its Proposal No. 552 at the Operations Review Conference.

C. Operations covered

The proposed rules contain two different kinds of limitations; flight time and duty time. The FAA believes that both limitations are necessary since the effects of flight crewmember fatigue are not confined to the time during which an aircraft is airborne. Proposed Subpart Q places responsibility for compliance with applicable flight and duty time limitations upon the individual flight crewmember as well as the certificate holder.

The proposal would include in the computation of flight time the time spent as a flight crewmember in any operation for a certificate holder, including the time spent while engaged in ferrying and positioning aircraft and receiving and conducting proficiency checks and other training flights, notwithstanding the fact that those operations are not conducted under Part 121 or 123. Flight time accumulated while engaged in any other commercial operation would also be included in computing a crewmember's total flight and duty time.

The FAA is aware that some flight crewmembers accumulate flight time in other commercial operations, in addition to their usual employment for a Part 121 or 123 certificate holder. Under the current regulations, all commercial flying is counted in computing a crewmember's duty aloft. The proposal will not change this procedure other than to require that flight time accumulated in other commercial

operations be counted as both flight and duty time in scheduling a crewmember for operations governed by proposed Subpart Q. While the FAA believes sufficient latitude is provided in the proposed regulations to allow participation in other commercial flying, prudent scheduling will be required by individual crewmembers to avoid the effects of fatigue and to insure compliance with all flight and duty time limitations.

This proposal does not require military flight time to be added to a crewmember's total flight time accumulated in operations for a certificate holder and in other commercial operations. However, to determine whether there are adequate reasons to support such a rule, additional information is requested from interested parties concerning this subject.

Accordingly, in addition to any general comments, responses to the following questions are solicited to assist the agency in evaluating this issue. Based upon the comments received, the agency may decide that circumstances warrant the inclusion of military flight time in the computation of total flight time.

How many hours per month does a Reserve or National Guard pilot typically fly? Per year?

How are Reserve and National Guard pilots scheduled for military flight time and how many days are required for a crewmember to fulfill his monthly assignment of military flight time?

Are crewmembers who engage in both kinds of flying subject to increased fatigue? If so, why? If not, why not?

Would the failure to include military flight time in the computation of total flight time contribute to excessive crewmember fatigue? If so, how?

Other than including military flight time in the computation of total flight time, what alternatives are available to lessen the possibility that excessive fatigue could result from the accumulation of military flight time, in addition to commercial flight time.

Would the inclusion of military flight time in the computation of total flight time result in a crewmember exceeding any of the proposed flight or duty time limitations? If so, specify which limitations would be exceeded and the facts in support of your conclusion.

If military flight time was counted toward a crewmember's total flight time, would it adversely affect the scheduling process for the military, the air carrier or the flight crewmember? If so, how?

What alternatives are available to lessen the effect of including military flight time in the computation of total flight time.

Would any Reserve or National Guard pilots relinquish flying status if military flight time was included in the computation of total flight time? If so, what portions of this proposal would cause you to take such action?

C. ACCUMULATION OF FLIGHT TIME AND DUTY TIME

For purposes of administering proposed Subpart Q, the definition of flight time as contained in proposed § 121.473 will apply rather than the definition which currently exists in Part 1. As proposed, flight time would begin when the aircraft departs the boarding gate for the purpose of flight and end when the aircraft arrives at a boarding gate, usually after a landing. However, if an aircraft departs the boarding gate and is forced to return prior to takeoff, flight time would end when the aircraft arrived back at the gate and would start again upon departure from the gate for the purpose of flight.

To accumulate flight time, a flight crewmember must be serving at a flight crewmember station either as a pilot, flight engineer, flight navigator or additional flight crewmember. Where a flight crew is augmented, flight time would be accumulated only while the crewmember is serving as a basic flight crewmember. For example, a first officer who rests in a crew bunk while being relieved by a relief officer would not accumulate flight time until returning to the cockpit and performing assigned duties. While resting in the crew bunk, however, the crewmember would still continue to accumulate duty time. In the case of a flight navigator, duty time would be accumulated for an entire flight while flight time would be accumulated only for that portion of the flight during which the navigator serves as the primary means of navigation.

As proposed in § 121.473, duty time would be accumulated whenever a flight crewmember performs any required assignment for a certificate holder. While time spent performing preflight and postflight duties would be exclusively duty time, all flight time accumulated in any operation for the certificate holder would also constitute duty time. In addition, any time spent on the ground between flights for a certificate holder in the same duty period would also constitute duty time.

While flight time accumulated in other commercial operations would be included in duty time, assignments other than flight time performed in other commercial operations would not.

In addition to the flight and duty time limitations applicable to duty periods, all flight crewmembers would be governed by flight time limitations of 30 hours in any 168 hours, 120 hours in any calendar month and 1,000 hours in any calendar year in accordance with proposed § 121.475(a).

In spite of the problems associated with revising the current rules, the agency must attempt to formulate reasonable standards which will, to the extent possible, prevent excessive crewmember fatigue from adversely affecting the safety of flight while enabling certificate holders to operate with as much flexibility as possible. Based upon the proposals and comments submitted to the Operations Review Conference, and FAA's experience and judgment, the agency believes that the proposal will accomplish these goals. However, the agency is not irrevocably committed to any specific flight or duty time limitation and especially would appreciate receiving comments in this area. These comments will be carefully evaluated before a final decision is reached as to the amount of any flight or duty time limitation.

Accordingly, in addition to general comments, particular attention is directed to the following questions:

In order of importance, what factors are most responsible for producing fatigue in flight crewmembers?

Which of these factors can be realistically included in a rule without making it overly complex and, thus, confusing and difficult to administer and enforce?

To what extent is fatigue caused by a crewmember's personal activities? Are these personal activities more responsible for producing fatigue than the factors which directly relate to the accumulation of flight and duty time?

Are the proposed daily flight and duty time limitations adequate to prevent excessive fatigue without the need for weekly, monthly and yearly flight time limitations?

With respect to any numerical limitation which you support or oppose, state the basis for your conclusion and submit or cite any studies which you believe support your conclusion.

Is the "two for one" rest period adequate to prevent crewmember fatigue in all instances? If not, specify the circumstances when such a rest period would not be adequate.

Can this rest period be excessive and therefore unnecessary in certain cases? If so, specify the circumstances when such a rest period would not be necessary.

D. SERIES OF FLIGHTS

One of the primary problems with the current flight time limitations concerns the term "series of flights" as it is used in § 121.471(c). For many years, the FAA interpreted "series of flights" to mean a pre-determined combination of flights scheduled to be initiated and completed within a 24-hour period. The effect of this interpretation was to require a 16 hour rest period at the termination of flights scheduled within this 24-hour period.

Representatives of the air carriers voiced objections to the "series of flights" rule since they believed that many schedules, which were otherwise safe and did not result in excessive crewmember fatigue, did not meet the requirements of § 121.471(c) simply because they did not begin and end within a 24-hour period and did not provide a rest period at the end of the series. Many pilot also expressed opposition to this interpretation since it often resulted in the delay of the 16 hour rest period pending completion

of the particular series of flights involved.

As proposed, the "series of flights" problem would be eliminated and every schedule viewed in terms of the number of crewmembers assigned to particular flights and the amount of flight and duty time accumulated between successive, required rest periods. The time between successive, required rest periods during which a crewmember accumulates duty time, is termed a "duty period", and this definition also appears in proposed § 121.473. The FAA believes that the duty period concept will not only eliminate the confusion which resulted from the "series of flights" rule, but will generally provide a more equitable and workable solution to the rest period problem. (See Appendix, Example 1.)

E. REST PERIODS

1. Computation

All rest periods (except the 24-hour rest period required every 168 hours in proposed § 121.481(a), and the 8-hour rest period option as it relates to deadhead transportation in proposed § 121.477) are computed on the basis of the actual flight time accumulated by the flight crewmember, rather than the flight time for which that crewmember was scheduled. The figure obtained by doubling the total flight time accumulated since the last rest period would constitute the required rest period unless it is less than 8 hours, in which case the crewmember would be required to receive the 8-hour minimum rest period in accordance with proposed § 121.481(c). Although these rest periods are computed only on the basis of accumulated flight time, a certificate holder may not schedule a crewmember in excess of either the applicable flight time or duty time limitations. (See Appendix, Example 2.)

The FAA believes that the two for one rest period (but not less than 8 hours) proposed by § 121.481(c) provides a sound formula for preventing excessive crewmember fatigue, while eliminating those rest periods which may not have been necessary to accomplish this goal.

2. When Required

The proposed rest period is based upon accumulated flight time and may be provided at any time prior to exceeding any applicable flight or duty time limitation. Accordingly, this formula should provide the necessary flexibility in scheduling, while assuring that flight crewmembers are provided with adequate rest periods, regardless of how much flight or duty time has been accumulated prior to a rest period.

The proposed regulations allow a certificate holder to provide required rest periods before the applicable flight or duty time limitation is reached. However, the crewmember must be provided with the applicable minimum rest period for this time to constitute the required rest period, thus leaving the crewmember with zero flight and duty time. (See Appendix, Example 3.)

3. Deadhead Transportation

Other than the rest period which must be provided at the completion of a duty period, proposed § 121.477, pertaining to deadhead transportation, also sets forth an 8-hour rest period option under certain circumstances.

Deadhead transportation is defined as transportation that a certificate holder requires and provides to transport a crewmember between airports. Although deadhead transportation will usually be accomplished by air, ground transportation can also constitute deadhead transportation if the transportation is between airports and is required and provided by the certificate holder. The time spent commuting between a crewmember's place of lodging and an airport, however, would not constitute deadhead transportation.

The definition of rest period, also included in proposed § 121.473, specifies that deadhead transportation does not constitute part of a rest period. Proposed § 121.477 additionally specifies that deadhead transportation is to be considered duty time unless it is followed immediately by a rest period. (See Appendix, Example 4.)

In addition, proposed § 121.481(a) requires a certificate holder to provide each flight crewmember with a 24-hour rest period every 168 consecutive hours. This rest period may be provided concurrently with any other rest period required by proposed Subpart Q.

4. Standby or Reserve Status

Proposed § 121.481(b) provides that time spent in a standby or reserve status is considered part of a rest period, provided the crewmember is not otherwise accumulating any duty time. The FAA believes that while a flight crewmember's freedom may in some way be restricted by a requirement that the crewmember await a phone call from a certificate holder in order to receive a duty assignment, such a restriction does not have an adverse effect on safety, provided the crewmember is not otherwise performing any required assignment for the certificate holder.

F. DETERMINATION OF APPLICABLE FLIGHT AND DUTY TIME LIMITATIONS

To determine which flight and duty time limitations govern a flight crewmember (other than a flight navigator), proposed § 121.479 specifies that the certificate holder must use the lowest flight and duty time limitations applicable to those flight crews with which the crewmember serves in line operations for the certificate holder during that duty period. A crewmember assigned to only one flight crew in a duty period would be governed by the provision in § 121.483(b) dealing with the particular crew composition involved. (See Appendix, Example 5.)

The FAA wishes to emphasize that proposed § 121.479 must be reapplied for each new duty period to determine the appropriate limitations which will govern a crewmember for that period. In addition, the rule in proposed § 121.479 does not apply to flight navigators; their flight and duty time limitations will always be those contained in proposed § 121.483(c), regardless of the fact that flight navigators may also serve with multiple flight crews during a duty period.

In determining which flight and duty time limitations apply for a duty period, the composition of other commercial flight crews with which the crewmember serves should not be considered. It is only the composition of the crews in line operations for the certificate holder which determines the appropriate limitations. In addition, the 168 hour, monthly and yearly flight time limitations contained in proposed § 121.475(a) apply to all crewmembers without regard to crew composition.

G. DELAYS CAUSED BY CIRCUMSTANCES BEYOND THE CONTROL OF THE CERTIFICATE HOLDER

Proposed § 121.475(b) requires all certificate holders to use the time normally necessary for the performance of the flight or duty involved in scheduling crewmembers for flight and duty time. In the event circumstances occur which are beyond the control of the certificate holder (such as delays caused by adverse weather conditions, air traffic control requirements or mechanical difficulties), proposed § 121.475(c) permits a crewmember to serve up to 2 hours in excess of any flight or duty time limitation. Whenever a crewmember's total elapsed flight time, plus the additional flight time scheduled for the next flight, would cause a crewmember to exceed any flight or duty time limitation by more than 2 hours, the next flight would not be allowed. (See Appendix, Example 6.) The only justification for a crewmember serving in excess of any flight or duty time limitation by more than 2 hours would be in situations where a delay beyond the control of the certificate holder occurred after takeoff on the last flight of a duty period or 168-hour, monthly or yearly period.

The FAA believes it is desirable to provide certificate holders with a certain amount of flexibility, in the event circumstances beyond their control cause flight time to be accumulated in excess of the scheduled flight time. While proposed § 121.475(c) provides this flexibility, it recognizes that crewmembers should not be allowed to serve if the excess flight time may adversely affect overall performance. Accordingly, the FAA is of the view that the 2 hours of additional flight or duty time authorized by proposed § 121.475(c) provides the desired flexibility in scheduling without imposing a significant burden on the individual crewmember. The FAA wishes to emphasize, however, that schedules will have to be adjusted, in accordance with proposed § 121.475(b), if certain flights routinely exceed the time allotted for them.

H. HELICOPTER OPERATIONS

The helicopter operations of supplemental air carriers and commercial operators that are conducted under Part 121 are, by virtue of current § 121.501, subject to the flight time limitations prescribed in § 127.191. As proposed, § 121.501 would be retained as new § 121.483(d) since the FAA believes that the flight time limitations in helicopter operations should remain the same until the matter is given further consideration.

VI. REGULATORY EVALUATION

Although the subject of flight and duty time limitations has been controversial, primarily because of its importance in labor-management negotiations, much of the controversy has resulted from the complexity and the enforcement problems associated with the current rules. As discussed earlier, the improvements to the current regulations contained in these proposals should alleviate these problems and the resulting controversy.

The FAA does not believe that the certificate holders will be required to incur any significant additional costs, other than an initial expenditure required for implementation of the new limitations. The FAA has determined that this proposal, if adopted, would not impose a significant burden on the private sector, on consumers, or on the Federal, State or local governments.

VII. REQUEST FOR ADDITIONAL ECONOMIC DATA

Comments have been received concerning the anticipated economic impact on U.S. scheduled air carriers if FAA Proposal No. 552 to the Operations Review Program were adopted.

Without reaching a conclusion as to the validity of the estimates supplied, the agency believes that the substantial changes made to Proposal No. 552 make the previous estimates inapplicable to the current proposal.

While the agency does not believe that this proposal will impose a significant economic burden on affected certificate holders, it is aware that certain detailed information relating to economic impact is exclusively in the possession of the individual operators. Accordingly, comments concerning the economic impact of this proposal are strongly encouraged.

In submitting these comments, each certificate holder should specify the proposal's antici- pated effect on its particular operation. If an organization desires to submit economic data on behalf of a group of carriers, an adequate breakdown of the anticipated effect on each member of the group is requested. Additionally, operators should provide realistic comparisons of the most current costs with those costs anticipated to occur if the proposal is adopted. In many cases, therefore, current contractual provisions governing flight time limitations will have to be considered if current operating costs are based, in whole or in part, on those contracts. The agency wishes to emphasize that unsupported assertions as to the anticipated cost of this proposal will not be considered persuasive.

Certificate holders should submit a detailed cost analysis and specify the steps taken to calculate these costs as well as any assumptions made in developing the analysis. If any certificate holder believes this proposal would, if adopted, have an adverse impact upon current labor contracts, specific information to support this contention should be provided.

In addition to these general guidelines, the agency solicits responses to the following specific questions relating to the economic impact of the proposal. Although these questions have been prepared primarily for the consideration of affected certificate holders, the agency encourages all interested persons to submit appropriate information concerning the economic impact of the proposal on any segment of the aviation industry.

Do you believe that adoption of this proposal would result in significant dollar and percentage increases in annual operating costs? If so, please specify:

The nature, dollar amount and percentage of each anticipated increase in annual operating costs.

The proposed regulatory provision which accounts for each of the anticipated increases mentioned above. (When referring to proposed § 121.483, specify the particular type of flight crew under consideration and whether the comment relates to the appropriate flight time or the duty time limitation.)

The nature, dollar amount and percentage of each anticipated increase in annual operating costs if each daily flight and duty time limitation was raised, on an across the board basis, by 1 hour? By 2 hours? Lowered by 1 hour? By 2 hours?

Will any one-time costs be incurred if this proposal is adopted? If so, what is the nature and amount of those anticipated costs?

Information would also be appreciated concerning any anticipated decrease in costs due to adoption of this proposal.

VIII. APPENDIX TO PREAMBLE

EXAMPLE NO. 1; DUTY PERIODS

If a flight crewmember serves with a flight crew consisting of a pilot in command and a second in command, the crewmember would be governed by proposed § 121.483(b)(1), which specifies a flight time limitation of 8 hours and a duty time limitation of 12 hours. If this crewmember accumulated 8 hours of flight time since his last rest period (and 12 or less hours of duty time), the certificate holder would be required to provide him with a rest period of 16 hours in accordance with proposed § 121.481(c). When the duty period is completed and the required rest period is provided, the flight crewmember would be left with zero hours of flight and duty time with which to begin the next duty period. In this manner, each schedule is based upon the total flight and duty time accumulated between successive, required rest periods.

EXAMPLE NO. 2; REST PERIODS

A crewmember governed by an 8-hour flight time limitation and a 12-hour duty time limitation would be required to receive a rest period after accumulating 7 hours of flight time and 12 hours of duty time. The 12 hours of accumulated duty time can only be relevant in determining when the rest period is required; it has no importance with respect to the amount of rest necessary to constitute a required rest period. In this example, the required rest period would be 14 hours in accordance with proposed § 121.481(c).

EXAMPLE NO. 3; REST PERIODS

A crewmember governed by an 8-hour flight time limitation may be rested after accumulating only 6 hours of flight time. In accordance with proposed § 121.481(c), the required rest period would be 12 hours and the crewmember would have zero flight and duty time after such a rest period was received. On the other hand, a certificate holder who instructs a crewmember to take a 10-hour rest period after 6 hours of flight time have been accumulated would not be providing the crewmember with a required rest period. Accordingly, such a rest period would not erase the flight and duty time accumulated since the last required rest period, and the crewmember would still have 6 hours of accumulated flight time.

EXAMPLE NO. 4; DEADHEAD TRANSPORTATION

A flight crewmember who is deadheaded for three hours following a required rest period, and who is scheduled to report to begin preflight duties immediately after deadheading, will already have 3 hours of duty time accumulated as a result of the deadhead transportation. A certificate holder, in accordance with proposed § 121.477, could provide the flight crewmember with an 8-hour rest period after the deadhead transportation was completed, thereby eliminating the 3 hours of duty time otherwise attributable to deadheading.

A flight crewmember who is deadheaded during the middle of a duty period, and then provided with and 8-hour rest period in accordance with proposed § 121.477, would elimnate that duty time attributable to deadheading; if the 8-hour rest period is sufficient, it also would eliminate the flight time and duty time accumulated during that duty period. For example, a flight crewmember who has accumulated 4 hours of flight time and 6 hours of duty time may be deadheaded for 2 hours, thus giving him 4 hours of flight time and 8 hours of duty time. If an 8-hour rest period is then provided, the crewmember would have zero hours of flight and duty time since the 8-hour rest period would satisfy both the requirements of proposed §§ 121.477 and 121.481(c).

As a further example, a flight crewmember governed by a 12-hour duty time and 8-hour flight time limitation, who has reached either or both of these limitations, may still be deadheaded before a rest period is provided. If 8 hours of flight time were accumulated, the required rest period would be 16 hours (8 hours of accumulated flight time multiplied by 2). This rest period would also satisfy the 8-hour rest period authorized in proposed § 121.477 to eliminate the deadheading time as duty time, since that section allows the 8-hour rest period following deadhead transportation to be provided concurrently with any other rest period required by the proposed subpart.

EXAMPLE NO. 5; CREW COMPOSITION

A crewmember who is assigned to a flight crew consisting of a pilot in command, a second in command and a flight engineer, would be governed either by proposed § 121.483(b)(2) or § 121.483(b)(3), depending upon whether that crewmember is scheduled for more than two landings or two or less landings during the duty period.

However, a flight crewmember may be assigned to a crew consisting of a pilot in command and a second in command for part of the duty period, and to a crew consisting of a pilot in command, a second in command and a flight engineer for the remainder of that duty period. Accordingly, the crewmember in this example would be governed by proposed § 121.483(b)(1), since the flight and duty time limitations for a crewmember serving with a crew consisting of a pilot in command and a second in command are lower than those for a crewmember serving with a pilot in command, a second in command, and a flight engineer.

EXAMPLE NO. 6; DELAYS

If a crewmember was governed by an 8-hour flight time limitation (and scheduled for four flights, each of 2-hours duration) and had accumulated 9 hours of flight time after the first three flights due to reasons beyond the control of the certificate holder, the crewmember would not be allowed to depart the boarding gate for his final 2-hour flight, since the crewmember would accumulate at least 11 hours of flight time before being provided a rest period, thus exceeding the 8-hour limitation by more than 2 hours. If this crewmember had accumulated 8 hours of flight time through three flights, the last 2-hour flight would be permissible in accordance with proposed § 121.475(c). The FAA wishes to emphasize that any required rest period is based on accumulated flight time, and a crewmember allowed by proposed § 121.475(c) to accumulate 10 hours of flight time rather than the normal 8 hours, would be required to receive a 20-hour rest period if the 10 hours were, in fact, accumulated. Likewise, flights which are completed ahead of schedule are treated in the same manner.

DRAFTING INFORMATION

The principal authors of this document are W. J. Biron and C. A. McKay, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

THE PROPOSED AMENDMENTS

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 123 of the Federal Aviation Regulations (14 CFR Parts 121 and 123) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising the contents of Subpart Q of Part 121 to read as follows:

Subpart Q—Flight Crewmember Flight and Duty Time Limitations and Rest Requirements

2. By revising Subpart Q of Part 121 to read as follows:

Subpart Q—Flight Crewmember Flight and Duty Time Limitations and Rest Requirements

§ 121.471 Applicability.

This subpart prescribes flight and duty time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, and for commercial operators certificated under this part.

§ 121.473 Definition of terms.

For the purposes of this subpart—

"Additional flight crewmember" means a flight crewmember assigned to assist a two-pilot flight crew, but not assigned to act as a relief officer, flight engineer or flight navigator.

"Augmented flight crew" means a flight crew which includes one or more relief officers in addition to the basic flight crew.

"Basic flight crew" means the minimum flight crew required by the aircraft type certificate.

"Boarding gate" means the place at which passengers, cargo or flight crewmembers are enplaned for the purpose of flight, or are deplaned after a flight.

"Deadhead transportation" means transportation that a certificate holder requires and provides to transport a crewmember between airports.

"Duty period" means the time between successive, required rest periods during which a crewmember accumulates duty time.

"Duty time" means the time during which a crewmember performs any required assignment for a certificate holder or accumulates flight time in other commercial operations. Duty time also includes time spent on the ground between flights in the same duty period.

"Flight time" means the time during which a flight crewmember serves at a flight crewmember station as either a pilot, flight engineer, flight navigator or additional flight crewmember in any operation for a certificate holder, or in other commercial operations. Flight time begins when the aircraft depart the boarding gate for the purpose of flight and ends when the aircraft arrives at a boarding gate. In the case of a flight navigator, flight time is accumulated only for that portion of a flight during which the flight navigator serves as the primary means of navigation.

"Relief officer" means a flight crewmember who is scheduled to serve

with an augmented flight crew and to accumulate flight time in relief of one or more flight crewmembers.

"Rest period" means a continuous period of time required by this subpart during which a crewmember does not accumulate any duty time. A rest period does not include time spent in deadhead transportation.

§ 121.475 Flight time and duty time limitations: weekly, monthly and yearly.

(a) No certificate holder may schedule a flight crewmember and, except as provided in paragraph (c) of this section, no flight crewmember may accumulate flight time in excess of:

(1) The flight or duty time limitations prescribed in § 121.483.

(2) 30 hours in any 168 consecutive hours.

(3) 120 hours in any calendar month.

(4) 1,000 hours in any calendar year.

(b) In scheduling a flight crewmember for flight and duty time under this subpart, a certificate holder shall base its computation on the time normally necessary for the performance of the flight or duty involved.

(c) A flight crewmember may serve in excess of any flight or duty time limitation of this subpart only if the excess time is due to reasons beyond the control of the certificate holder; however, a flight crewmember may not depart the boarding gate for the purpose of flight if the crewmember's actual elapsed flight time, plus the flight time scheduled for the next flight, will cause the crewmember to exceed the applicable flight or duty time limitation by more than 2 hours.

§ 121.477 Deadhead transportation.

Deadhead transportation shall be considered duty time unless the deadhead transportation is followed immediately by a rest period. If a rest period is provided, it must be at least 8 hours and may be provided concurrently with any other rest period required by this subpart.

§ 121.479 Determination of applicable flight time and duty time limitations: flight crewmembers other than flight navigators.

A flight crewmember, other than a flight navigator, who accumulates flight time with more than one flight crew during a duty period shall be governed by the lowest flight and duty time limitations applicable to those flight crews with which the crewmember serves in line operations for the certificate holder during that duty period.

§ 121.481 Rest requirements.

(a) A certificate holder shall provide each flight crewmember with a rest period of not less than 24 hours at least once during every 168 consecutive hours. This 24-hour rest period may be provided concurrently with any other rest period required by this subpart.

(b) That period of time during which a flight crewmember, who is otherwise in a rest period, is required by the certificate holder to be available to receive a schedule of duty time is considered part of a rest period.

(c) The rest period required by § 121.483(a), must be at least twice the number of hours of flight time accumulated since the last rest period, but not less than 8 hours.

§ 121.483 Flight time and duty time limitations: duty periods.

(a) No certificate holder may schedule a flight crewmember, and no flight crewmember may serve, in excess of the flight time or duty time limitations set forth in paragraphs (b) and (c) without a rest period.

(b) The limitations for flight crewmembers serving with flight crews consisting of—

(1) A pilot in command and a second in command are 8 hours of flight time and 12 hours of duty time.

(2) A pilot in command, a second in command, and a flight engineer or an additional flight crewmember, when the flight crewmember is scheduled for more than two landings during a duty period, are 8 hours of flight time and 13 hours of duty time.

(3) A pilot in command, a second in command, and a flight engineer or an additional flight crewmember, when the flight crewmember is scheduled for two or less landings during a duty period, are 10 hours of flight time and 14 hours of duty time.

(4) A pilot in command, a second in command, and a relief officer are 10 hours of flight time and 16 hours of duty time.

(5) A pilot in command, a second in command, a flight engineer, and a relief officer are 10 hours of flight time and 16 hours of duty time.

(6) A pilot in command, a second in command, a flight engineer, and two or more relief officers are 10 hours of flight time and 20 hours of duty time.

(c) The limitations for flight navigators are 10 hours of flight time and 16 hours of duty time.

(d) Flight crewmembers serving in helicopter operations subject to this part are governed by the flight time limitations prescribed in § 127.191.

§ 121.485 Augmented flight crews.

(a) The pilot in command, as designated in the dispatch or flight release, shall remain the pilot in command at all times during the flight.

(b) During operations involving one or more relief officers, either the pilot in command or the second in command, as designated in the dispatch or flight release, shall be at a pilot station at all times.

(c) Each certificate holder shall provide crew bunks on the airplane equal to the number of relief officers whenever an augmented flight crew is scheduled for flights in excess of 12 hours during a duty period.

Subparts R and S—[Reserved]

3. By revoking Subparts R and S of Part 121 of the Federal Aviation Regulations and marking them reserved.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

4. By amending § 123.27 by redesignating paragraphs (k), (l), and (m) as paragraphs (l), (m), and (n), respectively; and by adding a new paragraph (k). As amended, paragraphs (k), (l), (m), and (n) would read as follows:

§ 123.27 Applicable regulations of Part 121.

* * * * *

(k) Subpart Q.

(l) Subpart T, except §§ 121.537(c), 121.548, and 121.574.

(m) Subpart U, except § 121.597(a).

(n) Sections 121.683, 121.689, 121.693, 121.697, 121.701, 121.703, and 121.705 of Subpart V, except § 121.697(a)(3).

§ 123.47 [Reserved]

5. By revoking § 123.47 and marking it reserved.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that the 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 16, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-4944 Filed 2-24-78; 8:45 am]

federal register

MONDAY, FEBRUARY 27, 1978
PART III

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

OFFERING OF UNITED STATES SAVINGS BONDS

SERIES H

Dept. Circular 905
Sixth Revision
First Amendment
Second Supplement

[4810-25]

Title 31—Money and Finance; Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The purpose of this supplement to the current offering circular for United States Savings bonds, Series H, is to show the schedule of interest payments and investment yields for bonds of various groups of issue dates, which will be applicable to their first or next extended maturity period.

EFFECTIVE DATE: Upon publication.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin III, Attorney-Advisor, Bureau of the Public Debt, 202-376-0636.

SUPPLEMENTAL INFORMATION: The Tables contained in the offering circular for Series H savings bonds show the schedule of interest payments and investment yields for bonds of all possible issue dates. Each of the Tables covers a particular consecutive group of issue dates. When the earlier dated bonds in any of these groups reach the end of an original or extended maturity period it is necessary to publish a new Table to reflect the interest payments and investment yields that will be applicable to the first or next extended maturity period those bonds will enter. During 1978, the earlier dated bonds in each of the following groups will enter their first or next extended maturity period:

(1) Table 15—bonds dated June 1 through November 1, 1958;
(2) Table 16—bonds dated December 1, 1958, through May 1, 1959;
(3) Table 35—bonds dated June 1, through November 1, 1968; and
(4) Table 36—bonds dated December 1, 1968, through May 1, 1969.

It should be noted, however, that in some cases, later dated bonds in each of the above groups will not enter their first or next extended maturity period until after 1978. Since such extension already has been irrevocably granted to them, the supplemental Tables to be published below will be applicable to them so long as there is no intervening change in the interest rate paid on savings bonds.

Accordingly, Department of the Treasury Circular No. 905, Sixth Revision, as amended, dated March 18, 1974 (31 CFR, Part 332) is hereby supplemented by the addition of Tables 15-A, 16-A, 35-A, and 36-A.

Dated: January 17, 1978.

PAUL H. TAYLOR,
Deputy Fiscal Assistant Secretary.

TABLE 15-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1958

ISSUE PRICE . . . . . REDEMPTION AND MATURITY VALUE	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 20 YEARS, 0 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * SECOND EXTENDED MATURITY PERIOD**				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO 2ND EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/ (12/1/78)	$15.00	$30.00	$150.00	$300.00	6.00	6.00	6.00
1.0 YEARS . . . . (6/1/79)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
1.5 YEARS . . . . (12/1/79)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.0 YEARS . . . . (6/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.5 YEARS . . . . (12/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.0 YEARS . . . . (6/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.5 YEARS . . . . (12/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.0 YEARS . . . . (6/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.5 YEARS . . . . (12/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.0 YEARS . . . . (6/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.5 YEARS . . . . (12/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.0 YEARS . . . . (6/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.5 YEARS . . . . (12/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.0 YEARS . . . . (6/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.5 YEARS . . . . (12/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.0 YEARS . . . . (6/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.5 YEARS . . . . (12/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.0 YEARS . . . . (6/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.5 YEARS . . . . (12/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
10.0 YEARS 2/. . . (6/1/88)	15.00	30.00	150.00	300.00	3/ 6.00	6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF JUNE 1, 1958. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO SECOND EXTENDED MATURITY IS 4.73%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 16-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1958 THROUGH MAY 1, 1959

ISSUE PRICE . . . . . REDEMPTION AND MATURITY VALUE	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 20 YEARS, 0 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * SECOND EXTENDED MATURITY PERIOD**				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO 2ND EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/ (6/1/79)	$15.00	$30.00	$150.00	$300.00	6.00	6.00	6.00
1.0 YEARS . . . . (12/1/79)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
1.5 YEARS . . . . (6/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.0 YEARS . . . . (12/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.5 YEARS . . . . (6/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.0 YEARS . . . . (12/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.5 YEARS . . . . (6/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.0 YEARS . . . . (12/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.5 YEARS . . . . (6/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.0 YEARS . . . . (12/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.5 YEARS . . . . (6/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.0 YEARS . . . . (12/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.5 YEARS . . . . (6/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.0 YEARS . . . . (12/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.5 YEARS . . . . (6/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.0 YEARS . . . . (12/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.5 YEARS . . . . (6/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.0 YEARS . . . . (12/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.5 YEARS . . . . (6/1/88)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
10.0 YEARS 2/. . . (12/1/88)	15.00	30.00	150.00	300.00	3/ 6.00	6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF DEC. 1, 1958. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO SECOND EXTENDED MATURITY IS 4.78%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 35-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1968

ISSUE PRICE	$500	$1,000	$5,000	$10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
REDEMPTION AND MATURITY VALUE	500	1,000	5,000	10,000			
PERIOD OF TIME BOND IS HELD AFTER FIRST MATURITY AT 10 YEARS, 0 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * EXTENDED MATURITY PERIOD**				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO FIRST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/ (12/1/78)	$15.00	$30.00	$150.00	$300.00	6.00	6.00	6.00
1.0 YEARS . . . . (6/1/79)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
1.5 YEARS . . . . (12/1/79)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.0 YEARS . . . . (6/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.5 YEARS . . . . (12/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.0 YEARS . . . . (6/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.5 YEARS . . . . (12/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.0 YEARS . . . . (6/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.5 YEARS . . . . (12/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.0 YEARS . . . . (6/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.5 YEARS . . . . (12/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.0 YEARS . . . . (6/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.5 YEARS . . . . (12/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.0 YEARS . . . . (6/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.5 YEARS . . . . (12/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.0 YEARS . . . . (6/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.5 YEARS . . . . (12/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.0 YEARS . . . . (6/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.5 YEARS . . . . (12/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
10.0 YEARS 2/. . . (6/1/88)	15.00	30.00	150.00	300.00	3/ 6.00	6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF JUNE 1, 1968. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY REACHED AT 20 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY IS 5.57%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 36-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1968 THROUGH MAY 1, 1969

ISSUE PRICE	$500	$1,000	$5,000	$10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
REDEMPTION AND MATURITY VALUE	500	1,000	5,000	10,000			
PERIOD OF TIME BOND IS HELD AFTER FIRST MATURITY AT 10 YEARS, 0 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION * EXTENDED MATURITY PERIOD**				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO FIRST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/ (6/1/79)	$15.00	$30.00	$150.00	$300.00	6.00	6.00	6.00
1.0 YEARS . . . . (12/1/79)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
1.5 YEARS . . . . (6/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.0 YEARS . . . . (12/1/80)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.5 YEARS . . . . (6/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.0 YEARS . . . . (12/1/81)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.5 YEARS . . . . (6/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.0 YEARS . . . . (12/1/82)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.5 YEARS . . . . (6/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.0 YEARS . . . . (12/1/83)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.5 YEARS . . . . (6/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.0 YEARS . . . . (12/1/84)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.5 YEARS . . . . (6/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.0 YEARS . . . . (12/1/85)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.5 YEARS . . . . (6/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.0 YEARS . . . . (12/1/86)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.5 YEARS . . . . (6/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.0 YEARS . . . . (12/1/87)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.5 YEARS . . . . (6/1/88)	15.00	30.00	150.00	300.00	6.00	6.00	6.00
10.0 YEARS 2/. . . (12/1/88)	15.00	30.00	150.00	300.00	3/ 6.00	6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF DEC. 1, 1968. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY REACHED AT 20 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY IS 5.64%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

[FR Doc. 78-4969, Filed 2-24-78; 8:45 am]

federal register

MONDAY, FEBRUARY 27, 1978
PART IV

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

OFFERING OF UNITED STATES SAVINGS BONDS

SERIES E

Dept. Circular 653
Ninth Revision
Third Amendment

[4810-25]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Tables of Redemption Values and Investment Yields

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The purpose of this amendment to the current offering of United States Savings Bonds, Series E, is to revise the tables of redemption values and investment yields contained therein to reflect the entrance of bonds of various issue dates into their first or next extended period.

EFFECTIVE DATE: Upon publication.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin III, Attorney-Advisor, Bureau of the Public Debt, 202-376-0636.

SUPPLEMENTAL INFORMATION: The tables contained in the offering circular for Series E savings bonds show the redemption values and investment yields for bonds of all possible issue dates. Each Table covers a particular consecutive group of issue dates. Whenever the earlier dated bonds covered by a particular Table reach the end of an original or extended maturity period, it is necessary to provide a supplemental Table to cover the extended maturity period those bonds will next enter. During 1978, earlier dated bonds in each of the following groups will begin a new extended maturity period.

(1) Table 18—bonds dated June 1 through November 1, 1948;

(2) Table 19—bonds dated December 1, 1948, through May 1, 1949;

(3) Table 59—bonds dated June 1 through August 1, 1960;

(4) Table 60—bonds dated September 1, through November 1, 1960;

(5) Table 61—bonds dated December 1, 1960 through February 1, 1961;

(6) Table 62—bonds dated March 1 through May 1, 1961;

(7) Table 94—bonds dated June 1 through November 1, 1972;

(8) Table 95—bonds dated December 1, 1972 through May 1, 1973.

Also, Table 97 covers bonds bearing issue dates of December 1 1973, through August 1, 1976. Of those bonds, only those bearing an issue date of December 1, 1973, will enter their first extended maturity period during 1978.

To reflect these new extended maturity periods, Tables 18, 19, 59, 60, 61, 62, 94, and 95 are being supplemented to show redemption values and investment yields for the first or next extended maturity period applicable thereto. It should be noted, however, that later dated bonds covered by these Tables will not enter their first or next extended maturity period until after 1978. While these bonds have already been irrevocably granted such extension, the supplemental Tables will only be applicable thereto if there is no intervening interest rate change.

With respect to Table 97, new Table 98 is being added to cover bonds dated January 1, 1974, through August 1, 1976, which will not enter their first extension until a later time. Table 97, which will now only cover bonds dated December 1, 1973, is being supplemented at this time to show redemption values and investment yields of these bonds for their first extended maturity period. These are the only bonds covered by former Table 97 that will enter an extension during 1978.

Accordingly, Department of the Treasury Circular No. 653, Ninth Revision, as amended, dated April 23, 1974 (31 CFR, Part 316), is hereby further amended by the deletion of current Table 97 and the issuance of new Tables 18-A, 19-A, 59-A, 60-A, 61-A, 62-A, 94-A, 95-A, 97, 97-A, and 98.

The foregoing amendments were affected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. Notice and public procedures thereon are deemed unnecessary as the fiscal policy of the United States is involved.

Dated: January 17, 1978.

PAUL H. TAYLOR,
Deputy Fiscal Assistant Secretary.

TABLE 18-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1948

Issue price	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield (annual percentage rate)		
Denomination	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
Period (years and months after second extended maturity at 30 years 0 months)	(1) Redemption values during each half-year period (values increase on first day of period)* THIRD EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 3rd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/(6/1/78)	$24.56	$61.40	$122.80	$245.60	$491.20	$1228.00	$2456.00	----	5.99	6.00
0-6 to 1-0 . . . . (12/1/78)	25.30	63.24	126.48	252.96	505.92	1264.80	2529.60	5.99	6.01	6.00
1-0 to 1-6 . . . . (6/1/79)	26.06	65.14	130.28	260.56	521.12	1302.80	2605.60	6.00	5.99	6.00
1-6 to 2-0 . . . . (12/1/79)	26.84	67.09	134.18	268.36	536.72	1341.80	2683.60	6.00	6.02	6.00
2-0 to 2-6 . . . . (6/1/80)	27.64	69.11	138.22	276.44	552.88	1382.20	2764.40	6.00	5.99	6.00
2-6 to 3-0 . . . . (12/1/80)	28.47	71.18	142.36	284.72	569.44	1423.60	2847.20	6.00	5.98	6.00
3-0 to 3-6 . . . . (6/1/81)	29.32	73.31	146.62	293.24	586.48	1466.20	2932.40	6.00	6.00	6.00
3-6 to 4-0 . . . . (12/1/81)	30.20	75.51	151.02	302.04	604.08	1510.20	3020.40	6.00	6.01	6.00
4-0 to 4-6 . . . . (6/1/82)	31.11	77.78	155.56	311.12	622.24	1555.60	3111.20	6.00	5.99	6.00
4-6 to 5-0 . . . . (12/1/82)	32.04	80.11	160.22	320.44	640.88	1602.20	3204.40	6.00	6.02	6.00
5-0 to 5-6 . . . . (6/1/83)	33.01	82.52	165.04	330.08	660.16	1650.40	3300.80	6.00	5.99	6.00
5-6 to 6-0 . . . . (12/1/83)	34.00	84.99	169.98	339.96	679.92	1699.80	3399.60	6.00	6.00	6.00
6-0 to 6-6 . . . . (6/1/84)	35.02	87.54	175.08	350.16	700.32	1750.80	3501.60	6.00	6.01	6.00
6-6 to 7-0 . . . . (12/1/84)	36.07	90.17	180.34	360.68	721.36	1803.40	3606.80	6.00	5.99	6.00
7-0 to 7-6 . . . . (6/1/85)	37.15	92.87	185.74	371.48	742.96	1857.40	3714.80	6.00	6.01	6.00
7-6 to 8-0 . . . . (12/1/85)	38.26	95.66	191.32	382.64	765.28	1913.20	3826.40	6.00	6.00	6.00
8-0 to 8-6 . . . . (6/1/86)	39.41	98.53	197.06	394.12	788.24	1970.60	3941.20	6.00	5.99	6.00
8-6 to 9-0 . . . . (12/1/86)	40.59	101.48	202.96	405.92	811.84	2029.60	4059.20	6.00	6.01	6.01
9-0 to 9-6 . . . . (6/1/87)	41.81	104.53	209.06	418.12	836.24	2090.60	4181.20	6.00	6.01	6.00
9-6 to10-0 . . . . (12/1/87)	43.07	107.67	215.34	430.68	861.36	2153.40	4306.80	6.00	6.00	6.00
10-0 2/ . . . . . (6/1/88)	44.36	110.90	221.80	443.60	887.20	2218.00	4436.00	6.00 3/	----	----

1/ Month, day, and year on which issues of June 1, 1948, enter each period. For subsequent issue months add the appropriate number of months.
2/ Third extended maturity reached at 40 years 0 months after issue.
3/ Yield on purchase price from issue date to 3rd extended maturity date is 4.49 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 19-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1948, THROUGH MAY 1, 1949

Issue price	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield (annual percentage rate)		
Denomination	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
Period (years and months after second extended maturity at 30 years 0 months)	(1) Redemption values during each half-year period (values increase on first day of period)* THIRD EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 3rd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/(12/1/78)	$24.90	$62.24	$124.48	$248.96	$497.92	$1244.80	$2489.60	----	6.01	6.00
0-6 to 1-0 . . . . (6/1/79)	25.64	64.11	128.22	256.44	512.88	1282.20	2564.40	6.01	5.99	6.00
1-0 to 1-6 . . . . (12/1/79)	26.41	66.03	132.06	264.12	528.24	1320.60	2641.20	6.00	6.00	6.00
1-6 to 2-0 . . . . (6/1/80)	27.20	68.01	136.02	272.04	544.08	1360.20	2720.40	6.00	6.00	6.00
2-0 to 2-6 . . . . (12/1/80)	28.02	70.05	140.10	280.20	560.40	1401.00	2802.00	6.00	6.00	6.00
2-6 to 3-0 . . . . (6/1/81)	28.86	72.15	144.30	288.60	577.20	1443.00	2886.00	6.00	6.02	6.00
3-0 to 3-6 . . . . (12/1/81)	29.73	74.32	148.64	297.28	594.56	1486.40	2972.80	6.00	6.00	6.00
3-6 to 4-0 . . . . (6/1/82)	30.62	76.55	153.10	306.20	612.40	1531.00	3062.00	6.00	5.98	6.00
4-0 to 4-6 . . . . (12/1/82)	31.54	78.84	157.68	315.36	630.72	1576.80	3153.60	6.00	6.01	6.00
4-6 to 5-0 . . . . (6/1/83)	32.48	81.21	162.42	324.84	649.68	1624.20	3248.40	6.00	6.01	6.00
5-0 to 5-6 . . . . (12/1/83)	33.46	83.65	167.30	334.60	669.20	1673.00	3346.00	6.00	5.98	6.00
5-6 to 6-0 . . . . (6/1/84)	34.46	86.15	172.30	344.60	689.20	1723.00	3446.00	6.00	6.01	6.00
6-0 to 6-6 . . . . (12/1/84)	35.50	88.74	177.48	354.96	709.92	1774.80	3549.60	6.00	6.00	6.00
6-6 to 7-0 . . . . (6/1/85)	36.56	91.40	182.80	365.60	731.20	1828.00	3656.00	6.00	6.00	6.00
7-0 to 7-6 . . . . (12/1/85)	37.66	94.14	188.28	376.56	753.12	1882.80	3765.60	6.00	6.01	6.00
7-6 to 8-0 . . . . (6/1/86)	38.79	96.97	193.94	387.88	775.76	1939.40	3878.80	6.00	6.00	6.00
8-0 to 8-6 . . . . (12/1/86)	39.95	99.88	199.76	399.52	799.04	1997.60	3995.20	6.00	5.99	6.00
8-6 to 9-0 . . . . (6/1/87)	41.15	102.87	205.74	411.48	822.96	2057.40	4114.80	6.00	6.01	6.00
9-0 to 9-6 . . . . (12/1/87)	42.38	105.96	211.92	423.84	847.68	2119.20	4238.40	6.00	6.00	6.00
9-6 to10-0 . . . . (6/1/88)	43.66	109.14	218.28	436.56	873.12	2182.80	4365.60	6.00	5.99	5.99
10-0 2/ . . . . . (12/1/88)	44.96	112.41	224.82	449.64	899.28	2248.20	4496.40	6.00 3/	----	----

1/ Month, day, and year on which issues of Dec. 1, 1948, enter each period. For subsequent issue months add the appropriate number of months.
2/ Third extended maturity reached at 40 years 0 months after issue.
3/ Yield on purchase price from issue date to 3rd extended maturity date is 4.53 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 59-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1960

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after first extended maturity at 17 years 9 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/(3/1/78)	$43.18	$86.36	$172.72	$345.44	$863.60	$1727.20	$17272	----	6.02	6.00
0-6 to 1-0 . . . . (9/1/78)	44.48	88.96	177.92	355.84	889.60	1779.20	17792	6.02	5.98	6.00
1-0 to 1-6 . . . . (3/1/79)	45.81	91.62	183.24	366.48	916.20	1832.40	18324	6.00	5.98	6.00
1-6 to 2-0 . . . . (9/1/79)	47.18	94.36	188.72	377.44	943.60	1887.20	18872	5.99	6.02	6.00
2-0 to 2-6 . . . . (3/1/80)	48.60	97.20	194.40	388.80	972.00	1944.00	19440	6.00	6.01	6.00
2-6 to 3-0 . . . . (9/1/80)	50.06	100.12	200.24	400.48	1001.20	2002.40	20024	6.00	5.99	6.00
3-0 to 3-6 . . . . (3/1/81)	51.56	103.12	206.24	412.48	1031.20	2062.40	20624	6.00	6.01	6.00
3-6 to 4-0 . . . . (9/1/81)	53.11	106.22	212.44	424.88	1062.20	2124.40	21244	6.00	5.99	6.00
4-0 to 4-6 . . . . (3/1/82)	54.70	109.40	218.80	437.60	1094.00	2188.00	21880	6.00	6.00	6.00
4-6 to 5-0 . . . . (9/1/82)	56.34	112.68	225.36	450.72	1126.80	2253.60	22536	6.00	6.00	6.00
5-0 to 5-6 . . . . (3/1/83)	58.03	116.06	232.12	464.24	1160.60	2321.20	23212	6.00	6.00	6.00
5-6 to 6-0 . . . . (9/1/83)	59.77	119.54	239.08	478.16	1195.40	2390.80	23908	6.00	5.99	6.00
6-0 to 6-6 . . . . (3/1/84)	61.56	123.12	246.24	492.48	1231.20	2462.40	24624	6.00	6.01	6.00
6-6 to 7-0 . . . . (9/1/84)	63.41	126.82	253.64	507.28	1268.20	2536.40	25364	6.00	5.99	6.00
7-0 to 7-6 . . . . (3/1/85)	65.31	130.62	261.24	522.48	1306.20	2612.40	26124	6.00	6.00	6.00
7-6 to 8-0 . . . . (9/1/85)	67.27	134.54	269.08	538.16	1345.40	2690.80	26908	6.00	6.01	6.00
8-0 to 8-6 . . . . (3/1/86)	69.29	138.58	277.16	554.32	1385.80	2771.60	27716	6.00	6.00	6.00
8-6 to 9-0 . . . . (9/1/86)	71.37	142.74	285.48	570.96	1427.40	2854.80	28548	6.00	6.00	6.00
9-0 to 9-6 . . . . (3/1/87)	73.51	147.02	294.04	588.08	1470.20	2940.40	29404	6.00	6.01	6.00
9-6 to10-0 . . . . (9/1/87)	75.72	151.44	302.88	605.76	1514.40	3028.80	30288	6.00	6.00	6.00
10-0 2/ . . . . . (3/1/88)	77.99	155.98	311.96	623.92	1559.80	3119.60	31196	6.00 3/	----	----

1/ Month, day, and year on which issues of June 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.20 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 60-A

BONDS BEARING ISSUE DATES FROM SEPT. 1 THROUGH NOV. 1, 1960

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after first extended maturity at 17 years 9 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/(6/1/78)	$43.57	$87.14	$174.28	$348.56	$871.40	$1742.80	$17428	----	6.01	6.00
0-6 to 1-0 . . . . (12/1/78)	44.88	89.76	179.52	359.04	897.60	1795.20	17952	6.01	5.97	6.00
1-0 to 1-6 . . . . (6/1/79)	46.22	92.44	184.88	369.76	924.40	1848.80	18488	5.99	6.01	6.00
1-6 to 2-0 . . . . (12/1/79)	47.61	95.22	190.44	380.88	952.20	1904.40	19044	6.00	6.01	6.00
2-0 to 2-6 . . . . (6/1/80)	49.04	98.08	196.16	392.32	980.80	1961.60	19616	6.00	6.00	6.00
2-6 to 3-0 . . . . (12/1/80)	50.51	101.02	202.04	404.08	1010.20	2020.40	20204	6.00	5.98	6.00
3-0 to 3-6 . . . . (6/1/81)	52.02	104.04	208.08	416.16	1040.40	2080.80	20808	6.00	6.04	6.00
3-6 to 4-0 . . . . (12/1/81)	53.59	107.18	214.36	428.72	1071.80	2143.60	21436	6.00	5.97	6.00
4-0 to 4-6 . . . . (6/1/82)	55.19	110.38	220.76	441.52	1103.80	2207.60	22076	6.00	6.02	6.00
4-6 to 5-0 . . . . (12/1/82)	56.85	113.70	227.40	454.80	1137.00	2274.00	22740	6.00	5.98	6.00
5-0 to 5-6 . . . . (6/1/83)	58.55	117.10	234.20	468.40	1171.00	2342.00	23420	6.00	6.01	6.00
5-6 to 6-0 . . . . (12/1/83)	60.31	120.62	241.24	482.48	1206.20	2412.40	24124	6.00	6.00	6.00
6-0 to 6-6 . . . . (6/1/84)	62.12	124.24	248.48	496.96	1242.40	2484.80	24848	6.00	5.99	6.00
6-6 to 7-0 . . . . (12/1/84)	63.98	127.96	255.92	511.84	1279.60	2559.20	25592	6.00	6.00	6.00
7-0 to 7-6 . . . . (6/1/85)	65.90	131.80	263.60	527.20	1318.00	2636.00	26360	6.00	6.01	6.00
7-6 to 8-0 . . . . (12/1/85)	67.88	135.76	271.52	543.04	1357.60	2715.20	27152	6.00	6.01	6.00
8-0 to 8-6 . . . . (6/1/86)	69.92	139.84	279.68	559.36	1398.40	2796.80	27968	6.00	5.98	6.00
8-6 to 9-0 . . . . (12/1/86)	72.01	144.02	288.04	576.08	1440.20	2880.40	28804	6.00	6.03	6.00
9-0 to 9-6 . . . . (6/1/87)	74.18	148.36	296.72	593.44	1483.60	2967.20	29672	6.00	5.99	5.99
9-6 to10-0 . . . . (12/1/87)	76.40	152.80	305.60	611.20	1528.00	3056.00	30560	6.00	5.99	5.99
10-0 2/ . . . . . (6/1/88)	78.69	157.38	314.76	629.52	1573.80	3147.60	31476	6.00 3/	----	----

1/ Month, day, and year on which issues of Sept. 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.24 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 61-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1960, THROUGH FEB. 1, 1961

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	100.00	200.00	500.00	1000.00	10000			
Period (years and months after first extended maturity at 17 years 9 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/(9/1/78)	$43.65	$87.30	$174.60	$349.20	$873.00	$1746.00	$17460	----	6.00	6.00
0-6 to 1-0 . . . . (3/1/79)	44.96	89.92	179.84	359.68	899.20	1798.40	17984	6.00	6.01	6.00
1-0 to 1-6 . . . . (9/1/79)	46.31	92.62	185.24	370.48	926.20	1852.40	18524	6.00	6.00	6.00
1-6 to 2-0 . . . . (3/1/80)	47.70	95.40	190.80	381.60	954.00	1908.00	19080	6.00	6.00	6.00
2-0 to 2-6 . . . . (9/1/80)	49.13	98.26	196.52	393.04	982.60	1965.20	19652	6.00	5.98	6.00
2-6 to 3-0 . . . . (3/1/81)	50.60	101.20	202.40	404.80	1012.00	2024.00	20240	6.00	6.01	6.00
3-0 to 3-6 . . . . (9/1/81)	52.12	104.24	208.48	416.96	1042.40	2084.80	20848	6.00	5.99	6.00
3-6 to 4-0 . . . . (3/1/82)	53.68	107.36	214.72	429.44	1073.60	2147.20	21472	6.00	6.00	6.00
4-0 to 4-6 . . . . (9/1/82)	55.29	110.58	221.16	442.32	1105.80	2211.60	22116	6.00	6.00	6.00
4-6 to 5-0 . . . . (3/1/83)	56.95	113.90	227.80	455.60	1139.00	2278.00	22780	6.00	6.01	6.00
5-0 to 5-6 . . . . (9/1/83)	58.66	117.32	234.64	469.28	1173.20	2346.40	23464	6.00	6.00	6.00
5-6 to 6-0 . . . . (3/1/84)	60.42	120.84	241.68	483.36	1208.40	2416.80	24168	6.00	5.99	6.00
6-0 to 6-6 . . . . (9/1/84)	62.23	124.46	248.92	497.84	1244.60	2489.20	24892	6.00	6.01	6.00
6-6 to 7-0 . . . . (3/1/85)	64.10	128.20	256.40	512.80	1282.00	2564.00	25640	6.00	5.99	6.00
7-0 to 7-6 . . . . (9/1/85)	66.02	132.04	264.08	528.16	1320.40	2640.80	26408	6.00	6.03	6.00
7-6 to 8-0 . . . . (3/1/86)	68.01	136.02	272.04	544.08	1360.20	2720.40	27204	6.00	6.00	6.00
8-0 to 8-6 . . . . (9/1/86)	70.05	140.10	280.20	560.40	1401.00	2802.00	28020	6.00	6.00	6.00
8-6 to 9-0 . . . . (3/1/87)	72.15	144.30	288.60	577.20	1443.00	2886.00	28860	6.00	5.99	6.00
9-0 to 9-6 . . . . (9/1/87)	74.31	148.62	297.24	594.48	1486.20	2972.40	29724	6.00	6.00	6.01
9-6 to10-0 . . . . (3/1/88)	76.54	153.08	306.16	612.32	1530.80	3061.60	30616	6.00	6.01	6.01
10-0 2/ . . . . . (9/1/88)	78.84	157.68	315.36	630.72	1576.80	3153.60	31536	6.00 3/	----	----

1/ Month, day, and year on which issues of Dec. 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.24 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 62-A

BONDS BEARING ISSUE DATES FROM MARCH 1 THROUGH MAY 1, 1961

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	100.00	200.00	500.00	1000.00	10000			
Period (years and months after first extended maturity at 17 years 9 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/(12/1/78)	$44.05	$88.10	$176.20	$352.40	$881.00	$1762.00	$17620	----	5.99	6.00
0-6 to 1-0 . . . . (6/1/79)	45.37	90.74	181.48	362.96	907.40	1814.80	18148	5.99	6.00	6.00
1-0 to 1-6 . . . . (12/1/79)	46.73	93.46	186.92	373.84	934.60	1869.20	18692	5.99	5.99	6.00
1-6 to 2-0 . . . . (6/1/80)	48.13	96.26	192.52	385.04	962.60	1925.20	19252	5.99	6.03	6.00
2-0 to 2-6 . . . . (12/1/80)	49.58	99.16	198.32	396.64	991.60	1983.20	19832	6.00	6.01	6.00
2-6 to 3-0 . . . . (6/1/81)	51.07	102.14	204.28	408.56	1021.40	2042.80	20428	6.00	5.99	6.00
3-0 to 3-6 . . . . (12/1/81)	52.60	105.20	210.40	420.80	1052.00	2104.00	21040	6.00	6.01	6.00
3-6 to 4-0 . . . . (6/1/82)	54.18	108.36	216.72	433.44	1083.60	2167.20	21672	6.00	5.98	6.00
4-0 to 4-6 . . . . (12/1/82)	55.80	111.60	223.20	446.40	1116.00	2232.00	22320	6.00	6.02	6.00
4-6 to 5-0 . . . . (6/1/83)	57.48	114.96	229.92	459.84	1149.60	2299.20	22992	6.00	5.98	6.00
5-0 to 5-6 . . . . (12/1/83)	59.20	118.40	236.80	473.60	1184.00	2368.00	23680	6.00	6.01	6.00
5-6 to 6-0 . . . . (6/1/84)	60.98	121.96	243.92	487.84	1219.60	2439.20	24392	6.00	5.97	6.00
6-0 to 6-6 . . . . (12/1/84)	62.80	125.60	251.20	502.40	1256.00	2512.00	25120	6.00	6.02	6.00
6-6 to 7-0 . . . . (6/1/85)	64.69	129.38	258.76	517.52	1293.80	2587.60	25876	6.00	6.00	6.00
7-0 to 7-6 . . . . (12/1/85)	66.63	133.26	266.52	533.04	1332.60	2665.20	26652	6.00	6.00	6.00
7-6 to 8-0 . . . . (6/1/86)	68.63	137.26	274.52	549.04	1372.60	2745.20	27452	6.00	6.00	6.00
8-0 to 8-6 . . . . (12/1/86)	70.69	141.38	282.76	565.52	1413.80	2827.60	28276	6.00	6.00	6.00
8-6 to 9-0 . . . . (6/1/87)	72.81	145.62	291.24	582.48	1456.20	2912.40	29124	6.00	5.99	6.00
9-0 to 9-6 . . . . (12/1/87)	74.99	149.98	299.96	599.92	1499.80	2999.60	29996	6.00	6.00	6.00
9-6 to10-0 . . . . (6/1/88)	77.24	154.48	308.96	617.92	1544.80	3089.60	30896	6.00	6.01	6.01
10-0 2/ . . . . . (12/1/88)	79.56	159.12	318.24	636.48	1591.20	3182.40	31824	6.00 3/	----	----

1/ Month, day, and year on which issues of March 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 27 years 9 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 5.28 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 94-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1972

Issue price	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500
Denomination	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000

Period (years and months after original maturity at 5 years 10 months)	(1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD**								(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to extended maturity
									Approximate investment yield (annual percentage rate)		
									Percent	Percent	Percent
0-0 to 0-6 . . . 1/(4/1/78)	$26.28	$52.56	$78.84	$105.12	$210.24	$525.60	$1051.20	$10512	----	6.01	6.00
0-6 to 1-0 . . . . (10/1/78)	27.07	54.14	81.21	108.28	216.56	541.40	1082.80	10828	6.01	5.98	6.00
1-0 to 1-6 . . . . (4/1/79)	27.88	55.76	83.64	111.52	223.04	557.60	1115.20	11152	6.00	6.03	6.00
1-6 to 2-0 . . . . (10/1/79)	28.72	57.44	86.16	114.88	229.76	574.40	1148.80	11488	6.01	5.99	6.00
2-0 to 2-6 . . . . (4/1/80)	29.58	59.16	88.74	118.32	236.64	591.60	1183.20	11832	6.00	6.02	6.00
2-6 to 3-0 . . . . (10/1/80)	30.47	60.94	91.41	121.88	243.76	609.40	1218.80	12188	6.01	5.97	6.00
3-0 to 3-6 . . . . (4/1/81)	31.38	62.76	94.14	125.52	251.04	627.60	1255.20	12552	6.00	5.99	6.00
3-6 to 4-0 . . . . (10/1/81)	32.32	64.64	96.96	129.28	258.56	646.40	1292.80	12928	6.00	6.00	6.00
4-0 to 4-6 . . . . (4/1/82)	33.29	66.58	99.87	133.16	266.32	665.80	1331.60	13316	6.00	6.01	6.00
4-6 to 5-0 . . . . (10/1/82)	34.29	68.58	102.87	137.16	274.32	685.80	1371.60	13716	6.00	6.01	6.00
5-0 to 5-6 . . . . (4/1/83)	35.32	70.64	105.96	141.28	282.56	706.40	1412.80	14128	6.00	6.00	6.00
5-6 to 6-0 . . . . (10/1/83)	36.38	72.76	109.14	145.52	291.04	727.60	1455.20	14552	6.00	5.99	6.00
6-0 to 6-6 . . . . (4/1/84)	37.47	74.94	112.41	149.88	299.76	749.40	1498.80	14988	6.00	5.98	6.00
6-6 to 7-0 . . . . (10/1/84)	38.59	77.18	115.77	154.36	308.72	771.80	1543.60	15436	6.00	6.01	6.00
7-0 to 7-6 . . . . (4/1/85)	39.75	79.50	119.25	159.00	318.00	795.00	1590.00	15900	6.00	5.99	6.00
7-6 to 8-0 . . . . (10/1/85)	40.94	81.88	122.82	163.76	327.52	818.80	1637.60	16376	6.00	6.01	6.00
8-0 to 8-6 . . . . (4/1/86)	42.17	84.34	126.51	168.68	337.36	843.40	1686.80	16868	6.00	6.02	6.00
8-6 to 9-0 . . . . (10/1/86)	43.44	86.88	130.32	173.76	347.52	868.80	1737.60	17376	6.00	5.99	5.99
9-0 to 9-6 . . . . (4/1/87)	44.74	89.48	134.22	178.96	357.92	894.80	1789.60	17896	6.00	5.99	5.99
9-6 to10-0 . . . . (10/1/87)	46.08	92.16	138.24	184.32	368.64	921.60	1843.20	18432	6.00	5.99	5.99
10-0 2/ . . . . . (4/1/88)	47.46	94.92	142.38	189.84	379.68	949.20	1898.40	18984	6.00 3/	----	----

1/ Month, day, and year on which issues of June 1, 1972, enter each period. For subsequent issue months add the appropriate number of months.
2/ Extended maturity reached at 15 years 10 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 5.95 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 95-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1972, THROUGH MAY 1, 1973

Issue price	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500
Denomination	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000

Period (years and months after original maturity at 5 years 10 months)	(1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD**								(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to extended maturity
									Approximate investment yield (annual percentage rate)		
									Percent	Percent	Percent
0-0 to 0-6 . . . 1/(10/1/78)	$26.34	$52.68	$79.02	$105.36	$210.72	$526.80	$1053.60	$10536	----	6.00	6.00
0-6 to 1-0 . . . . (4/1/79)	27.13	54.26	81.39	108.52	217.04	542.60	1085.20	10852	6.00	5.97	6.00
1-0 to 1-6 . . . . (10/1/79)	27.94	55.88	83.82	111.76	223.52	558.80	1117.60	11176	5.98	6.01	6.00
1-6 to 2-0 . . . . (4/1/80)	28.78	57.56	86.34	115.12	230.24	575.60	1151.20	11512	5.99	6.05	6.00
2-0 to 2-6 . . . . (10/1/80)	29.65	59.30	88.95	118.60	237.20	593.00	1186.00	11860	6.01	6.00	6.00
2-6 to 3-0 . . . . (4/1/81)	30.54	61.08	91.62	122.16	244.32	610.80	1221.60	12216	6.01	5.96	6.00
3-0 to 3-6 . . . . (10/1/81)	31.45	62.90	94.35	125.80	251.60	629.00	1258.00	12580	6.00	5.98	6.00
3-6 to 4-0 . . . . (4/1/82)	32.39	64.78	97.17	129.56	259.12	647.80	1295.60	12956	6.00	6.05	6.00
4-0 to 4-6 . . . . (10/1/82)	33.37	66.74	100.11	133.48	266.96	667.40	1334.80	13348	6.00	5.99	6.00
4-6 to 5-0 . . . . (4/1/83)	34.37	68.74	103.11	137.48	274.96	687.40	1374.80	13748	6.00	5.99	6.00
5-0 to 5-6 . . . . (10/1/83)	35.40	70.80	106.20	141.60	283.20	708.00	1416.00	14160	6.00	5.99	6.00
5-6 to 6-0 . . . . (4/1/84)	36.46	72.92	109.38	145.84	291.68	729.20	1458.40	14584	6.00	5.98	6.00
6-0 to 6-6 . . . . (10/1/84)	37.55	75.10	112.65	150.20	300.40	751.00	1502.00	15020	6.00	6.02	6.00
6-6 to 7-0 . . . . (4/1/85)	38.68	77.36	116.04	154.72	309.44	773.60	1547.20	15472	6.00	6.00	6.00
7-0 to 7-6 . . . . (10/1/85)	39.84	79.68	119.52	159.36	318.72	796.80	1593.60	15936	6.00	6.02	6.00
7-6 to 8-0 . . . . (4/1/86)	41.04	82.08	123.12	164.16	328.32	820.80	1641.60	16416	6.00	5.99	5.99
8-0 to 8-6 . . . . (10/1/86)	42.27	84.54	126.81	169.08	338.16	845.40	1690.80	16908	6.00	6.01	5.99
8-6 to 9-0 . . . . (4/1/87)	43.54	87.08	130.62	174.16	348.32	870.80	1741.60	17416	6.00	5.97	5.99
9-0 to 9-6 . . . . (10/1/87)	44.84	89.68	134.52	179.36	358.72	896.80	1793.60	17936	6.00	6.02	6.00
9-6 to10-0 . . . . (4/1/88)	46.19	92.38	138.57	184.76	369.52	923.80	1847.60	18476	6.00	5.98	5.98
10-0 2/ . . . . . (10/1/88)	47.57	95.14	142.71	190.28	380.56	951.40	1902.80	19028	6.00 3/	----	----

1/ Month, day, and year on which issues of Dec. 1, 1972, enter each period. For subsequent issue months add the appropriate number of months.
2/ Extended maturity reached at 15 years 10 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 5.97 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 97

BONDS BEARING ISSUE DATE DEC. 1, 1973

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$ 7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after issue)	(1) Redemption values during each half-year period (values increase on first day of period)								(2) From issue date to beginning of each ½-yr. period	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to maturity
									Percent	Percent	Percent
0-0 to 0-6 . . . 1/(12/1/73)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$ 7500	——	3.73	6.00
0-6 to 1-0 . . . (6/1/74)	19.10	38.20	57.30	76.40	152.80	382.00	764.00	7640	3.73	5.34	6.25
1-0 to 1-6 . . . (12/1/74)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844	4.54	5.00	6.37
1-6 to 2-0 . . . (6/1/75)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040	4.69	4.98	6.57
2-0 to 2-6 . . . (12/1/75)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240	4.76	5.24	6.83
2-6 to 3-0 . . . (6/1/76)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456	4.86	5.39	7.15
3-0 to 3-6 . . . (12/1/76)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684	4.95	5.53	7.59
3-6 to 4-0 . . . (6/1/77)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924	5.03	5.92	8.29
4-0 to 4-6 . . . (12/1/77)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188	5.14	6.09	9.48
4-6 to 5-0 . . . (6/1/78)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468	5.25	12.93	12.93
5-0 2/ . . . . (12/1/78)	25.20	50.40	75.60	100.80	201.60	504.00	1008.00	10080	6.00	——	——

1/ Month, day and year on which issues of December 1, 1973, enter each period.

2/ Maturity value reached at 5 years and 0 months after issue.

TABLE 97-A

BONDS BEARING ISSUE DATE DEC. 1, 1973

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after original maturity at 5 years 0 months)	(1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD								(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to extended maturity
									Percent	Percent	Percent
0-0 to 0-6 . . . 1/(12/1/78)	$25.20	$50.40	$75.60	$100.80	$201.60	$504.00	$1008.00	$10080	----	6.03	6.00
0-6 to 1-0 . . . (6/1/79)	25.96	51.92	77.88	103.84	207.68	519.20	1038.40	10384	6.03	5.93	6.00
1-0 to 1-6 . . . (12/1/79)	26.73	53.46	80.19	106.92	213.84	534.60	1069.20	10692	5.98	6.06	6.00
1-6 to 2-0 . . . (6/1/80)	27.54	55.08	82.62	110.16	220.32	550.80	1101.60	11016	6.01	5.95	6.00
2-0 to 2-6 . . . (12/1/80)	28.36	56.72	85.08	113.44	226.88	567.20	1134.40	11344	5.99	5.99	6.00
2-6 to 3-0 . . . (6/1/81)	29.21	58.42	87.63	116.84	233.68	584.20	1168.40	11684	5.99	6.03	6.00
3-0 to 3-6 . . . (12/1/81)	30.09	60.18	90.27	120.36	240.72	601.80	1203.60	12036	6.00	5.98	6.00
3-6 to 4-0 . . . (6/1/82)	30.99	61.98	92.97	123.96	247.92	619.80	1239.60	12396	6.00	6.00	6.00
4-0 to 4-6 . . . (12/1/82)	31.92	63.84	95.76	127.68	255.36	638.40	1276.80	12768	6.00	6.02	6.00
4-6 to 5-0 . . . (6/1/83)	32.88	65.76	98.64	131.52	263.04	657.60	1315.20	13152	6.00	6.02	6.00
5-0 to 5-6 . . . (12/1/83)	33.87	67.74	101.61	135.48	270.96	677.40	1354.80	13548	6.00	5.96	6.00
5-6 to 6-0 . . . (6/1/84)	34.88	69.76	104.64	139.52	279.04	697.60	1395.20	13952	6.00	6.02	6.00
6-0 to 6-6 . . . (12/1/84)	35.93	71.86	107.79	143.72	287.44	718.60	1437.20	14372	6.00	6.01	6.00
6-6 to 7-0 . . . (6/1/85)	37.01	74.02	111.03	148.04	296.08	740.20	1480.40	14804	6.00	6.00	6.00
7-0 to 7-6 . . . (12/1/85)	38.12	76.24	114.36	152.48	304.96	762.40	1524.80	15248	6.00	5.98	5.99
7-6 to 8-0 . . . (6/1/86)	39.26	78.52	117.78	157.04	314.08	785.20	1570.40	15704	6.00	6.01	6.00
8-0 to 8-6 . . . (12/1/86)	40.44	80.88	121.32	161.76	323.52	808.80	1617.60	16176	6.00	5.98	5.99
8-6 to 9-0 . . . (6/1/87)	41.65	83.30	124.95	166.60	333.20	833.00	1666.00	16660	6.00	6.00	6.00
9-0 to 9-6 . . . (12/1/87)	42.90	85.80	128.70	171.60	343.20	858.00	1716.00	17160	6.00	6.01	5.99
9-6 to10-0 . . . (6/1/88)	44.19	88.38	132.57	176.76	353.52	883.80	1767.60	17676	6.00	5.97	5.97
10-0 2/ . . . . (12/1/88)	45.51	91.02	136.53	182.04	364.08	910.20	1820.40	18204	6.00 3/	----	----

1/ Month, day, and year on which issues of Dec. 1, 1973 enter each period.
2/ Extended maturity reached at 15 years 0 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 6.00 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 98

BONDS BEARING ISSUE DATES FROM JAN. 1, 1974, THROUGH AUG. 1, 1976

Issue price	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$ 7500	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000			
Period (years and months after issue)	(1) Redemption values during each half-year period (values increase on first day of period)								(2) From issue date to beginning of each ½-yr. period	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to maturity
									Percent	Percent	Percent
0-0 to 0-6 . . . 1/ (1/1/74)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$ 7500	----	3.73	6.00
0-6 to 1-0 . . . . (7/1/74)	19.10	38.20	57.30	76.40	152.80	382.00	764.00	7640	3.73	5.34	6.25
1-0 to 1-6 . . . . (1/1/75)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844	4.54	5.00	6.37
1-6 to 2-0 . . . . (7/1/75)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040	4.69	4.98	6.57
2-0 to 2-6 . . . . (1/1/76)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240	4.76	5.24	6.83
2-6 to 3-0 . . . . (7/1/76)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456	4.86	5.39	7.15
3-0 to 3-6 . . . . (1/1/77)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684	4.95	5.53	7.59
3-6 to 4-0 . . . . (7/1/77)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924	5.03	5.92	8.29
4-0 to 4-6 . . . . (1/1/78)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188	5.14	6.09	9.48
4-6 to 5-0 . . . . (7/1/78)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468	5.25	12.93	12.93
5-0 2/ . . . . . (1/1/79)	25.20	50.40	75.60	100.80	201.60	504.00	1008.00	10080	6.00	----	----

1/ Month, day and year on which issues of January 1, 1974, enter each period. These are representative dates. For subsequent issue dates, substitute the month, day and year of issue on the first line, and the appropriate six-month accrual date on each succeeding line. For example: if the issue date of the bond is October 1, 1974, the entries on succeeding lines in this column would be 10/1/74, 4/1/75, 10/1/75, 4/1/76, 10/1/76, etc., to the maturity date of 10/1/79; if the issue date of the bond is July 1, 1976, the line entries would be 7/1/76, 1/1/77, 7/1/77, 1/1/78, 7/1/78, etc., to the maturity date of 7/1/81.

2/ Maturity value reached at 5 years and 0 months after issue.

[FR Doc. 78-4970 Filed 2-24-78; 8:45 am]

federal register

MONDAY, FEBRUARY 27, 1978
PART V

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

■

SURFACE MINING RECLAMATION AND ENFORCEMENT PROVISIONS

Interim Final Rules and Notice of Public Hearing

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

SURFACE MINING RECLAMATION AND ENFORCEMENT PROVISIONS

Interim Final Rules and Notice of Public Hearing

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Interim Final Rules and announcement of hearing.

SUMMARY: These interim final rules amend the design criteria for sedimentation ponds and temporary diversion structures for surface coal-mining operations and extend the filing deadlines for submission of schedules for the reconstruction of existing sedimentation ponds, and related pre-existing, non-conforming structures to May 3, 1978. In addition, the construction on such pre-existing, non-conforming structures must begin by June 3, 1978. Construction on all pre-existing, non-conforming structures must still be completed by November 4, 1978. These interim final rules are applicable to all surface coal mining operations during the public hearing and comment period contemplated on these rules.

DATES: Interim Final Regulations are effective February 27, 1978.

Comments on the interim final regulations must be received by March 29, 1978. The hearing will be held on March 15, 1978 at 9:30 am.

ADDRESSES: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240, 202-343-4237.

The hearing will be at the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Walter N. Heine, 202-343-4237.

SUPPLEMENTARY INFORMATION: The Surface Mining Control and Reclamation Act of 1977 (hereinafter the Act), Pub. L. 95-87, requires the Secretary of the Interior to publish initial environmental protection regulations that are applicable to all coal-mining operations on lands that are regulated by the States until a State has an approved regulatory program. Proposed rules implementing the Act were published in the FEDERAL REGISTER on September 7, 1977 (42 FR 44920). Public hearings on the proposed rules were held on September 20-22, 1977, in Washington, D.C., Charlestown, W. Va., St. Louis, Mo., and Denver, Colo. At the close of the comment period on October 7, 1977, over 300 commenters had submitted written comments, many of which were very lengthy.

On December 13, 1977, the Department promulgated final regulations as required by the Act for the initial regulatory program (42 FR 62639).

Both in the proposed regulations and the final regulations, the Department detailed requirements for sedimentation ponds to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area.

As a result of extensive comments from States and industry after publication of the final design criteria for sedimentation ponds, the Department reconsidered the design criteria for sedimentation ponds. Many States and industry commenters suggested that the final standard required unnecessarily large sedimentation ponds which could pose a hazard to the surrounding community. Commenters also felt that good management which is presently utilized in some States would preclude the need for large basins. In light of these and other comments, the Director of the Office of Surface Mining Reclamation and Enforcement, other representatives of the Department and representatives of the Environmental Protection Agency viewed a number of mining operations in West Virginia on January 31, 1978, to determine if this standard needed modification. As a result of these visits to mining sites and extensive discussions with State and industry and public interest representatives, the Department has modified the design criteria for sedimentation ponds to allow greater flexibility and accommodate diversity in terrain and other physical conditions. In large measure the modifications are supported by the transcripts of the public hearings on the proposed regulations, written comments received prior and subsequent to the final regulations, technical studies, manuals, and generally accepted engineering practice.

Primary technical literature relied upon in developing these new regulations included, Curtis, "Sediment Yield From Strip-Mined Watersheds in Eastern Kentucky," Second Research and Applied Technology Symposium on Mined Land Reclamation, 1974; Kathuria, "Effectiveness of Surface Mine Sedimentation Ponds," EPA Report EPA-660/2-76-117, August 1976; Simpson, "Interagency Evaluation Tour of West Virginia—Water Quality Committee Report," September 1977; "Erosion and Sediment Control-Surfacing Mining in the Eastern United States," Volumes 1 and 2, EPA Technology Transfer Seminar Publication, October 1976; Hill, "Sedimentation Ponds—A Criterial Review" NCA/BCR Coal Conference, October 1976; Janiak, "Purifications of Waters From Strip Lignite Mines," proceeding of the Polish-U.S. Symposium, May 1975.

The December 13, 1977, regulations (42 FR 62686) specified three principal criteria which controlled the size and design of sedimentation ponds: Pond surface area, sediment storage volume and water detention time. The Department has modified these criteria as follows:

At many mining locations, the controlling design criterion was to size sedimentation ponds to provide a surface area of at least 1 square foot of pond surface area for each 50 gallons per day of runoff entering the ponds resulting from a 10-year 24-hour precipitation event. The modifications delete the requirement that sedimentation ponds must provide at least 1 square foot for each 50 gallons per day of inflow. In lieu thereof, the new regulations require coal operators to consider sedimentation pond surface area in the design of ponds in order to achieve the effluent limitations (sec. 715.17(a)). The effect of this change is to remove a constraint on the design and size of sedimentation ponds and substitute in its place greater design flexibility, which if properly exercised, will permit the construction of smaller ponds.

The new regulations clarify the sediment storage volume requirement for sedimentation ponds. A sediment storage volume must be provided equal to 0.2-acre feet of disturbed area within the upstream drainage area, unless the operator utilizes on-site or point-of-origin activities which may be considered as credits to reduce the required 0.2-acre feet storage volume. The new regulations specify a list of on-site activities including prompt and progressive backfilling, revegetation, mulching, and check dams. These credits, if approved by the regulatory authority, can have a significant impact on reducing the size of ponds.

Section 715.17(e)(1) of the December 13, 1977, regulations required a 24-hour detention time for the design inflow or runoff entering sedimentation ponds. The new regulations require that the pond be designed to provide a 24-hour detention time for the design inflow or runoff unless a lower detention time is approved by the regulatory authority. In addition, in determining the design runoff volume, the operator can consider the characteristics of the mine site, reclamation control procedures and on-site sediment control practices. The 24-hour theoretical detention time can be reduced to 10 hours if the operator implements sediment control measures approved by the regulatory authority. The Office of Surface Mining will allow credits for sediment control measures such as pond configuration, inflow and outflow facilities and on-

site measures to reduce detention time. Detention time can be reduced even below 10 hours by utilizing chemical treatment or flocculation or demonstrating to the regulatory authority that particle size, or specific gravity could warrant even a lower detention time.

The new regulations ease to a considerable degree the burden upon coal operators to bring existing sedimentation ponds into compliance. The deadline for starting reconstruction has been extended and the reconstruction burden has been significantly lessened. Therefore, the Department has decided to maintain the November 4, 1978, compliance date for existing sedimentation ponds which cannot be in compliance by May 3, 1978.

To allow adequate time for coal operators to submit schedules and statements of impossibility to regulatory authorities, the Department has extended the filing deadline for sedimentation ponds from March 1, 1978, to May 3, 1978. In addition, the filing deadline has been extended to May 3, 1978, for other pre-existing, non-conforming structures which are related to the redesign of sedimentation ponds. Related structures or facilities are those which an engineer must necessarily redesign as a result of the new sedimentation pond standard. Reconstruction must be initiated on such existing structures on or before June 3, 1978. Additional approval responsibilities have been added to assure that no schedules extend beyond November 4, 1978.

The Department has decided to make these rules effective upon publication to provide immediate guidance to State regulatory agencies and coal operators. In this way, State regulatory agencies can issue new permits incorporating these requirements and immediately approve applications to reconstruct existing sedimentation ponds. In addition, the Department believes that it is essential to assure timely compliance with section 502 of the Act. It is emphasized, however, that the Department intends to hold at least one public hearing on the interim final rules, obtain necessary concurrences and consider public comments before making the rule final.

This interim final rulemaking also includes a modification to the regulation governing temporary diversion structures. Additional State and industry comments received after promulgation of the final rules on December 13, 1977, have demonstrated that under the prior rules, construction of temporary diversions to safely pass a peak runoff from a precipitation event with a 10-year recurrence interval could result in disturbing an area in excess of the effective control provided by such structures. Therefore, the Department has reduced the design criteria to require the structure to safely pass the peak runoff from a precipitation event with a one-year recurrence interval. The Department has added an additional design criterion to adequately protect the public and the environment during the existence of temporary diversion structures.

In addition, in response to comments requesting clarification, the Department emphasizes that small depressions allowed by § 715.14(d) are not considered as temporary or permanent diversions under § 715.17(c)(1) and (2). Temporary or permanent diversions are those structures which divert water away from disturbed areas. Thus, upon approval of the regulatory authority, coal operators may leave small depressions, small ditches and swales which act to diffuse water or reduce water velocity as part of erosion control practices.

Statutory authority for interim final rules is contained in Sections 201(c)(2), 501 and 502 of the Act and 5 U.S.C. § 553.

The Department intends to entertain comments for a thirty-day period following publication of these interim final rules in the FEDERAL REGISTER. In addition, it will shortly announce the place and time of public hearings on these interim final rules.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

In accordance with the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 and 5 U.S.C. § 553, a public hearing will be held at the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. 20240 on March 15, 1978 at 9:30 a.m. The purpose of the hearing is to allow full public participation in the rulemaking process. Individuals making oral statements or submitting written comments should limit their statements to these interim final rules. Individuals are encouraged to submit statements in writing. Individuals making oral statements are limited to 10 minutes.

Further information and reservation of time for oral statements may be obtained by contacting Walter N. Heine, Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240, 202-343-4237.

DRAFTING INFORMATION

Principal authors of these regulations are Ronald D. Hill, Environmental Protection Agency, Cincinnati, Ohio; Walter N. Heine, Director, Office of Surface Mining Reclamation and Enforcement; and Donald Crane, Consultant to the Office of Surface Mining Reclamation and Enforcement, Denver, Colo.

Dated: February 22, 1978.

JOAN M. DAVENPORT,
Assistant Secretary
Energy and Minerals.

Chapter VII of Title 30 of the Code of Federal Regulations is amended as follows:

Parts 710, 715, 717 [Amended].

PART 710—INITIAL REGULATORY PROGRAM

In 30 CFR § 710.11, paragraph (d) is revised to read as follows:

§ 710.11 Applicability.

* * * * *

(d) * * *

(3) Notwithstanding paragraph (d)(2) of this section, any sedimentation pond, or related pre-existing, nonconforming structure or facility which is used in connection with or to facilitate mining after the effective date of these regulations shall comply with the requirements of the regulations unless—

(i) The permittee submits to the regulatory authority and to the Director by May 3, 1978, a statement in writing demonstrating that it is physically impossible to bring the structure or facility into compliance by May 3, 1978. The statement shall include the steps to be taken to reconstruct the structure or facility in conformance with applicable performance standards and a schedule for reconstruction including the estimated date of completion;

(ii) The regulatory authority finds in writing that it is physically impossible to bring the structure or facility into compliance by May 3, 1978;

(iii) The construction work is to be performed in accordance with plans designed by a professional engineer;

(iv) The construction work is to be started and completed as soon as possible and in no event is to be started later than June 3, 1978 and completed later than November 4, 1978; and

(v) The Director approves of any schedules which contain an estimated date of completion beyond October 3, 1978.

(4) The Director shall be deemed to have approved such schedules referred to in paragraph (d)(3)(v) of this section, unless written disapproval is received by the operator on or before June 3, 1978.

PART 715—GENERAL PERFORMANCE STANDARDS

In 30 CFR § 715.17, paragraph (c)(1) is revised to read as follows:

§ 715.17 [Amended]

* * * * *

(c) * * *

(1) Temporary diversion structures shall be constructed to safely pass the

peak runoff from a precipitation event with a one year recurrence interval, or a larger event as specified by the regulatory authority. The design criteria must assure adequate protection of the environment and public during the existence of the temporary diversion structure.

* * * * *

Section 715.17 is further amended as follows:

1. Paragraphs (e), (e)(1), and (e)(2) are revised.

2. Paragraphs (e)(3)-(e)(9) are redesignated as (e)(4)-(e)(10) and a new paragraph (e)(3) is added.

* * * * *

(e) *Sediment control measures.* Appropriate sediment control measures shall be designed, constructed, and maintained to prevent additional contributions of sediment to streamflow or to runoff outside the permit area to the extent possible, using the best technology currently available.

(1) Sediment control measures include practices carried out within and adjacent to the disturbed area. The scale of downstream practices shall reflect the degree to which successful techniques are applied at the sources of the sediment. Sediment control measures consist of the utilization of proper mining, reclamation methods, and sediment control practices (singly or in combination) including but not limited to:

(i) Disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading and timely revegetation;

(ii) Consistent with the requirements of § 715.14 and § 715.15 shaping the backfill material to promote a reduction of the rate and volume of runoff;

(iii) Retention of sediment within the pit and disturbed area;

(iv) Diversion of overland and channelized flow from undisturbed areas around or in protected crossings through the disturbed area;

(v) Utilization of straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume or entrap sediment;

(vi) Sedimentation ponds.

(2) Sedimentation ponds may be used individually or in series, should be located as near as possible to the disturbed area and where possible out of major stream courses, and shall (either individually or in series) meet the following criteria:

(i) Sedimentation ponds must provide 24-hour theoretical detention time for the inflow or runoff entering the ponds from a 10-year, 24-hour precipitation event. Runoff diverted, in accordance with paragraphs (c) and (d) of this section, away from the disturbed drainage areas need not be considered in sedimentation pond design. In determining the runoff volume the characteristics of the mine site, reclamation procedures, and on-site sediment control practices shall be considered.

(ii) Upon approval of the regulatory authority theoretical detention time may be reduced to not less than 10 hours, as demonstrated by the permittee, equal to the improvement in sedimentation removal efficiency as a result of pond design including but not limited to pond configuration, inflow-outflow facilities and their relative location, baffles to decrease inflow velocity and short circuiting, a surface area sufficient to achieve the sediment trap efficiency necessary to meet effluent limitations (Sec. 715.17(a)), and sediment control measures provided in § 715.17(e)(1).

(iii) The regulatory authority may approve a detention time less than the time required by paragraph (e)(2) (i) or (ii) of this section, when the permitte has demonstrated that the size distribution or the specific gravity of the suspended matter or the utilization of chemical treatment or flocculation are such that the effluent limitations can be met. The detention time shall be stipulated.

(3) An additional sediment storage volume must be provided equal to 0.2 acre-feet for each acre of disturbed area within the upstream drainage area. Upon approval of the regulatory authority, the sediment storage volume may be reduced in an amount, as demonstrated by the permittee, equal to the sediment removed by other appropriate sediment control measures such as those identified in paragraph (e)(1) of this section, or by lesser sediment yields as evidenced by empirical data for runoff characteristics.

* * * * *

Redesignated paragraph (e)(6) is revised to read as follows:

(e) * * *

* * * * *

(6) Sediment shall be removed from sedimentation ponds so as to assure maximum sediment removal efficiency and attainment and maintenance of effluent limitations. Sediment removal shall be done in a manner that minimizes adverse effects on surface waters due to its chemical and physical characteristics, on infiltration, on vegetation, and on surface and ground water quality. Sediment that has been removed from sedimentation ponds and that meets the requirements for topsoil may be redistributed over graded areas in accordance with § 715.16.

* * * * *

PART 717—UNDERGROUND MINING GENERAL PERFORMANCE STANDARDS

§ 717.17 [Amended]

In 30 CFR § 717.17, paragraph (c)(1) is revised to read as follows:

* * * * *

(c) * * *

(1) Temporary diversion structures shall be constructed to safely pass the peak runoff from a precipitation event with a one year recurrence interval, or a larger event as specified by the regulatory authority. The design criteria must assure adequate protection of the environment and public during the existence of the temporary diversion structure.

* * * * *

Paragraph (e) of § 717.7 is amended as follows:

1. Subparagraphs (1) and (2) are revised.

2. Subparagraphs (e)(3)-(e)(9) are redesignated as (e)(4)-(e)(10), and a new paragraph (e)(3) is added.

* * * * *

(e) *Sediment control measures.* Appropriate sediment control measures shall be designed, constructed, and maintained to prevent additional contributions of sediment to streamflow or to runoff outside the permit area to the extent possible, using the best technology currently available.

(1) Sediment control measures include practices carried out within and adjacent to the disturbed area. The scale of downstream practices shall reflect the degree to which successful techniques are applied at the sources of the sediment. Sediment control measures consist of the utilization of proper mining, reclamation methods, and sediment control practices (singly or in combination) including but not limited to:

(i) Disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading and timely revegetation;

(ii) Consistent with the requirements of § 715.14 and § 715.15 of this chapter shaping the backfill material to promote a reduction of the rate and volume of runoff;

(iii) Retention of sediment within the pit and disturbed area;

(iv) Diversion of overland and channelized flow from undisturbed areas around or in protected crossings through the disturbed area;

(v) Utilization of straw dikes, riprap, check dams, mulches, vegetative sedi-

ment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume or entrap sediment;

(vi) Sedimentation ponds.

(2) Sedimentation ponds may be used individually or in series, should be located as near as possible to the disturbed area and where possible out of major stream courses, and shall (either individually or in series) meet the following criteria:

(i) Sedimentation ponds must provide 24 hour theoretical detention time for the inflow or runoff entering the pond(s) from a 10 year, 24-hour precipitation event. Runoff diverted, in accordance with paragraphs (c) and (d) of this section, away from the disturbed drainage areas need not be considered in sedimentation pond design. In determining the runoff volume the characteristics of the mine site, reclamation procedures, and on-site sediment control practices shall be considered.

(ii) Upon approval of the regulatory authority theoretical detention time may be reduced to not less than 10 hours, as demonstrated by the permittee, equal to the improvement in sedimentation removal efficiency as a result of pond design including but not limited to pond configuration, inflow-outflow facilities and their relative location, baffles to decrease inflow velocity and short circuiting, a surface area sufficient to achieve the sediment trap efficiency necessary to meet effluent limitations (Sec. 715.17(a)), and sediment control measures provided in § 715.17(e)(1).

(iii) The regulatory authority may approve a detention time less than the time required by paragraph (e)(2) (i) or (ii) of this section, when the permittee has demonstrated that the size distribution or the specific gravity of the suspended matter or the utilization of chemical treatment or flocculation are such that the effluent limitations can be met. The detention time shall be stipulated.

(3) An additional sediment storage volume must be provided equal to 0.2 acre-feet for each acre of disturbed area within the upstream drainage area. Upon approval of the regulatory authority, the sediment storage volume may be reduced in an amount, as demonstrated by the permittee, equal to the sediment removed by other appropriate sediment control measures such as those identified in paragraph (e)(1) of this section, or by lesser sediment yields as evidenced by empirical data for runoff characteristics.

* * * * *

In 30 CFR 717.17(e), redesignated subparagraph (6) is revised to read as follows:

* * * * *

(6) Sediment shall be removed from sedimentation ponds so as to assure maximum sediment removal efficiency and attainment and maintenance of effluent limitations. Sediment shall be disposed of in a manner that minimizes adverse effects on surface waters due to its chemical and physical characteristics, on infiltration, or surface or ground water quality.

* * * * *

[FR Doc. 78-5309 Filed 2-24-78; 11:34 am]