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federal register

TUESDAY, APRIL 11, 1978



highlights

SIGN LANGUAGE INTERPRETER

HOW TO USE THE FEDERAL REGISTER

WHO: The Office of the Federal Register will provide a sign language interpreter at a workshop on how to use the Federal Register.

FOR: Any deaf person who must use the Federal Register and Code of Federal Regulations.

WHAT: Free public workshop (approximately 3 hours) to present:

1. Brief history of the Federal Register system.
2. Difference between legislation and regulations.
3. Relationship of Federal Register and the Code of Federal Regulations.
4. Introduction to the finding aids of FR/CFR system.

WHEN: 9 a.m., Friday, April 21, 1978.

WHERE: 1100 L Street NW., Washington, D.C., Room 9409.

WHY: To give deaf persons an opportunity to learn about publication of Federal regulations and encourage their fuller participation in the Government rulemaking process.

INFORMATION: Marty Franks, 202-523-3517.

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
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	HEW/CDC			HEW/CDC
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
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	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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This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: April 10, 1978]

H.R. 9169 ..... Pub. L. 95-257
To amend title XI of the Merchant Marine Act, 1936, to permit the guarantee of obligations for financing fishing vessels in an amount not exceeding 87½ per centum of the actual or depreciated actual cost of each vessel. (Apr. 7, 1978; 92 Stat. 194) Price $.50

H.R. 11055 ..... Pub. L. 95-258
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[3195-01]

Title 3—The President

Proclamation 4560 • **April 7, 1978**

Agreement on Trade Relations Between the United States of America and the Hungarian People's Republic

By the President of the United States of America

A Proclamation

As President of the United States of America, acting through my representatives, I entered into the negotiation of an agreement on trade relations between the United States of America and the Hungarian People's Republic with representatives of the Hungarian People's Republic;

The negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978) ("the Act");

An "Agreement on Trade Relations between the United States of America and the Hungarian People's Republic," in English and Hungarian, was signed on March 17, 1978, by representatives of the two Governments, and is annexed [1] to this Proclamation;

The Agreement conforms to the requirements relating to bilateral commercial agreements specified in Section 405(b) of the Act;

Article XI of the Agreement provides that it shall enter into force on the date of exchange of written notices of acceptance by the Governments of the United States of America and the Hungarian People's Republic; and

Section 405(c) of the Act provides that a bilateral commercial agreement and a proclamation implementing such agreement shall take effect only if approved by the Congress;

NOW, THEREFORE, I, Jimmy Carter, President of the United States of America, proclaim as follows:

(1) This Proclamation shall become effective, said Agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Hungarian People's Republic in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XI of the said Agreement; and

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Hungary" as of the effective date of this proclamation and a notice thereof shall be published in the FEDERAL REGISTER promptly thereafter.

IN WITNESS WHEREOF, I have signed this Proclamation this seventh day of April, in the year of our Lord one thousand nine hundred seventy-eight, and of the Independence of the United States of America the two hundred second.

Jimmy Carter

[FR Doc. 78-9732 Filed 4-7-78; 3:21 pm]

[1] Filed with the Office of the Federal Register as part of the original document.

[3195-01]

Proclamation 4561 • **April 7, 1978**

Temporary Duty Increase on the Importation Into the United States of Certain Citizens Band (CB) Radio Transceivers

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission (USITC) on February 2, 1978, reported to the President (USITC Report 201-29) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that Citizens Band (CB) radio transceivers, provided for in item 685.25 (which was changed to item 685.28 by Executive Order 12032, and which is now being changed to item 685.27 by the Annex to this proclamation) of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles. The USITC was divided on its remedy recommendations to the President.

2. On March 27, 1978, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy or prevent the injury or threat thereof found to exist by the USITC through the proclamation of a temporary duty increase. On March 27, 1978, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a temporary duty increase and stating the reasons why my decision differed from the actions recommended by the USITC.

3. Section 503(c)(2) of the Trade Act (19 U.S.C. 2463(c)(2)) provides that no article shall be eligible for purposes of the Generalized System of Preferences (GSP) for any period during which such article is the subject of any action proclaimed pursuant to section 203 of the Trade Act (19 U.S.C. 2253).

4. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

5. Pursuant to sections 203(a)(1), 203(e)(1), and 503(c)(2) of the Trade Act (19 U.S.C. 2253(a)(1), 2253(e)(1), and 2463(c)(2)), I am providing import relief through the temporary increase of import duty on, and the removal from eligibility for duty free entry under the GSP of, certain Citizens Band (CB) radio transceivers, including those capable of receiving signals on bands other than the Citizens Band, as hereinafter proclaimed.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including title V, section 604 and section 203 of the Trade Act (19 U.S.C. 2461 *et seq.;* 19 U.S.C. 2483; and 19 U.S.C. 2253), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Part I of Schedule XX to the GATT is modified to conform to the actions taken in paragraphs 2 and 3 of the Annex to this proclamation.

(2) General Headnote 3(c)(iii), part 5 of schedule 6, and subpart A, part 2 of the Appendix to the TSUS are modified as set forth in the Annex to this proclamation.

(3) Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is further amended by adding item 685.29 (as added by the Annex to this proclamation), in numerical sequence.

(4) Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by deleting item 685.28 therefrom.

(5) This proclamation shall be effective as to those articles entered, or withdrawn from warehouse, for consumption on or after April 11, 1978. The increased rates of duty provided for in the Annex to this proclamation shall apply only with respect to articles entered, or withdrawn from warehouse, for consumption before the close of April 10, 1981, unless the period of their effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred second.

Jimmy Carter

ANNEX

1. General Headnote 3(c)(iii) of the TSUS is modified by deleting "685.28 . . . . Republic of China".

2. Part 5 of schedule 6 of the TSUS is modified by—

(a) adding the following new headnote:

"4. For the purposes of the tariff schedules, handheld Citizens Band (CB) radio transceivers are Citizens Band (CB) radio transceivers designed for operation in the hand, having a permanently affixed antenna and an internal microphone, and not designed for use with an external power source."

(b) deleting item 685.28 and substituting the following new provisions in lieu thereof:

GSP	Item	Articles	Rates of Duty	
			1	2
		"Other:		
	685.27	Citizens Band (CB) radio transceivers (except hand-held) ..	6% ad val.	35% ad val.
A	685.29	Other	6% ad val.	35% ad val.".

3. Subpart A, part 2 of the Appendix to the TSUS is modified by inserting in numerical sequence the following new provision:

Item	Articles	Rates of Duty			
		1			2
		Effective on or after—			
		April 11, 1978	April 11, 1979	April 11, 1980	
"923.85	Citizens Band (CB) radio transceivers (except hand-held) provided for in item 685.27	21% ad val.	18% ad val.	15% ad val.	No change".

[FR Doc. 78-9773 Filed 4-7-78; 4:50 pm]

[3195-01]

Executive Order 12051 • **April 7, 1978**

Waiver Under the Trade Act of 1974 With Respect to the Hungarian People's Republic

By virtue of the authority vested in me as President of the United States of America by Section 402(c)(2) of the Trade Act of 1974 (88 Stat. 2057, 19 U.S.C. 2432(c)(2)), which continues to apply to the Hungarian People's Republic pursuant to Section 402(d), and having made the report to the Congress required by Section 402(c)(2), I waive the application of subsections (a) and (b) of Section 402 of said Act with respect to the Hungarian People's Republic.

Jimmy Carter

THE WHITE HOUSE,
April 7, 1978.

[FR Doc. 78-9733 Filed 4-7-78; 3:22 pm]

[3195-01]

Executive Order 12052 • **April 7, 1978**

National Commission for the Review of Antitrust Laws and Procedures

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to provide for increased participation on the National Commission for the Review of Antitrust Laws and Procedures, Section 1(b) of Executive Order No. 12022 of December 1, 1977, is hereby amended to read as follows:

"The Commission shall consist of twenty-two members to be appointed by the President and shall include:

(1) The Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(2) The Chairman of the Federal Trade Commission.

(3) The Chairman of one other appropriate independent regulatory agency.

(4) Five members of the Senate recommended by the President of the Senate.

(5) Five members of the House of Representatives recommended by the Speaker of the House of Representatives.

(6) One judge of a United States District Court.

(7) One State Attorney General.

(8) Seven persons from the private sector.".

Jimmy Carter

THE WHITE HOUSE,
April 7, 1978.

[FR Doc. 78-9734 Filed 4-7-78; 3:23 pm]

rules and regulations

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

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

[3410-10]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document delegates to the Assistant Secretary for International Affairs and Commodity Programs and the Administrator, Foreign Agricultural Service authority to establish and administer for the Department, regulations relating to foreign travel by employees of the Department. This delegation will enable the Foreign Agricultural Service to carry out its responsibility for foreign travel service to the Department. The foreign travel service provided by the Foreign Agricultural Service includes, but is not limited to, passport control, obtaining visas, coordinating State Department medical clearances, requiring current itineraries from all USDA travelers going overseas and requiring them to contact the Agricultural Attache upon arrival in the Attache's country(ies) of responsibility.

EFFECTIVE DATE: April 11, 1978.

FOR FURTHER INFORMATION CALL:

Franklin H. Sonnabend, Management Analysis Branch, Budget and Analysis Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4220.

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.21 is amended by adding a new paragraph (d)(28) as follows:

§ 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

* * * * *

(d) *Related to foreign agriculture.*

* * *

(28) Establish and administer regulations relating to foreign travel by employees of the Department. Regulations will include, but not be limited to, obtaining and controlling passports, obtaining visas, coordinating State Department medical clearances and imposing requirements for itineraries and contacting the Agricultural Attache upon arrival in the Attache's country(ies) of responsibility.

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

2. Section 2.68 is amended by adding a new paragraph (a)(16) as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations* * * *

* * * * *

(16) Establish and administer regulations relating to foreign travel by employees of the Department. Regulations will include, but not be limited to, obtaining and controlling passports, obtaining visas, coordinating State Department medical clearances and imposing requirements for itineraries and contacting the Agricultural Attache upon arrival in the Attache's country(ies) of responsibility.

For Subpart C.

Dated: April 6, 1978.

BOB BERGLAND,
Secretary of Agriculture.

For Subpart H.

Dated: April 6, 1978.

DALE E. HATHAWAY,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc. 78-9580 Filed 4-10-78; 8:45 am]

[3410-02]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 49]

PART 1049—MILK IN THE INDIANA MARKETING AREA

Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends certain provisions of the Indiana milk marketing order. The provisions relate to the "takeout-payback" plan for paying producers. Suspension of the provisions was requested by a cooperative association to prevent a reduction in blend prices to producers during the months of April through July 1978 through the operation of the takeout provisions of the plan. Such reduction, if allowed, would intensify the financial burdens experienced by producers from adverse weather conditions this past winter. The suspension would apply during the months of April through December 1978.

EFFECTIVE DATE: April 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Diary Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of proposed suspension—issued February 28, 1978, published March 6, 1978 (43 FR 9155).

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Indiana marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 9155) concerning a proposed suspension of certain provisions of the order. Interested persons were afford-

ed opportunity to file written data, views, and arguments thereon. Two cooperative associations and four producers filed views supporting the suspension, and one cooperative association filed views opposing the suspension.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of April through December 1978 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1049.61, that part of paragraph (f) which reads, "except for the months specified below, shall be," and the provisions contained in paragraphs (g) through (k) in their entirety.

STATEMENT OF CONSIDERATION

This suspension makes inoperative the provisions of Order No. 49 that provide for a "takeout-payback" producer payment plan to encourage seasonal adjustments in milk production. Under the provisions, money is withheld from payments due producers for deliveries of milk during the months of April through July (20 cents per hundredweight during each month). The money, plus interest earned, is then paid back to producers for deliveries of milk during September through December (25 percent in September, 33⅓ percent of the remainder in October, 50 percent of the remainder in November and the remaining amount in December). The plan is designed to encourage production in the fall months of seasonally-low production and to discourage production in the spring and early summer months of seasonally-high production.

Suspension of the plan for 1978 was requested by Associated Milk Producers, Inc. The suspension is needed to provide the highest possible blend prices to producers during the months of April through July 1978. Extremely adverse weather conditions this past winter have placed a financial burden upon producers that would be intensified if the blend prices for the coming months of April through July were reduced by the takeout provisions. The suspension will help to maintain blend prices for producers. It will provide producers with the confidence of orderly marketing conditions for the April through July period because they will not suffer additional loss of revenue during the takeout months.

There are additional reasons for suspending the plan for 1978. A substantial part of the milk supply for the Indiana market comes from northern Illinois and southern Wisconsin. The Chicago Regional market also obtains milk from this area in competition with the Indiana market. The Chicago Regional order does not have a takeout-payback plan. During the takeout and payback months under the Indiana order, producer blend prices are lowered, and then raised relative to the producer blend prices of the Chicago Regional order. This adversely affects marketing conditions in the production area. It has resulted in dissatisfaction among neighboring producers who supply the respective markets.

Also, the cooperatives supporting the suspension are skeptical that the plan can achieve effectively the goal of uniform production under current marketing conditions. The order class prices have increased in recent years, making the takeout rate (20 cents) a continually smaller precentage of the uniform price. In 1973, when the 20-cent takeout rate was adopted, it represented 3.14 percent of the average uniform price during the April-July period. In 1977, the percentage had decreased about one-third to 2.17 percent of the average uniform price during the same 4-month period. This development provides less incentive to producers to level out production.

The suspension was supported by another cooperative association and by four dairy farmers, primarily for the reasons set forth by Associated Milk Producers, Inc. Support for the suspension is widespread, because the cooperatives requesting it represent a substantial majority of the producers supplying the market.

A cooperative opposed the suspension on the basis that it would disrupt price relationships between the Indiana market and neighboring Federal order markets that provide for takeout-payback plans. However, the cooperative provided no persuasive information regarding disorderly marketing conditions that might result from the suspension.

The opposing cooperative also claimed that the adverse weather conditions this past winter were not restricted to the Indiana area, but were experienced in adjoining markets as well. It thus questioned whether adverse weather conditions could be a valid basis for a suspension limited only to the Indiana market.

It is true that the adverse weather conditions this past winter covered a greater area than the Indiana market. However, the request for suspension was made by persons concerned with the Indiana market particularly. If suspension had been requested by persons in other markets similarly affected, the Department would have considered such requests.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. Without the suspension, the financial burden placed on producers by adverse weather conditions this past winter would be intensified through a reduction of blend prices during the months of April through July.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or agruments concerning this suspension.

Therefore, good cause exists for making this order effective April 11, 1978.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of April through December 1978.

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

Effective date: April 11, 1978.

Signed at Washington, D.C., on April 5, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 78-9543 Filed 4-10-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.13]

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

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction.

SUMMARY: The Farmers Home Administration issues a document to correct an error appearing in 7 CFR 1823, Subpart P, which was published at 43 FR 13494 of the FEDERAL REGISTER for Friday, March 31, 1978.

EFFECTIVE DATE: April 11, 1978.

FOR FURTHER INFORMATION CONTACT:
Ken Lee, telephone 202-447-5717.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration published at 43 FR 13494 of the FEDERAL REGISTER for March 31, 1978, a final rule with comments requested concerning 7 CFR 1823, Subpart P. The first line of the "SUPPLEMENTARY INFORMATION" section should be corrected to delete the words, "appendix A to". The last paragraph of the "SUPPLEMENTARY INFORMATION" section is corrected to read: Accordingly, section 1823.472(b)(1) is amended, a new (b)(2) is added, and the present paragraphs (b) (2), (3), and (4) are renumbered to (3), (4), and (5) respectively.

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

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

Dated: April 4, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-9545 Filed 4-10-78; 8:45 am]

[1505-01]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER L—LOAN AND GRANT MAKING

[FmHA Instruction 1948-A]

PART 1948—RURAL DEVELOPMENT

Subpart A—Area Development Assistance Planning Grants

Addition

Correction

In FR Doc. 78-8804 appearing on page 14282 in the issue of Tuesday, April 4, 1978, on page 14286 in the 3rd column, everthing after "Grantor and Grantee agree:" (the citation in small type, the signature, title, and file line) should be deleted.

[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Importation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document will delete the optional pre-entry diagnostic screening tests for equine piroplasmosis, will clarify the in-bond transit requirements for animals from Canada, and will provide for the reentry of certain animals of United States origin which transit Canada without their meeting certain importation requirements. These actions are needed to clarify the regulations and to eliminate certain procedures no longer deemed necessary. The effect of these actions is to reduce unnecessary time and expense associated with the importation of animals.

EFFECTIVE DATE: April 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, Md. 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On October 11, 1977, there was published in the FEDERAL REGISTER (42 FR 54834) a notice of proposed rulemaking which would delete from the regulations the optional pre-entry diagnostic screening tests whereby blood from horses intended for importation into the United States may be tested and their equine piroplasmosis disease status determined prior to their departure from their country of origin. A period of 30 days was provided for receipt of comments and two comments were received. One was in favor of the proposed amendment and deemed the action realistic. The other was editorial in nature stating that several nations of the world had been made conscious of the piroplasmosis problem of equine through the testing procedures required by the Department and that the courtesy blood testing program was a meaningful tool in this regard.

As noted in the proposal, the method of preparing equine piroplasmosis antigen has been made available to laboratories in other countries by the Department. The Department has also trained laboratory technicians from several countries, including France, Great Britain, Chile, and Argentina, in procedures necessary to produce the required antigen and to conduct the equine piroplasmosis test. Such tests are now conducted in countries other than the United States. In view of this, there is no longer a need for the Department to conduct courtesy screening tests, at Department expense, on horses prior to their shipment to the United States and the provision for providing such tests is deleted from the regulations.

It was further proposed to permit animals originating in the United States to be transported directly through Canada and to return to the United States through a different land border port without a Canadian health or test certificate when accompanied by a copy of the United States export health certificate properly issued and endorsed, provided the Canadian port veterinarian that inspected the animals for entry into Canada recorded certain specified information on the United States export health certificate. The regulation has been changed to permit such information to be recorded on the United States export health certificate or contained in a paper attached to the certificate. This change has been made because Canada issues an official import form containing the required information which is completed by the Canadian port veterinarian at the time of his inspection of such animals for importation into Canada. Therefore, if such required information is on a piece of paper and attached to the United States export health certificate, it would be as effective as having the information directly written on the certificate.

One comment concerning this provision was received from U.S. Customs Service requesting clarification of how the proposal would affect Customs' operations. However, this comment was not in favor of or against the proposal and did not offer any alternatives to the proposal.

Certain non-substantive editorial changes have also been made in the proposed regulations for purpose of clarification.

No comments were received on the provision of the proposal which specified that a permit be required for in-bond shipments of animals from Canada which are transiting the United States for immediate export.

Therefore, after consideration of all comments received, it has been deter-

mined that the proposal, as amended by the changes discussed above, be issued. Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

§ 92.11 [Amended]

1. § 92.11(d), the last two sentences are deleted.

2. In § 92.25, paragraph (a) is redesignated as (a)(1), a new paragraph (a)(2) is added and redesignated paragraph (a)(1) is amended to read as follows:

§ 92.25 Special provisions.

(a) *In-bond shipments from Canada.* (1) Cattle, sheep, goats, swine, horses, poultry and birds from Canada transported in-bond through the United States for immediate export shall be inspected at the border port of entry and, when accompanied by an import permit obtained under § 92.4 of this Part and all conditions therein are observed, shall be allowed entry into the United States and shall be otherwise handled as provided in paragraph (d) of § 92.2. Animals not accompanied by a permit shall meet the requirements of this Part in the same manner as animals destined for importation into the United States, except that the Deputy Administrator, Veterinary Services, may permit their inspection at some other point when he finds that such action will not increase the risk that communicable diseases of livestock and poultry will be disseminated to the livestock or poultry of the United States.

(2) *In-transit shipments through Canada.* Animals (including poultry) originating in the United States and transported directly through Canada may re-enter the United States without Canadian health or test certificates when accompanied by copies of the United States export health certificates properly issued and endorsed in accordance with regulations in Part 91 of this chapter; *Provided,* That, to qualify for entry, the date, time, port of entry, and signature of the Canadian Port Veterinarian that inspected the animals for entry into Canada shall be recorded on the United States health certificate, or a paper containing the information shall be attached to the certificate that accompanies the animals. In all cases it shall be determined by the veterinary inspector at the United States port of entry that the animals are the identical animals covered by said certificate.

* * * * *

§ 92.34 [Amended]

3. In § 92.34(c) the last two sentences are deleted.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141.)

It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department. This amendment of the regulations will reduce the time and expense associated with the importation of certain animals without increasing the risk of the introduction or spread of any contagious, infectious or communicable disease of livestock or poultry into the United States.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of April, 1978.

NOTE.—The Animal and Plant Health Inspection Service 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.

PIERRE A. CHALOUX, VMD,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-9544 Filed 4-10-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION [1]

PART 430—ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Energy Efficiency Improvement Targets for Nine Types of Appliances

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule prescribes final energy efficiency improvement targets for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes dryers, room air conditioners, television sets, humidifiers, dehumidifiers, and central air conditioners. Energy efficiency improvement targets are one element of the appliance efficiency program required by the Energy Policy and Conservation Act.

EFFECTIVE DATE: May 15, 1978.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On October 1, 1977, the Department of Energy (DOE) assumed the authority of the Federal Energy Administration (FEA) for the energy conservation program for appliances, pursuant to section 301 of the Department of Energy Organization Act (DOE Act) (Pub. L. 95-91). The energy conservation program for appliances was established by FEA pursuant to Title III, Part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). Section 325 of the Act, as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385), requires that energy efficiency improvement targets be presecribed for certain types of covered appliances, specifically:

(1) Refrigerators and refrigerator-freezers.
(2) Freezers.
(3) Dishwashers.
(4) Clothes dryers.
(5) Water heaters.
(6) Room air conditioners.
(7) Home heating equipment, not including furnaces.
(8) Television sets.
(9) Kitchen ranges and ovens.
(10) Clothes washers.
(11) Humidifiers and dehumidifiers.
(12) Central air conditioners.
(13) Furnaces.

DOE hereby amends Part 430, Chapter II of Title 10, Code of Federal Regulations, in order to establish a Subpart C for the efficiency improvement targets. Proposed efficiency improvement targets for the product types listed in (1) through (10) above are issued by FEA on July 8, 1977 (42 FR 36648, July 15, 1977). Proposed targets for the product types listed in (11) and (12) above were issued on August 4, 1977 (42 FR 40701, August 11, 1977). A proposed target for furnaces was issued on September 23, 1977 (42 FR 52426, September 30, 1977). Public hearings concerning the proposed targets for product types (1) through (10) were held August 16-19, 1977, for product types (11) and (12) on September 14-15, 1977, and for furnaces on November 8, 1977.

The targets for product types (1) through (10) are required by section

[1] EDITORIAL NOTE.—It is contemplated that Chapter II will be renamed at a future date to reflect the fact that it contains regulations administered by the Department of Energy, including regulations administered by the Office of Conservation and Solar Applications.

325 to be designed so that, if met, the aggregate energy efficiency of all such products which are manufactured in 1980 will exceed the aggregate energy efficiency of all such products manufactured in 1972 by the maximum percentage improvement which DOE determines to be economically and technologically feasible, but which in any case is not less than 20 percent. Targets for products (11) through (13) are required to be designed so as to achieve the maximum improvement in energy efficiency determined by DOE to be technologically and economically feasible by 1980.

Analysis leading to the establishment of the targets was accomplished in three stages. First, potential energy efficiency improvement design options for each product type were identified and then analyzed to determine whether they were technologically feasible. The energy savings of individual design options were combined to provide a single target for each product. In the second stage, the economic feasibility of the energy efficiency targets calculated in the first stage was evaluated. In the third stage the individual targets for products (1) through (10) were combined to determine the aggregate energy efficiency improvement of these product types manufactured in 1980 as compared with the aggregate energy efficiency of the same product types manufactured in 1972.

This notice does not prescribe final targets for water heaters, home heating equipment (not including furnaces), kitchen ranges and ovens, and furnaces, because test procedures for these product types are not yet final. In addition, this notice does not prescribe the final target for clothes washers because the 1972 baseline data for this product has not been received from the Association of Home Appliance Manufacturers (AHAM). Since four of these products are in categories (1)–(10) which must meet the 20 percent threshhold requirement of section 325, the aggregate energy efficiency improvement for product types (1)–(10) was calculated using estimates of efficiency improvements for those products not having final test procedures or baseline data. The estimates were derived from the near-final test procedures for each product and analysis of the comments received at the hearings on the proposed efficiency target for each product. Using this method the agregate energy efficiency improvement for product types (1)–(10) is 28 percent.

As envisioned by the Act, the appliance program is responsible for encouraging manufacturers to produce, and consumers to purchase, significantly more efficient appliances by 1980. The Act sets forth two interrelated strategies for accomplishing this objective.

The first is to establish voluntary efficiency improvement targets representing aggregate industry levels of efficiency improvement to be achieved by 1980. As an incentive for the industry to reach these targets, a reporting and monitoring system will be established to track industry progress. In the event that achievement of any target appears unlikely, this system will require DOE to initiate an administrative proceeding to prescribe a mandatory minimum efficiency standard for the product in question.

The second strategy entails development of a labeling program to require that manufacturers label each product with energy information to allow consumer comparisons. The Federal Trade Commission (FTC) is charged with responsibility for devising labeling rules and administering the labeling program.

In conjunction with issuance of the labeling rules, a consumer education effort will enhance consumer awareness of the labels and create a better understanding of the information provided on the labels. This is intended to encourage comparison shopping and to enhance consumer demand for the more efficient products. As a consequence, it is anticipated that manufacturers will be influenced to expedite efficiency improvements for their various product lines to meet market demand.

In order to support these dual strategies, Section 323 of the Act mandates that DOE develop test procedures for the determination of estimated annual operating costs and at least one other measure of energy consumption for each covered product which will assist consumers in making pruchasing decisions. The test procedures, when applied by individual manufacturers to their product lines, will serve two purposes: (1) To provide test related data for FTC mandated product labels and for representations regarding energy consumption; and (2) to provide a comparable measure of the energy efficiency for all products covered by a given test procedure. Test procedure design must be flexible enough to allow for technological variation among different product lines, yet standardized enough to assure that each manufacturer's product line will be subject to the same measurement criteria.

An outline of the provisions of Subparts A, B, and C of Part 430 which have so far been established, including the provisions in today's notice, is as follows:

SUBPART A—GENERAL PROVISIONS

Sec.
430.1 Purpose and scope.
430.2 Definitions.

SUBPART B—TEST PROCEDURES

430.21 Purpose and scope.
Sec.
430.22 Test procedures for measures of energy consumption.
(a) Refrigerators and refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) Water heaters.
(f) Room air conditioners.

* * * * *

(h) Television sets.

* * * * *

(j) Clothes washers.
(k) Humidifiers.
(l) Dehumidifiers.
(m) Central air conditioners.
430.23 Units to be tested [Reserved].
430.24 Representations regarding measures of energy consumption.
(a) Refrigerators and refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) Water heaters.
(f) Room air conditioners.

* * * * *

(h) Television sets.

* * * * *

(j) Clothes washers.
(k) Humidifiers.
(l) Dehumidifiers.
(m) Central air conditioners.

APPENDICES TO SUBPART B

Appendix A1—Uniform Test Method for Measuring the Energy Consumption of Electric Refrigerators and Electric Refrigerator-Freezers.

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Appendix B—Uniform Test Method for Measuring the Energy Consumption of Freezers.
Appendix C—Uniform Test Method for Measuring the Energy Consumption of Dishwashers.
Appendix D—Uniform Test Method for Measuring the Energy Consumption of Clothes Dryers.
Appendix E—Uniform Test Method for Measuring the Energy Consumption of Water Heaters.
Appendix F—Uniform Test Method for Measuring the Energy Consumption of Room Air Conditioners.

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Appendix H—Uniform Test Method for Measuring the Energy Consumption of Television Sets.

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Appendix J—Uniform Test Method for Measuring the Energy Consumption of Clothes Washers.
Appendix K1—Uniform Test Method for Measuring the Energy Consumption of Central System Humidifiers.
Appendix K2—Uniform Test Method for Measuring the Energy Consumption of Room Humidifiers.
Appendix L—Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers.

Appendix M—Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners.

SUBPART C—ENERGY EFFICIENCY IMPROVEMENT TARGETS

Sec.
430.31 Purpose and scope.
430.32 Energy efficiency improvement targets.

(a) Refrigerators and refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) [Reserved]
(f) Room air conditioners.
(g) [Reserved]
(h) Television sets.
(i) [Reserved]
(j) [Reserved]
(k) Humidifiers.
(l) Dehumidifiers.
(m) Central air conditioners.
(n) [Reserved]

II. FINAL TARGET DETERMINATIONS AND DISCUSSION OF COMMENTS

After careful consideration of the oral and written comments received in response to the proposed targets, DOE is today prescribing the following targets (proposed targets which differed from the targets prescribed today are noted in parentheses):

Refrigerators and refrigerator-freezers—39 percent (47 percent).
Freezers—28 percent (30 percent).
Dishwashers—25 percent.
Clothes dryers—8 percent (11 percent).
Room air conditioners—28 percent (30 percent).
Television sets—79 percent.
Humidifiers—0 percent (24 percent).
Dehumidifiers—19 percent (28 percent).
Central air conditioners—21 percent (25 percent).

Major comments received by DOE regarding these targets are summarized and discussed below. For a detailed explanation of the technological and economic methodologies used to arrive at the targets, refer to the FEDERAL REGISTER of July 15, 1977, at page 36648 et seq. Revised economic and technical background papers as well as a micro economic analysis for each product affected by today's action are available for inspection in the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

A. REFRIGERATORS AND REFRIGERATOR-FREEZERS

DOE has determined that an efficiency improvement target of 39 percent for refrigerators and refrigerator-freezers is the maximum improvement which is technologically and economically feasible. Analysis of the comments received showed that interactions between the selected design options reduced the aggregate energy savings from 32 percent to 28 percent for refrigerators and refrigerator-freezers, and reduced the efficiency improvement target from the proposed 47 percent to 39 percent. Table 1 summarizes the final efficiency target and associated energy factors.

TABLE 1.—*Refrigerator and Refrigerator-Freezer Energy Efficiency Improvement Target*

Energy efficiency improvement target (percent)	1972 energy factor cubic feet/kilowatt hours/cycle (24 hrs.)	1980 energy factor cubic feet/kilowatt hours/cycle (24 hrs.)
39	3.80	5.28

1. *Timing.* Comments stated that insufficient time remained to develop and produce new product lines that incorporate all the design options. Some comments specifically indicated that the design option calling for improved insulation required three years to implement. Comments further stated that simultaneous development of many new product lines would overload component manufacturers and safety certification organizations.

It should be noted, however, that the targets only establish guidelines for the percentage increase of the production-weighted energy factor over the period from 1972 to 1980. These guidelines in some cases call for less than 100 percent implementation of some design options. Comments elicited at the hearing revealed that numerous improvements in efficiency have already been implemented, so that the 1977 production-weighted energy factor exceeds the 1972 baseline efficiency. Furthermore, recent study conducted by the National Bureau of Standards (NBS) shows that 98 of 336, or 29.2 percent, of the refrigerator and refrigerator-freezer basic models listed in the 1977 *Directory of Certified Refrigerators and Freezers*, published by AHAM, had energy factors exceeding the 1980 production-weighted energy factor. For these reasons DOE has determined that attainment of the target prescribed today is feasible by 1980.

2. *Material Requirements.* Several comments indicated that shortages in polyurethane foam insulation materials would hinder achievement of the target by 1980. If manufacturers of refrigerators and refrigerator/freezers were to incorporate foam insulation into all their products by 1980, demand for polyurethane foam would increase by about 39,000 tons, according to DOE estimates. As a result, demand for the material currently being used for insulation, fiberglass, would decrease by an equivalent amount. Based on available data, DOE believes that all these adjustments in material supplies are within the scope of the respective supplier industries and that implementation of insulation design options would not be hindered due to supply constraints provided that petroleum, a key ingredient in polyurethane foam, remains in adequate supply.

Comments noted that various State and Federal authorities have indicated an inclination to limit or ban the use of Freon-11, a critical material for the manufacture of polyurethane foam. In the event that laws or regulations are prescribed which render polyurethane foam unavailable, DOE will review and, if justified, amend the final target for refrigerators and refrigerator-freezers. Such an eventuality is speculative, however, and no modification has been made in the rule prescribed today.

3. *Elimination of automatic defrost.* Some comments indicated that automatic defrost should be eliminated in order to save the energy consumed by this feature. DOE has determined that the elimination of automatic defrost is not a viable alternative because the design option has real utility to consumers and the energy savings resulting from the elimination of this feature are questionable at this time.

4. *Roll Out Shelves.* Roll out shelves were suggested as a possible design option to reduce the amount of time that the refrigerator door is open.

According to studies of the energy consumption of refrigeration products commissioned by FEA, the energy consumption attributable to all door openings is approximately five percent. The fraction of this portion of the energy consumption which might be saved by incorporating roll out shelves can be affected by several factors, including the frequency of door openings and the ambient room conditions. Although some energy might be saved in this manner, more energy might also be consumed because of the extra time required to roll out the shelf and the fact that the refrigerator door must be fully open in order to roll out a shelf. Therefore, DOE does not plan to include roll out shelves as a design option.

5. *Venting System.* A suggestion was made to require refrigeration products to be designed so that they would be adaptable to venting systems which would be used to exhaust the heat coming from the condenser and other sources to the exterior of the home during summer months and to the interior of the home during winter months. Preliminary analysis indicates that the additional cost to the consumer for air ducting and installation compared to potential energy saved makes this design option infeasible. Therefore, no adjustment to the target was made to reflect any energy savings which might accrue.

6. *Retail Price Increase Due To Design Option Implementation.* Some

comments stated that FEA's estimated total retail price increase of $45.20, a production-weighted price increase based on FEA's projections of design option implementation, was too low. In support of this statement the commenters estimated a cost increase of $20 to $60 for the addition of foam insulation alone. DOE estimated a price increase of almost $35 for foam insulation, which is slightly below the median point of the range suggested by the comments ($40). This difference of $5 is not in this case economically significant. Further, no evidence was submitted to indicate that a $60 price increase was more likely than a $20 increase.

When the FEA estimated price increase of $35 for foam insulation is production-weighted it reduces to $22 per unit. This production-weighted price increase of $22 was used in determining the $45.20 production-weighted price increase for this product. Therefore, the DOE estimated price increase for refrigerators and refrigerator-freezers remains at $45.20.

7. *Investment.* DOE's estimated investment requirement to implement the design options was almost $1 million per firm or $7.5 million for the industry. Comments indicated that this estimate was too low. A range of $8 million to $48 million per firm was cited as being more realistic. One company stated it had spent $27 million to implement one design option—foam insulation. Detailed cost breakouts to support the validity of these higher investment estimates have not been submitted to DOE. Further, the industry has made substantial progress towards producing high efficiency models, and DOE estimates that 50 to 70 percent of the models currently produced include foam insulation. Based on all available data, DOE has reviewed the investment analysis and finds no basis for changing the original estimates.

The total costs incurred at the time of implementing the design options are highly variable depending upon a company's current facilities and the additional objectives it wishes to achieve. However, other investments which may be undertaken at the time of the design option implementation such as new plant, increased capacity, automated equipment and a product redesign for greater consumer appeal are variable and discretionary, and are not included in the investment required to implement the design options.

8. *Interaction of Design Options.* Comments indicated that the aggregated effects of individual design options on the energy consumption of a refrigerator-freezer are not additive. NBS has reevaluated the selected design options and now agrees that, because of this non-additive relationship, the energy savings potential is less than originally estimated. DOE has, therefore, reduced the target for refrigerators and refrigerator-freezers from 47 percent to 39 percent.

9. *International Competition.* A commenter raised a question as to the international competitive position of domestic firms who must attempt to meet the target. The commenter contended that because most of his products were produced in the U.S. and sold domestically, he would be at a competitive disadvantage with companies who produced abroad and sold relatively few units in the U.S. His comment pointed out that the foreign producer would be in a better competitive position, due to the target program, since he would only be making those energy-saving improvements in his products destined for the U.S. market, leaving the rest of his production unaffected. Because only a portion of the overseas manufacturers' lines would be affected, a foreign firm could then distribute the increased costs over its entire product line, and thus minimize the price impact of energy-savings design options. Because of this cost-spreading, it was contended that foreign producers would gain a price-competitive edge in the U.S. market relative to U.S. producers.

At present, refrigerator imports are focused in the small or compact refrigerator variety which are designed to meet a supplementary refrigerator need. Due to the relatively insignificant and narrowly focused market share of these imports, it does not appear that domestic firms meeting the target will be adversely affected. DOE will continue to monitor market behavior and developments over time for any effects or movements generated from within or without the target program.

A similar comment stated that because of the costs associated with meeting the domestic target, it will be more difficult for U.S. producers to sell products overseas. DOE notes that manufacturers may still ship products outside the U.S. that do not contain the energy-saving devices resulting from the target program. Further, it is clear that the energy shortage and conservation psychology is a worldwide phenomenon with energy prices at even higher levels abroad than they are in the U.S. It follows that appliances which can save significant amounts of energy may find ready markets throughout the world.

B. *Freezers.* DOE has determined that an efficiency improvement target of 28 percent for freezers is the maximum improvement which is technologically and economically feasible. Analysis of the comments received showed that interactions between design options reduced the aggregate energy savings from 23 percent to 22 percent, and reduced the efficiency improvement target from the proposed 30 percent to 28 percent. Table 2 summarizes the final efficiency target and associated energy factors.

TABLE 2.—*Freezer Energy Efficiency Improvement Target*

Energy efficiency improvement target (percent)	1972 energy factor cubic feet/kilowatt hours/cycle (24 hr.)	1980 energy factor cubic feet/kilowatt hours/cycle (24 hr.)
28	7.47	9.57

1. *Retail Price Increase Due To Design Option Implementation.* Comments stated that the DOE retail price increase of $38.25 for freezers, a production weighted figure resulting from the design option implementation, was too low. Since there was a single hearing for refrigerators, refrigerator-freezers, and freezers it was not clear in every instance whether the comments applied to one or both product categories. The design option which generated the most testimony, foam insulation, is the key design option in both products so that the price increase is similar for both. The commenters estimated a cost increase of $20 to $60 for the addition of foam insulation alone. DOE estimated a price increase of almost $30 for foam insulation, which is below the median point of the range suggested by the comments ($40). This difference of $10 is not in this case economically significant. Further, no evidence was submitted to indicate that a $60 price increase was more likely than a $20 increase.

When the DOE estimated price increase of $30 for foam insulation is production-weighted it reduces to $17 per unit. This production-weighted price of $17 was used in determining the $38.25 production-weighted price increase for this product. Therefore, the DOE price increase for freezers remains at $38.25.

2. *Investment.* DOE's estimated investment requirement to implement the design options was $825,000 per firm or $6.7 million for the industry. Comments indicated that this estimate was too low. A range of $8 million to $48 million per firm was cited as being more realistic. However, detailed cost breakouts to support the validity of these higher investment estimates have not been submitted to DOE. Further, the industry has made substantial progress toward producing high efficiency models, and DOE estimates

that over 50 percent of the models currently produced include foam insulation. Based on all available data, DOE has reviewed the investment analysis and finds no basis for changing the original estimates.

The total costs incurred at the time of implementing the design options are highly variable depending upon a company's current facilities and the additional objectives it wishes to achieve. However, other investments which may be undertaken at the time of the design option implementation such as new plant, increased capacity, automated equipment, or product redesign are variable and discretionary, and are not included in the investment required to implement the design options.

3. *Material Requirements.* Several comments indicated that shortages in polyurethane foam insulation materials would hinder achievement of the target by 1980. If manufacturers of refrigerators and refrigerator-freezers were to incorporate foam insulation into all their products by 1980, demand for polyurethane foam would increase by about 10,000 tons, according to DOE estimates. As a result, demand for the material currently being used for insulation, fiberglass, would decrease by an equivalent amount. Based on available data, DOE believes that all these adjustments in material supplies are within the scope of the respective supplier industries and that implementation of insulation design options would not be hindered due to supply constraints provided that petroleum, a key ingredient in polyurethane foam, remains in adequate supply.

4. *Energy Factor.* The method for calculating the energy factor for freezers was modified in the final test procedures for freezers, 10 CFR 430.22(b)(4) (42 FR 46120, September 14, 1977). Although the target prescribed today is not affected by this modification, both the 1972 and 1980 production-weighted energy factors have been adjusted to reflect the modification.

C. *Dishwashers.* DOE has determined that the proposed efficiency improvement target of 25 percent for dishwashers is the maximum improvement which is technologically and economically feasible. Table 3 summarizes the final efficiency target and associated energy factors.

TABLE 3.—*Dishwasher Energy Efficiency Improvement Target*

Energy efficiency improvement target (percent)	1972 energy factor loads/ kilowatt hours	1980 energy factor loads/ kilowatt hours
25	0.241	0.301

1. *Energy Factor.* One manufacturer suggested a need for three dishwasher size categories and three related energy factors, rather than the one size category and one energy factor proposed by FEA. This suggestion was based on the fact that there is some current production of compact dishwashers, and on the hypothesis that large capacity dishwashers might be manufactured in the future. Although the energy factor and the utility of compact models is markedly different from the standard size dishwashers, compacts represent a very small share of the market, and therefore there is no need to calculate a separate energy factor for compact dishwashers even though separate energy factors were calculated for other product categories.

The same manufacturer also stated that the 1972 energy factor determined by DOE is in error, citing production-weighted energy consumption data supplied by AHAM to NBS. Following the hearing, AHAM has supplied DOE with revised baseline data reflecting DOE's final test procedures for dishwashers. DOE has used this data to recalculate the 1972 energy factor at 0.241 loads/kWh.

2. *Improved Fill Controls.* One manufacturer stated that no energy savings would result from improved fill controls. No supportive data was provided to substantiate this statement, however, and another manufacturer stated a position in support of the NBS estimate used by DOE.

Test data collected in NBS laboratories indicate a maximum fill variation of up to 16 percent between cycles on one machine. Variation from one machine to another under varying operating pressures may be even greater. NBS tests of the flow rate of a single solenoid type valve varies almost linearly from 1.6 gallons per minute at 25 pounds per square inch (psi) to 1.79 gallons per minute at 125 psi. Similarly, tests conducted on a dual solenoid valve revealed a flow rate that varied linearly from 1.14 gallons per minute at 25 psi to 1.31 gallons per minute at 75 psi. The flow vs. pressure curve remained essentially flat between 75 psi and 125 psi.

Since there is a significant variation in the flow rate for varying operating pressures, manufacturers schedule the quantity of water per fill to produce acceptable performance level at lower operating pressures. Under higher operating pressure, the quantity of water per fill probably exceeds that required for an acceptable performance level. By improving fill controls, the scheduled quantity of water per fill could be reduced because there would be no need to provide safety margins to protect against low pressure conditions.

DOE agrees with the original NBS estimate of a 3.9 percent energy savings from improved fill controls. Therefore, there will be no revision to the production-weighted energy savings for this design option.

3. *Elimination of One Rinse Cycle.* Some comments indicated that although the estimate of energy savings derived from the elimination of one rinse cycle was reasonable, the result would be a decrease in washing performance. NBS has determined that the resulting energy savings outweigh the slight decrease in performance. NBS believes that a slight reduction in the washing performance will not cause consumers to rewash the dishes or to use a more energy intensive dishwashing mode. Furthermore, recent design changes to improve water filtration and to reduce the amount of residual water carryover from one fill to another can compensate for a slight reduction in performance. Therefore, there has been no revision of the 5.6 percent production-weighted energy savings attributed to this design option.

4. *Change in Geometry.* Several comments indicated that this design option was not feasible. No technical evidence or analysis in support of this claim was provided, however. One manufacturer stated that the best available technology requires about 14 gallons of water per cycle to maintain washing performance. One commenter said that he did not know how to reach the 1980 target, which is equivalent to a level of about 12.5 gallons, without degrading product performance. DOE has reviewed and confirmed its previous determination of technological feasibility. In addition, DOE has learned that there is at least one major dishwasher manufacturer with a standard model now available which uses less than 12 gallons of water per cycle. Therefore, there has been no revision of the estimated energy savings for this design option.

D. *Clothes Dryers.* DOE has determined that an efficiency improvement target of 8 percent for clothes dryers is the maximum improvement which is technologically and economically feasible. Analysis of the comments received indicates that in the proposal FEA overestimated the energy savings of the design options. The energy savings have been reduced from 10 percent to 7 percent, and the efficiency improvement target has been reduced from 11 percent to 8 percent. Table 4 summarizes the final efficiency target and associated energy factors.

TABLE 4.—*Clothes dryer energy efficiency improvement target*

consumption×10[12]	1972 energy consumption × 10[12] Btu	Percent of energy savings	Energy efficiency improvement target in percent	1972[1]	1980[1]
Clothes dryers	15.70	7	8		
Gas	4.91	15	18	1.93	2.28
Electric	10.79	4	4	2.64	2.75

[1] Energy factor in pounds per kilowatt-hour.

1. *Gas-Fueled Clothes Dryer Standing Pilot.* FEA data shows that 38 percent of the 1972 production had standing pilots. One manufacturer stated that the number was significantly lower but provided no alternative data. The 38 percent number was provided to FEA in AHAM's report to FEA entitled "Design/Operating Characteristics Survey" dated October 22, 1976. NBS accepted this data and since no other data was available it was used to establish the target.

2. *Reestablish Base Year Data and Recalculate the Energy Factor.* Testimony stated that the gas dryer base year energy consumption should be 2,684,400 kWh rather than 2,611,900 kWh. Since this data was not available at the time of the NBS base year analysis, and represents a broader industry base than that analysis, DOE agrees that it is proper to revise the 1972 base year energy factor as follows:

1972 Base Year

Energy Consumption = Reported Base Year Energy Consumption x Field Usage Factor x Moisture Adjustment Factor

= 2,684,400 kWh x 1.18 x 1.104

= 3,497,022 kWh

Gas Dryer

$$\text{1972 Energy Factor} = \frac{\text{(clothes load) x (number of loads)}}{\text{1972 Base Year Energy Consumption}}$$

$$= \frac{\text{7 lbs/load x 966,400 loads}}{\text{3,497,022 kWh}}$$

= 1.93 lbs/kWh

The 1.18 field usage factor and the 1.104 moisture removal factor are multiplied by the 1972 baseline energy consumption value to provide data consistency between the AHAM test procedure and the final DOE test procedure. Additional information concerning the moisture removal factor is available in the "Appliance Energy Efficiency Improvement Target for Clothes Dryers" document dated March 16, 1977, which is on file at the DOE Freedom of Information Office. Further information concerning the field usage factors is available in the final test procedures for clothes dryers (42 FR 46145, September 14, 1977). This revision requires no change in the target because the improvement was based on NBS testing of 1972 models, and therefore is independent of the base year data.

3. *Automatic Dryness Control.* Several commenters stated that automatic termination of drying when the clothes reached a predetermined dryness would reduce overdrying and save energy when compared to timed drying. Currently, DOE does not have information that would enable it to estimate energy savings for this option, and so has not incorporated this concept into the target.

4. *Addition of Insulation.* All of the commenters disagreed with the NBS estimate of the 5 percent energy savings associated with the addition of insulation to the interior of the electric clothes dryer cabinet. Industry estimates of such energy savings varied from zero to 2 percent. The 5 percent savings was based on NBS testing of an older clothes dryer which had a lower dryer efficiency and more space for installing insulation.

Subsequent NBS testing indicates an energy savings improvement of approximately 2 percent to 3 percent with reference to a 1972 baseline. Based upon this test data, NBS recommended, and DOE has accepted, a production-weighted energy savings of 2 percent from the addition of insulation to the interior cabinet of clothes dryers.

5. *Electric Heater Element Improvement.* Several commenters voiced opposition to the inclusion of this design option in the target, and one commenter challenged the economic feasibility of the option but failed to provide data to support this claim. DOE has reviewed and confirmed its previous determination of economic feasibility. Furthermore, several comments indicated that the design option is feasible and one manufacturer has already incorporated an improved heating element in production.

E. *Room Air Conditioner.* DOE has determined that an efficiency improvement target of 28 percent for room air conditioners is the maximum which is both technologically and economically feasible. Analysis of the comments received showed that in the proposal FEA overestimated the energy savings of the design options. The energy savings were reduced from 23 percent to 22 percent, and the efficiency improvement target has been reduced from the proposed 30 percent to 28 percent. Table 5 summarizes the final efficiency target and the associated energy efficiency ratios.

TABLE 5.—*Room Air Conditioner Energy Efficiency Improvement Target*

Energy efficiency improvement target (percent)	1972 energy efficiency ratio Btu/watt-hour	1980 energy efficiency ratio Btu/watt-hour
28	6.2	7.94

1. *Credit for Fan Switch.* Arguments

were presented against including the fan switch credit because neither government nor industry has been able to quantify accurately the resulting energy savings. Due to the uncertainty over the amount of credit to be given for this feature, DOE agrees that an appropriate test method for evaluating the energy savings of a fan switch must be developed before including the credit in the target. DOE is currently investigating methods to evaluate this feature accurately and until such a reliable measure exists, this design option has been eliminated from the final target.

2. *Baseline Efficiency Data.* Most comments stated that the 1972 baseline energy efficiency ratio of 6.51 that was submitted to FEA by AHAM should be adjusted to reflect DOE's final test procedure for room air conditioners. Upon request by DOE, AHAM submitted new baseline data which accounted for the discrepancy between the name plate values which were used in industry rating procedures and actual results of tests which were conducted by an independent laboratory in 1972 room air conditioners and which reflect DOE test procedure requirements. After making some minor changes to the methodology used by AHAM to aggregate the data, DOE has revised the 1972 baseline energy efficiency ratio for room air conditioners downward to 6.2.

Because the original FEA analysis for energy savings of individual design options was based on the previous 1972 baseline energy efficiency ratio of 6.51, DOE has revised the energy savings upward for improved compressor efficiency from 5 to 8 percent, and for improved cycle efficiency from 10 to 12 percent. These revisions reflect the improvements necessary to move from an energy efficiency ratio of 6.2 to one of 7.94 and to maintain the 1980 target improvement at the level which is the maximum technologically and economically feasible.

3. *Sales Forecasts.* Some comments stated that DOE sales forecasts appeared too optimistic in comparison with those of industrial associations and individual companies. After review of current sales trends, projected housing starts, and other economic variables, DOE has revised the sales forecasts for several product categories. For room air conditioners, the DOE sales forecast has been revised downward from 6 million units to about 4 million units for 1980. Although past trends and forecast data indicated that room air conditioner sales would recover from the 1974–1975 slowdown in economic activity, it now appears that a structural shift in demand away from room air conditioners, in favor of central air conditioners, has occurred since the slack period, making previous forecasts out of date. DOE has found that central air-conditioning systems have become a standard feature on many new and existing homes, thus limiting potential markets for the room air conditioners.

This revision does not alter previous conclusions concerning the economic feasibility of the proposed target for this product. A lower level of forecasted shipments proportionately reduces both total purchase cost increases and total operating savings. The result is a similar net benefit to consumers.

4. *Retail Cost Increase Due To Design Option Implementation.* A number of comments indicated that FEA's estimated retail cost increase due to the implementation of suggested design options was understated. Only one commenter provided detailed information, which suggested a per-unit cost figure of $64.93 for the implementation of all suggested design options as compared to FEA's estimate of $60.26 in 1980. The variance between these two estimates, only $4.67 (or 8 percent), is small enough to conclude that there is no significant difference between them in terms of an assessment of economic feasibility.

5. *Investment.* DOE's estimated investment requirement to implement the design options was about $625,000 per firm or $8 million for the industry. Comments indicated that this estimate was too low. A range of $1 million to $3 million per firm was cited as being more realistic. Detailed cost breakouts to support the validity of these higher investment estimates have not been submitted to DOE. Further, the two manufacturers with the highest market share already have large productive capacities for high efficiency products. Based on all available data, DOE has reviewed the investment analysis and finds no basis for changing the original estimates.

The total costs incurred at the time of implementing the design options are highly variable depending upon a company's current facilities and the additional objectives it wishes to achieve. However, other investments which may be undertaken at the time of the design option implementation such as automated equipment and product redesign are variable and discretionary, and are not included in the investment required to implement the design options.

F. *Television Sets.* DOE has determined that the proposed efficiency improvement target of 79 percent for television sets is the maximum which is technologically and economically feasible. Table 6 summarizes the final efficiency target and the associated energy factors.

There were no comments on the proposed energy efficiency improvement target for televisions.

TABLE 6.—*Television sets energy efficiency improvement target*

	1972 energy consumption $\times 10^{12}$ Btu	Percent of energy savings	Energy efficiency improvement target in percent	1972[1]	1980[1]
Television receivers	16.70	44	79		
Monochrome	4.83	65	186	35	100
Color	11.87	35	54	65	100

[1] Energy factor in percent.

H. *Humidifiers.* DOE has determined that no improvement in the efficiency of humidifiers is feasible. Comments showed that all humidifiers that could economically be equipped with humidistats are already so equipped. Because the inclusion of humidistats was previously determined by FEA to be the only feasible improvement, the proposed energy efficiency target of 24 percent is reduced to zero.

1. *Humidistats.* The majority of commenters agreed that humidistat control of most humidifiers is necessary in order for the humidifiers to operate properly and efficiently. However, several comments indicated that it would be difficult to redesign certain central system humidifiers to make them operable using humidistat controls. Most of these humidifiers would fall into a group of what commenters have called "uncontrollable" humidifiers, or those with a very low capacity (typically about 6 gallons per day or less). It was pointed out that these low capacity units are not likely to cause overhumidification and therefore require no humidistat. These units represent about 30 percent of total humidifier shipments. DOE agrees with

these comments and has determined that equipping such units with humidistat controls would not be economically feasible.

Of the remaining 70 percent of the market, nearly 45 percent are shipped with humidistats leaving about 25 percent of total humidifier shipments which are "controllable" but which are shipped without humidistat controls. While it would be technologically feasible to equip this remaining group with humidistats as they leave the factory, retail and end-use considerations dictate that this is not an economically viable course of action. These humidifiers are shipped without humidistats because of different electrical voltages prevalent in field applications, and they are equipped with humidistats at the time of installation.

I. *Dehumidifiers.* DOE has determined that for dehumidifiers an efficiency improvement target of 19 percent is the maximum which is technologically and economically feasible. Analysis of the comments received showed that in the proposal FEA overestimated the energy savings of the design options. The energy savings were reduced from 22 percent to 16 percent, and the efficiency improvement target has been reduced from the proposed 28 percent to 19 percent. Table 8 summarizes the final efficiency target and the associated energy factors.

TABLE 8.—*Dehumidifier Energy Efficiency Improvement Target*

Energy efficiency improvement target (percent)	1972 energy factor pints/kilowatt hours	1980 energy factor pints/kilowatt hours
19	1.965	2.338

1. *Investment.* Comments by industry representatives stated that the investment for one design option, improved compressors, would be about $100,000 per firm compared to the FEA estimate of $16,000 per firm. Other comments by manufacturers also stated that the capital investment for another design option, improvement of condenser heat transfer, would be close to $75,000 per firm, compared to the FEA estimate of $10,000 per firm.

DOE has reevaluated its estimate based on information supporting the comments and has revised its estimate upward to reflect the new information. This revised level of investment remains economically feasible because it appears that firms can undertake this higher investment level when compared to previous levels of investment for the industry. The increased investment will have a neglible effect on the price of dehumidifiers.

One comment questioned the upper bound of FEA's estimated range of possible changes in demand. Industry implied that an increase in demand of 30.8 percent is not possible. DOE believes that the low end of the estimated range, or a reduction in demand of 4.4 percent, is the most reasonable estimate of the effects of these design changes. However, as noted in the proposed rulemaking, DOE does not believe that this drop in demand, if it does occur, will adversely affect the economic feasibility of the target.

2. *Baseline Data.* Comments indicated that the 1975 baseline energy factor of 2.27 pints per kWh which was presented in connection with the proposed energy efficiency improvement target was inaccurate. The results of a survey performed by a third party showed that the 1972 production-weighted energy factor was 1.965 pints/kWh. DOE and NBS recognized that the 1975 baseline data presented in connection with the proposed target represented a small sample of basic models and did not reflect production-weighting. Therefore, the new 1972 baseline data reflecting a broader data base and production-weighting has been accepted.

The energy efficiency improvement target for dehumidifiers requires no modification as a result of the change to the 1972 baseline, because the estimates of energy savings resulting from incorporating various design options were derived using an analytical model which did not account for variations in design options of products as manufactured in 1972. This procedure was used due to the lack of information on dehumidifiers available to NBS and DOE. No allowance was made for any design options already incorporated in existing models when the target was calculated and the target was therefore independent of the base year data.

3. *Compressor Motor Efficiency.* Those commenting stated that the estimated energy savings associated with improved compressor motor efficiency were too high.

It was further suggested that time remaining for the implementation of this option was insufficient in light of the unavailability of high efficiency compressor motors. No substantiation of these assessments was offered, however. DOE has contacted various segments of the industry and has been unable to confirm that high efficiency compressor motors would not be available by 1980. Therefore, DOE does not have sufficient basis to justify modifying the energy savings associated with this design option.

4. *Fan Motor Efficiency.* Comments indicated that the adoption of permanent split capacitor fan motors in place of shaded pole fan motors is impractical because the increased production costs compared to potential energy savings showed that this option was not economically feasible. Comments further indicated that energy savings of 1 percent could be obtained by modifying shaded pole fan motors. After review of data on both increased cost and value of resulting energy savings, DOE had determined that the use of permanent split capacitor motors is not economically feasible. DOE now recommends that the energy savings associated with fan motor efficiency should be reduced from 5 percent to 1 percent. The target has been adjusted to reflect this change.

5. *Insulate Interchanger.* Comments indicated and NBS now agrees that the distance between evaporator and condenser in a dehumidifier is so small that insulation of a heat interchanger would be impractical. Therefore, this design option has been eliminated.

6. *Condenser Heat Transfer.* Comments stated that the energy savings resulting from improved condenser heat transfer should be reevaluated. DOE has reviewed the original estimate of energy savings of this design option and has found no new information which justifies modification of the original analysis.

J. *Central Air Conditioners.* DOE has determined that for central air conditioners an efficiency improvement target of 21 percent is the maximum improvement which is technologically and economically feasible. Analysis of the comments received showed that the practical limitations of the implementation of the design option for improving the compressor fan motor reduced the energy savings from 20 to 17 percent, and reduced the efficiency improvement target from the proposed 25 percent to 21 percent. Table 9 summarizes the final efficiency target and the associated energy efficiency ratios.

TABLE 9.—*Central air conditioner energy efficiency improvement target*

	1975 energy consumption $\times 10^{15}$ Btu	Percent of energy savings	Energy efficiency improvement target in percent	1975[1]	1980[1]
Central air conditioners (aggregate)	18.82	17	21	6.5	8.0
Single package	3.01	14	16	6.2	7.2
Split system	15.81	18	22	6.6	8.1

[1] Seasonal energy efficiency ratio in British thermal units per watt-hours.

1. *Investment.* Comments stated that a total of $100 million would be needed by industry to implement design options necessary to achieve the proposed target for this product, rather than the $7 million estimated by FEA. Further comments, however, indicated that the additional expenditures directly attributable to the implementation of targets would be considerably less than $100 million. It should be noted that industry has been working on efficiency improvements over the past several years. This effort has already resulted in more energy-efficient models reaching the retail market. Production facilities already exist for the manufacture of larger condenser evaporator coils, which accounts for nearly 80 percent of the total investment requirement for FEA's suggested design options.

It was also stated in the comments that the larger evaporator coils can be utilized in smaller capacity central air conditioners to improve efficiency. In this instance, a complete redesign, retooling, and the addition of new production facilities would not be necessary in order to improve the efficiencies of a considerable number of units produced. Because the targets apply to those units with a capacity of 65,000 Btu's or less, it is likely that the substitutions mentioned above could be made for most, if not all, of the units covered under the target program.

The FEA estimated investment figure was based on an evaluation of the state of the manufacturing industry at that time, the efficiency levels in 1980 which would result from current expenditures on investment, and the additional expenditures by industry necessary to industry to meet the efficiency target. DOE has reviewed the investment analysis and has found no evidence to support changing the investment estimate.

2. *Implementation Time.* It was stated that the group of selected design options could not be implemented in less than three to five years. Many of these improvements have been under development for several years. NBS and DOE have determined, after careful consideration of these comments, that the proposed two-year lead time for implementation remains feasible.

3. *Condenser Fan Motor Efficiency.* Comments indicated that production-weighted energy savings due to more efficient condenser fan motors were much less than the original FEA estimate because permanent split capacitor motors are already used on units with capacities above 24,000 Btu/hr. Since units of this size or larger make up a major portion of total central air conditioner sales, the production-weighted energy savings resulting from this design option decreased significantly. DOE has revised its original energy savings estimate to reflect a 1 percent production-weighted energy savings due to improving the condenser fan efficiency.

III. General Comments Regarding the Analysis

A. *Projected Shipments for 1980.* In several instances, FEA's projections of the number of shipments for various products in 1980 were criticized. Most of the comments concerning this part of FEA's economic analysis considered the projections to be too high. DOE reviewed these projections for each of the products discussed in this notice and revised the projections in order to account more fully for the effects of the 1974-1975 recession and the unusually slow recovery that has ensued. The downward revision of 1980 appliance shipments was found to have no significant effect on the economic impact of the target because the attendant costs and benefits were reduced commensurably as a result of this revision. The revised forecasts also have a minimal effect on the negative impacts described in Stage IV of the economic analysis section of the proposed target notice (42 FR 35657, July 15, 1977). These impacts relate to employment, investment requirements, and price increases affecting low income groups. The effects are minimal because the revisions still indicate some growth from current levels of shipments.

In addition, reduced 1980 shipments have a negligible impact on retail appliance prices. Two factors lead to this conclusion. First, the primary causes of such a price increase would be variable costs such as materials and labor, and investment generally represents a very small percentage of any price increase related to changes in design. Second, the investment will be spread over all of the products produced during the useful life of the capital equipment needed for the design option so that reduced shipments in 1980 have little effect.

B. *Rate of Price Increase.* The rate of price increase used by FEA to project current appliance prices to 1980 was three percent compounded annually. This annual rate was criticized by industry representatives as being too low. For a period of approximately ten years prior to 1967, the Consumer Price Index (CPI) for appliances actually declined. The decline is widely held to have been a result of substantial increases in appliance manufacturing productivity during that period. In 1967, however, the CPI for appliances began a moderate increase, and escalated sharply during the 1974 and 1975 inflationary periods. Since then, the rate of increase has tapered off considerably and recent projections indicate that the rate of price increases between 1975 and 1980 will be three percent or even less. DOE is basing its current price increase projections on two well-known macro economic simulations which take into account a number of economic variables in arriving at their price forecasts. Both macro economic simulations are in agreement that the annual rate of retail price increases for appliances between 1975 and 1980 will be three percent or less, comparable to the original estimates made by FEA. DOE has found no evidence to support changing the earlier estimate of three percent per year for the rate of price increase appropriate for home appliances.

Even if the rate of appliance price increase proves to be greater than the estimated three percent the exact rate of appliance price increase is not as important as the relationship between fuel price increases and appliance price increases. Since the outlook is for fuel prices to increase at a greater rate than appliance prices there will be larger monetary savings over time resulting from more efficient products. Thus, any appliance price increases resulting from implementation of energy-saving design options can be expected to be recovered by consumers at an accelerating rate because of increasing fuel prices. As long as this relationship exists there will be a net benefit to consumers.

C. *Elasticity Estimates.* Several comments suggested that the elasticity estimates used by FEA were incorrect. Detailed analysis, assumptions, or alternative elasticities were not submitted in support of the comment. DOE has reviewed the relevant economic factors used in the elasticity calculations and has found no basis for changing the elasticities.

D. *Projected Price of Energy.* Comments were also received on FEA's projected price of energy in 1980. DOE has reviewed the estimated future prices of residential electricity, natural gas, and fuel oil. For electricity and natural gas, the price estimates have been revised upward by approximately 7 percent. This revision has a negligible effect on the economic analysis.

E. *Product Safety and Testing.* Comments indicated that the time remain-

ing before 1980 is too short to allow for the necessary testing required to meet electrical and other safety standards. These comments further stated that because many manufacturers do not have their own testing facilities, independent testing and safety laboratories would have to be utilized, which could cause delays in new product certification. Other comments, however, indicated that manufacturers would be working with the testing laboratories in the design and prototype development stages, thereby spreading the necessary testing over time. It was also stated that most testing facilities could easily be expanded and operating hours increased in order to accommodate increased demands for testing. In light of these comments, DOE does not believe product testing will hamper the implementation of targets by the manufacturers.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11730, 39 FR 23185.)

In consideration of the foregoing, Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below to establish efficiency improvement targets for nine appliance types, effective May 15, 1978.

Issued in Washington, D.C., April 5, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

1. Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a Subpart C, to read as follows:

Subpart C—Energy Efficiency Improvement Targets

Sec.
430.31 Purpose and scope.
430.32 Energy efficiency improvement targets.

AUTHORITY: Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; Department of Energy organization Act, Pub. L. 95-91, E.O. 11730, 39 FR 23185.

Subpart C—Energy Efficiency Improvement Targets

§ 430.31 Purpose and scope.

This subpart contains energy efficiency improvement targets required to be prescribed by the Department of Energy pursuant to section 325(a) of the Act.

§ 430.32 Energy efficiency improvement targets.

(a) The energy efficiency improvement target for refrigerators and refrigerator-freezers shall be a 39 percent increase in the energy efficiency of the total number of refrigerators and refrigerator-freezers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of refrigerators and refrigerator-freezers manufactured by all manufacturers in calendar year 1972.

(b) The energy efficiency improvement target for freezers shall be a 28 percent increase in the energy efficiency of the total number of freezers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of freezers manufactured by all manufacturers in calendar year 1972.

(c) The energy efficiency improvement target for dishwashers shall be a 25 percent increase in the energy efficiency of the total number of dishwashers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of dishwashers manufactured by all manufacturers in calendar year 1972.

(d) The energy efficiency improvement target for clothes dryers shall be an 8 percent increase in the energy efficiency of the total number of clothes dryers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of clothes dryers manufactured by all manufacturers in calendar year 1972.

(e) [Reserved]

(f) The energy efficiency improvement target for room air conditioners shall be a 28 percent increase in the energy efficiency of the total number of room air conditioners manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of room air conditioners manufactured by all manufacturers in calendar year 1972.

(g) [Reserved]

(h) The energy efficiency improvement target for television sets shall be a 79 percent increase in the energy efficiency of the total number of television sets manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of television sets manufactured by all manufacturers in calendar year 1972.

(i) [Reserved]

(j) [Reserved]

(k) The energy efficiency improvement target for humidifiers shall be a 0 percent change in the energy efficiency of the total number of humidifiers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of humidifiers manufactured by all manufacturers in calendar year 1972.

(l) The energy efficiency improvement target for dehumidifiers shall be a 19 percent increase in the energy efficiency of the total number of dehumidifiers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of dehumidifiers manufactured by all manufacturers in calendar year 1972.

(m) The energy efficiency improvement target for central air conditioners shall be a 21 percent increase in the energy efficiency of the total number of central air conditioners manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of central air conditioners manufactured by all manufacturers in calendar year 1972.

(n) [Reserved]

[FR Doc. 78-9497 Filed 4-6-78; 9:34 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regulation Y; Docket No. R-0083]

PART 225—BANK HOLDING COMPANIES

Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correction.

SUMMARY: This document corrects a previous FEDERAL REGISTER document.

EFFECTIVE DATE: April 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3274.

In FR Doc. 78-4053 appearing at page 6214 of the issue for Tuesday, February 14, 1978, the last paragraph of footnote 7 should have read, "Orders issued under section 2(g)(3) are published in the Federal Reserve 'Bulletin'."

Board of Governors of the Federal Reserve System, April 3, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-9542 Filed 4-10-78; 8:45 am]

[6210-01]

[Regulation Z; FC-0146]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correction.

SUMMARY: This document corrects an error in Official Staff Interpretation FC-0146.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3946.

In FR Doc. 78-5163 appearing at page 8117 of the issue for Tuesday, February 28, 1978, the last word in the seventeenth line of column three should have read "funds."

Board of Governors of the Federal Reserve System, April 5, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-9541 Filed 4-10-78; 8:45 am]

[3510-24]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR ASSISTANCE

Restrictions on the Use of Lead-based Paint on Projects Assisted by EDA

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule contains a restriction on the use of lead-based paint on projects involving residential structures. EDA is adding this regulation to comply with legislation which requires Federal agencies to assure that Federal funds are not used on projects which could prove hazardous to children. The intended effect of this regulation is to assure that paint which is used on residential buildings assisted by the Agency meets certain standards of safety.

DATES: Effective date: April 11, 1978. Comments by: May 11, 1978.

ADDRESS: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

Information on this regulation only: James F. Marten, U.S. Department of Commerce, Room 7009, Washington, D.C. 20230, 202-377-5441.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development (HUD) is responsible for implementation of the Lead-based Paint Poisoning Prevention Act (see 42 U.S.C. 4831). Under the authority of that Act, HUD has published regulations at 24 CFR Part 35, Subpart F, which require other Federal agencies to publish regulations which assure that the standards relating to the use of lead-based paint are observed in the extension of assistance for the construction or rehabilitation of residential structures. While EDA does not normally extend assistance for "residential structures", it does occasionally approve projects involving hotels and healthcare facilities which are within the definition of "residential structures" as set forth in this document at § 309.29(c)(2). Consequently, EDA is publishing this regulation to comply with Subpart F of 24 CFR Part 35.

Because this regulation relates to grant and loan programs, it is exempt from the notice and comment procedures described in section 553 of the Administrative Procedure Act (5 U.S.C. 553). However, in the spirit of the public policy set forth in that Act, interested persons may submit written suggestions regarding this regulation to the Assistant Secretary for Economic Development at the above address.

NOTE.—EDA has determined that this regulation does not constitute 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.

Accordingly, 13 CFR Part 309 is amended as follows:

By adding a new § 309.29 to read as follows:

§ 309.29 Use of lead-based paints on residential structures.

(a) As required by the Lead-based Paint Poisoning Prevention Act (see 42 U.S.C. 4831), recipients of financial assistance to construct or rehabilitate residential structures shall assure that paint used on the project on applicable surfaces does not contain lead in excess of the percentages set forth in paragraphs (a)(1) and (a)(2) of this section. In determining compliance with these standards, the lead content of the paint will be measured on the basis of total nonvolatile content of the paint or on the basis of an equivalent measure of lead in the dried film of paint already applied.

(1) For paint manufactured on or before June 22, 1977, paint may not contain lead in excess of five-tenths of 1 percent lead by weight.

(2) For paint manufactured after June 22, 1977, paint may not contain lead in excess of 6 one-hundredths of 1 percent lead by weight.

(b) As a condition to receiving assistance under the Act, recipients shall assure that the restriction against the use of lead-based paint is included in all contracts and subcontracts involving the use of Federal funds.

(c) Definitions. (1) "Applicable surfaces" means all interior surfaces and those exterior surfaces which are readily accessible to children under 7 years of age.

(2) "Residential structures" means houses, apartments, or other structures intended for human habitation, including institutional structures where persons reside, which are accessible to children under 7 years of age, such as day care centers, intermediate and extended care facilities, and certain community facilities.

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4 (September 30, 1975), as amended (40 FR 57602, as amended at 40 FR 58878 and 41 FR 35548).)

Dated: April 5, 1978.

ROBERT T. HALL,
Assistant Secretary for Economic Development.

[FR Doc. 78-9511 Filed 4-10-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

Subchapter B—Personnel; Military and Civilian

[DOD Directive 6000.6]

PART 61—MEDICAL MALPRACTICE CLAIMS AGAINST MILITARY AND CIVILIAN PERSONNEL OF THE ARMED FORCES

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: The Department of Defense (DOD) is codifying certain of its operational, organizational, and procedural rules which are currently in use by DOD. This part delegates authority to the Secretaries of the Military Departments to provide relief to health care personnel of the Department of Defense from personal tort liability in connection with their authorized activities, and establishes certain procedures.

EFFECTIVE DATE: August 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Tom G. Morgan, Office Assistant General Counsel (Fiscal Mat-

ters), Room 3D961, Pentagon, Washington, D.C. 20301, telephone 202-697-7228.

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

APRIL 6, 1978.

Accordingly, 32 CFR Chapter I is amended by adding a new Part 61 reading as follows:

Sec.
61.1 Purpose.
61.2 Applicability.
61.3 Delegation of authority.
61.4 Procedures.

AUTHORITY: Pub. L. 94-464, sec. 1(a), 90 Stat. 1985, Title 10, U.S.C., sec. 1089(f), Title 10 U.S.C., sec. 2733 and 5 U.S.C. 301.

§ 61.1 Purpose.

This Directive (a) delegates authority, with the power to redelegate, to the Secretaries of the Military Departments to provide relief to health care personnel of the Department of Defense from personal tort liability in connection with their authorized activities, and (b) establishes procedures to be followed in providing such relief.

§ 61.2 Applicability.

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, and all other Department of Defense Components.

§ 61.3 Delegation of authority.

(a) The authority vested in the Secretary of Defense by Title 10, U.S.C., section 1089(f) hold harmless or provide liability insurance for Department of Defense health care personnel is hereby delegated to (1) the Secretary of each Military Department for military members and civilian employees of his Department, and (2) the Secretary of the Army for civilian employees of the Office of the Secretary of Defense and Department of Defense Components other than the Military Departments (see DOD Directive 5515.9).[1]

(b) The authority delegated above may be redelegated as appropriate and necessary to carry out the provisions of Title 10, U.S.C., section 1089(f).

§ 61.4 Procedures.

(a) In all cases under Title 10, U.S.C., section 1089, medical personnel shall be required to (1) promptly forward all process served upon them or attested true copies thereof to the appropriate official designated by the Secretary of the Military Department concerned; (2) furnish such other information and documents as the Attorney General may request; and (3) comply with the directions of the Attorney General relative to the final disposition of a claim for damages.

(b) The procedures set forth in Title 10, U.S.C., section 2733 and regulations issued pursuant thereto shall be utilized in determining costs, settlements, or judgments under Title 10, U.S.C., section 1089(f).

[1] Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Attention: Code 301.

[FR Doc. 78-9533 Filed 4-10-78; 8:45 am]

[3810-70]

[DOD Directive 1344.3]

PART 81—PATERNITY CLAIMS AND ADOPTION PROCEEDINGS INVOLVING MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule revises and standardizes the procedures for the handling of (a) paternity claims against members and former members of the Armed Forces, and (b) requests from civilian courts concerning the availability of members and former members of the Armed Forces to appear at an adoption hearing where it is alleged that such member is the father of an illegitimate child.

EFFECTIVE DATE: February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. J. A. Badami, USA, JAGC, Assistant Director, Personnel Administration, OASD (MRA&L) (MPP) Room 3C980, Pentagon, Washington, D.C. 20301, 202-695-0625 or 697-9525.

SUPPLEMENTARY INFORMATION: On January 5, 1967, there was published in the FEDERAL REGISTER a final rule adoption effective November 19, 1966 which established policy applicable to the Military Departments on paternity claims against members of the Armed Forces on active duty, not on active duty, and former members. In FR Doc. 77-18990 appearing in the FEDERAL REGISTER on July 5, 1977 the Offices of the Secretary of Defense published a proposed revision to this part. The one comment that was received suggested that "illegitimate child" be changed to "out-of-wedlock child" or "child born out of wedlock." The suggestion was not adopted because the term "illegitimate child" is more clearly understood and defined. Accordingly, 32 CFR Part 81 as proposed at 42 FR 34340, July 5, 1977 is formally adopted to read as set forth below:

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

APRIL 5, 1978.

Sec.
81.1 Reissuance and purpose.
81.2 Applicability.
81.3 Policy.

AUTHORITY: Sec. 301, 80 Stat. 379; (5 U.S.C. 301).

§ 81.1 Reissuance and purpose.

This part reissued DoD Directive 1344.3, "Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces," to standardize procedures for the handling of:

(a) Paternity claims against members and former members of the Armed Forces, and

(b) Requests from civilian courts concerning the availability of members and former members of the Armed Forces to appear at an adoption hearing where it is alleged that such member is the father of an illegitimate child.

§ 81.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 81.3 Policy.

(a) *Members on active duty.* (1) Allegations of paternity against members of the Armed Forces who are on active duty will be transmitted to the individual concerned by the appropriate military authorities.

(2) If there exists a judicial order or decree of paternity or child support duly rendered by a United States or foreign court of competent jurisdiction against such a member, the commanding officer in the appropriate Military Departments will advise the member of his moral and legal obligations as well as his legal rights in the matter. See 42 U.S.C. 659. The member will be encouraged to render the necessary financial support to the child and take any other action considered proper under the circumstances.

(3) Communications from a judge of a civilian court, including a court summons or a judical order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that an active duty member is the father of an illegitimate child, shall receive a reply that:

(i) Due to military requirements, the member cannot be granted leave to attend any court hearing until (date), or

(ii) A request by the member for leave to attend an adoption court hearing on (date), if made, would be approved, or

(iii) The member has stated in a sworn written statement (forward a copy with response) that he is not the natural parent of the child, or

(iv) Due to the member's unavailability caused by a specific reason, a completely responsive answer cannnot be made.

(4) The member should be informed of the inquiry and the response and urged to obtain legal assistance for guidance (including an explanation of sections of the Soldiers' and Sailor' Civil Relief Act, 50 U.S.C. Appendix, Section 501 et seq., if appropriate).

(b) *Members not on active duty.* (1) Allegations of paternity against members of the Armed Forces who are not on active duty shall be forwarded to the individual concerned in such manner as to ensure that the allegations are delivered to the addressee only. Military channels will be used when practicable.

(2) Communications from a judge of a civilian court, including a court summons or judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that the member not on active duty is the father of an illegitimate child shall receive a reply that such person is not on active duty. A copy of the communication and the reply will be forwarded to the named individual.

(3) When requested by a court, the last known address of inactive members may be furnished under the same conditions as set forth for former members under § 81.3(c)(2) (i) and (ii).

(c) *Former members.* (1) In all cases of allegations of paternity against former members of the Armed Forces or communication from a judge of a civilian court, including a judicial summons or court order, concerning the adoption of an illegitimate child of former members of the Armed Forces who have been separated from the Military Services, i.e., those members now holding no military status whatsoever, the claimant or requester will be (i) informed of the date of discharge, and (ii) advised that the individual concerned is no longer a member of the Armed Forces in any capacity, and that the Military Departments assume no responsibility for the whereabouts of individuals no longer under their jurisdiction. The correspondence and all accompanying documentation shall be returned to the claimant or requester.

(2) In addition, the last known address of the former member will be furnished to the requester:

(i) If the request is supported by a certified copy of either:

(A) A judicial order or decree of paternity or support duly rendered against a former member by a United States or foreign court of competent jurisdiction; or

(B) A document which establishes that the former member has made an official admission or statement acknowledging paternity or responsibility for support of a child before a court of competent jurisdiction, administrative or executive agency, or official authorized to receive it; or

(C) A court summons, judicial order, or similar document of a court within the United States in a case concerning the adoption of an illegitimate child; wherein the former serviceman is alleged to be the father.

(ii) If the claimant, with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father to protect the physical health of either the prospective mother or the unborn child.

[FR Doc. 78-9534 Filed 4-10-78; 8:45 am]

[3810-70]

SUBCHAPTER E—DEFENSE CONTRACTING

[DOD Directive 5000.35]

PART 160—DEFENSE ACQUISITION REGULATORY SYSTEM

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: The Department of Defense is codifying certain of its operational, organizational, and procedural rules which are currently in use by DOD. This Part establishes policy and procedures for the management and operation of the Department of Defense acquisition regulatory system.

EFFECTIVE DATE: March 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Dale R. Babione, Director, Contracts System Acquisition, Office of the Deputy Under Secretary of Defense (Acquisition Policy), Office of the Under Secretary of Defense for Research and Engineering, Washington, D.C. 20301, telephone 202-697-8177.

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

APRIL 6, 1978.

Accordingly, 32 CFR Chapter I is amended by adding a new Part 160 reading as follows:

Sec.
160.1 Purpose.
160.2 Applicability.
160.3 Definitions.
160.4 Policy and procedures.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 137.

§ 160.1 Purpose.

This part establishes policy and procedures for the management and operation of the Department of Defense acquisition regulatory system.

§ 160.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Military Departments and the Defense Agencies. These provisions also apply to other Federal agencies that are directed by the Office of Federal Procurement Policy (OFPP), Office of Management and Budget, to comply with the provisions of this part.

§ 160.3 Definitions.

(a) *Acquisition.* Any relationship entered into to acquire property or services for the direct benefit or use of the Department of Defense to include the management and business functions and disciplines involved in establishing and continuing the relationship.

(b) *Contracts.* A function including tasks, skills and activities essential in conducting contractual relationships in the acquisition of property and services by the Department of Defense. The term "contracts" shall replace the term "procurement" as used in the context of an acquisition function throughout the Department.

(c) *Procurement.* The term "procurement" shall not be used to identify functions of the Department of Defense to acquire property and services except as relates to the budgetary process.

§ 160.4 Policy and procedures.

(a) *Defense Acquisition Regulatory System.* The Defense Acquisition Regulatory System (DARS) is a system of policies and regulations to guide managers in the conduct of DOD acquisition activities and also to provide the detailed functional regulations required to govern DOD contractual actions in accordance with applicable laws and the need for efficiency. The DARS focuses on the business management needs at the operating levels and on the Government's actions at the interface with the marketplace in the acquisition of services and materiel. Attention shall be given to the unique business demands in the area of major system acquisitions consistent with policies set forth in 32 CFR 213, DOD Directive 5000.2[1] and OMB Circular A-109.

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[1] Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval

Footnotes continued on next page

(1) The DARS shall be managed as a system of integrated, coordinated policies and regulations, responsive to the needs of the Department of Defense and to the provisions of the Federal Procurement Regulatory System. Where feasible, the DARS will achieve uniform policies with the Federal Procurement Regulation.

(2) The Deputy Under Secretary of Defense for Research and Engineering (Acquisition Policy), OUSD/R&E, is responsible for the DARS and for the development and implementation of the necessary policy and procedures of the regulatory system.

(b) *DARS Regulations.* DARS policy and procedures shall be published in the Defense Acquisition Regulation (DAR) and in DOD Directives, Instructions, Circulars and Manuals as appropriate to the action. The DAR replaces the Armed Services Procurement Regulation (ASPR), and all laws, policy and procedures applicable to the ASPR apply equally to the DAR except as those policies and procedures not directed by law are changed by the provisions of this part. Effective with the issue of this part, the ASPR is redesignated as the DAR and all policies and procedures continue in force.

(c) *Defense Acquisition Regulatory Council.* The Defense Acquisition Regulatory Council (DARC) is established to support the Council Director in the management of the DARS and in the development and implementation of required policy and procedures. The DARC includes all functions formerly performed by the Armed Services Procurement Regulation Committee.

(1) *Council Membership.* The DARC membership shall include a Policy and a Legal representative from each of the Military Departments and from the Defense Logistics Agency (DLA). Each Military Department Policy member shall be appointed by the Assistant Secretary having responsibility for the acquisition function in the Department. The Legal representative shall be appointed by the Department General Counsel. The DLA members shall be appointed by the Director, DLA. Each appointment to the Council shall be made for a minimum term of 2 years and a maximum of 4 years as a principal full-time assignment approved by the Deputy Under Secretary of Defense (Acquisition Policy). Members appointed to the DARC shall have extensive acquisition experience in order to deal with the matters to come before the Council. Policy members shall be authorized to develop and state the final positions of their respective organizations on all matters before the Council. Each member shall have a TOP SECRET security clearance.

(2) *Council Director.* The Director (Contracts and System Acquisition), OUSD/R&E, shall appoint the Council Director. Such appointment shall be subject to the approval of the Deputy Under Secretary of Defense (Acquisition Policy).

(3) *Council Executive Secretary.* The Executive Secretary, DARC, shall be appointed by and serve under the direction of the Council Director.

(d) *Operation of the DARC.* The Council shall operate under the direction of the Council Director to develop and implement acquisition policy and procedures.

(1) Council activities shall be conducted according to rules and procedures established by the Council Director within the policy guidance issued by the Director (Contracts and System Acquisition), OUSD/R&E.

(2) The DARC shall consider all matters determined by the Council Director to be within the scope of the Council's responsibilities.

(3) Substantive changes to DARS policy and procedures may be proposed by submitting appropriate recommendations to include specific regulatory language to the Director (Contracts and System Acquisition), through the following officials. Proposed routine administrative changes may be submitted directly to the Council Director.

(i) *DOD Organizations.* The Military Departments, the Defense Agencies and the Office of the Joint Chiefs of Staff shall submit recommendations through a designated senior official responsible for acquisition policy matters. OSD staffs shall submit recommendations through the staff principals.

(ii) *Federal Agencies.* Other Federal agencies, required by OFPP to conduct acquisition functions in accordance with DARS policy, shall submit proposed changes through a senior agency official designated by the agency head to represent the agency on all matters involving the DARS. The designated official shall be authorized to communicate directly with the DARC and to give final coordination for the agency.

(iii) *Private Sector.* Private sector entities with an interest in DARS policy will submit proposed changes directly. Industry associations will designate an individual to the Council Director and establish procedures for the individual to represent the association in commenting on DARS policy actions prior to final action by the Council. The procedures will provide for the completion of industry actions with the Council on a schedule not to exceed 60 days.

(4) The Council Director is authorized to establish working groups to support the Council in dealing with issues in specilized areas. The Council Director will request the participation of representatives with the required expertise from OSD staff elements, Military Departments and Defense Agencies. Working groups will be assigned specific tasks by the Council Director to be completed on a schedule established with the task assignment.

(5) The Council Director is authorized to designate a Military Department of DLA to be the lead agency in developing a specific policy or procedure for the DARS. The Council Director shall make the assignment through the Policy member of the designated lead agency. The lead agency shall develop the proposed language for the DARS, complete the coordination requested by the Council Director, document nonconcurrences together with the position of the lead agency, and submit the completed action to the Council Director through the lead agency's Policy member. The procedure for accomplishing the task shall be determined by the lead agency. DOD activities shall provide support as requested by the lead agency.

(6) The Council Director shall establish schedules for the completion of each case before the Council based on the needs and urgency of the individual cases. Schedules shall require completion of the Council's action in a period not to exceed 120 days independent of industry coordination, except in specific cases where the Council Director determines an extended schedule is required. In such cases, the schedule will be approved by the Deputy Under Secretary of Defense (Acquisition Policy) or his designated representative.

(7) On matters of major policy or issues where a consensus of the Policy members has not been achieved after a reasonable period of debate, the Council Director shall present the Departmental and Agency positions to the Deputy Under Secretary (Acquisition Policy), or his designated representative for resolution after consultation with the appropriate senior officials of the Military Departments and DLA. The decision of the Deputy Under Secretary of Defense (Acquisition Policy), or his designated representative shall be implemented without further coordination.

(8) The Council Director shall require summary minutes of Council meetings to be maintained as a permanent record by the Executive Secretary. Minutes will clearly document the positions of the participating organizations on matters before the Council. The positions stated by other organizations shall be documented when in disagreement with the final decision.

(9) The Council Director shall report periodically to the Deputy Under Sec-

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retary of Defense (Acquisition Policy) on specific activities of the Council.

(e) *Supplementing Instructions.* Additional policies and procedures essential to the operation of the DARS shall be issued by the Under Secretary of Defense for Research and Engineering.

[FR Doc. 78-9540 Filed 4-10-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

CHARACTER OF DISCHARGE

AGENCY: Veteran Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is issuing regulations to implement a new law enacted October 8, 1977. The effect of the new law is five fold. First, benefits cannot continue to be paid or granted based solely on an upgraded honorable or general discharge issued by a service department discharge review board under one of the special discharge upgrade programs announced by Presidents Ford and Carter. However, this prohibition does not apply if the service department discharge review board concerned determines that the discharge would have been upgraded as a result of an individual case review under uniform published standards which are historically consistent with criteria for determining honorable service, and do not contain any criterion for automatically granting or denying an upgraded discharge. Second, a service person who received a discharge from service under other than honorable conditions on the basis of unauthorized absence for a continuous period of at least 180 days is barred from receiving Veterans Administration benefits unless there were compelling circumstances warranting the prolonged absence. No overpayments will be created when benefits currently being paid are terminated as a result of either of the foregoing provisions. Third, the decision of a discharge review board on or after October 8, 1977 may no longer remove a statutory bar to benefit entitlement. Fourth, persons who honorably completed a period of service equal to the period of their initial obligation when they were not discharged or released at that time because of an intervening reenlistment which terminated under dishonorable conditions are made eligible for benefits based on the period of initial obligation. Fifth, former service persons with administrative discharges under other than honorable conditions are entitled to health-care treatment for their service-connected illnesses and injuries unless a statutory bar to benefits applies.

EFFECTIVE DATE: October 8, 1977.

FOR FURTHER INFORMATION CONTACT:

T. H. Spindle (211B), 202-389-3005.

SUPPLEMENTARY INFORMATION: On pages 2737 through 2740 of the FEDERAL REGISTER of January 19, 1978, there was published notice of proposed regulations to implement Pub. L. 95-126 (91 Stat. 1106).

Interested persons were given 30 days to submit comments, suggestions, or objections to the proposed regulations. We received 13 letters that contained a number of suggestions and objections to the proposed regulations. In addition, the letters contained a number of suggestions or objections that are either unrelated to Pub. L. 95-126 implementation, or deal with procedural matters, such as Veterans Administration interreaction with the various service departments in implementing Pub. L. 95-126, or would require legislation to implement. Only those comments concerning regulatory development needed to implement Pub. L. 95-126 are dealt with here. Suggestions for rulemaking that are beyond the scope of the proposed rule will be considered separately.

One commentator suggested that we not use the term "other than honorable discharge" since this could be construed to include a general discharge. He suggested, instead, use of the term "discharge under other than honorable conditions". We agree since a general discharge is under honorable conditions. The final rule reflects this change in terminology. This commentator also made a number of non-substantive drafting suggestions which we like. They make the rules easier to understand. Changes in § 3.12 (g) and (h) and § 3.13 (b) and (c) implement his suggestions. In addition, this commentator pointed out that Pub. L. 95-126 does not require the Veterans Administration to determine whether a discharge under other than honorable conditions was issued under dishonorable conditions before determining eligibility for health care. The commentator is correct. Section 3.360 is, therefore, amended to delete any reference to a character of discharge determination. The title of § 3.360 has also been changed. The new title is more in agreement with statutory language.

In the proposed § 3.12(c)(6) implementing the 180-day AWOL bar we said that the bar was for consideration in any case in which a person was discharged under other than honorable conditions and during the period of service so terminated, the person was AWOL for a continuous period of at least 180 days. Commentators observed that the 180-day AWOL bar should be for consideration only when a discharge under other than honorable conditions was issued on the basis of a continous unauthorized absence of at least 180 days. We agree. The final regulation incorporates this change.

Another issue raised by many commentators concerns the factors to consider in determining whether compelling circumstances exist. Several commentators thought the proposed § 3.12(c)(6)(ii) entirely too liberal and suggested that we adopt a narrower definition of what would constitute compelling circumstances for going AWOL. Others thought § 3.12(c)(6)(ii) was not broad enough. They believed that compelling circumstances should be found to exist when AWOL resulted from such things as alcoholism, drug abuse, incarceration in a civilian penal institution, etc. We find that adoption of any of these suggestions would be inconsistent with the intent of the law.

We think one suggestion concerning the compelling circumstance factors has merit. The commentator believes compelling circumstances should be held to exist if there is a valid legal defense which would have precluded a conviction for the 180-day or more continuous period of AWOL. We agree that compelling circumstances can occur as a matter of law if the absence could not validly be charged as, or lead to a conviction of, an offense against the Uniform Code of Military Justice. This factor has been included in the final rule.

In determining whether compelling circumstances exist our proposed rule stated that the length and character of service exclusive of the period of prolonged AWOL should be of such quality and length that it can be characterized as honest, faithful and meritorious and of benefit to the Nation. Several commentators felt this factor was unrelated to whether compelling circumstances exist. We think otherwise for a number of reasons. First, under § 3.12(d)(4) a discharge under other than honorable conditions issued for a minor offense is not considered to have been issued under dishonorable conditions if service was otherwise honest, faithful, and meritorious. We believe that if compelling circumstances are found to exist, the AWOL period can be considered analogous to a minor offense and, therefore, service exclusive of the AWOL period should be honest, faithful and meritorious. Second, Veterans Administration benefits have historically been

considered by Congress as a reward for honest, faithful, and meritorious service. In addition, minimum periods of entitling service have been established for such benefits as a loan guaranty, non-service-connected disability pension, and educational assistance. Third, a compelling circumstance reason for going AWOL is somewhat suspect in the case of a person whose period of actual service was charterized by frequent episodes of misconduct.

It has also been suggested that when a discharge review board decisional document reflects that a discharge was upgraded as a result of a factual finding that the absence was excused as a matter of law, such factual determination made by the discharge review board shall be res judicata on the Veterans Administration. We do not concur in this proposition. Pub. L. 95-126 states that compelling circumstances must be demonstrated to the satisfaction of the Administrator. This requires an independent determination by the Veterans Administration on the question of compelling circumstances.

Another suggested change which we are unable to support is that any period of time that a service person was absent beyond the period of service obligation should be disregarded in calculating the 180-day continuous AWOL period. An individual is AWOL until he or she returns to military control. Therefore, we must count periods of AWOL extending beyond termination date of service obligation in determining whether the 180-day AWOL bar is for consideration.

The commentator felt that our proposed regulations were defective because they failed to include the following:

That all former servicemembers who have clemency discharges will have their eligibility for benefits determined according to the same standards applied to former servicemembers who have other than honorable discharges; that all former servicemembers who have had a clemency discharge upgraded to a general discharge by a board for correction of military records shall be eligible for benefits; and that all former servicemembers who have had a clemency discharge upgraded to a general discharge by a discharge review board shall be eligible for benefits unless a bar exists and, where appropriate, no compelling circumstances exist.

We believe that the regulations do include or provide for these rules. There is no other authority for the Veterans Administration to determine whether a discharge under other than honorable conditions was issued under conditions other than dishonorable except § 3.12 (by use of the term "clemency" we assume the commentator is referring to an other than honorable discharge upgrade under one of the special discharge review programs). All Veterans Administration character of discharge determinations are made pursuant to § 3.12. A decision of a board for correction of records can remove any bar to Veterans Administration benefit entitlement. This is stated in § 3.12(e). An honorable or general discharge issued by a discharge review board sets aside any bar to benefit entitlement imposed by § 3.12(d) when the conditions stated in paragraphs (g) and (h) of § 3.12 are met.

It was also suggested that § 3.12 (i) and (j) should be amended to authorize payment in cases subject to Pub. L. 95-126 in which claims processing was stopped shortly before enactment. Claims processing of these cases was halted because the length of time needed to process the cases meant that payment would be made after October 8, 1977. We believe our action was in accordance with the law and its intent, and, therefore, cannot agree to this proposal. We lack the legal authority to extend the April 7, 1978 deadline which we were also asked to do.

We agree with the commentator who thought the reference in the proposed § 3.12(c)(6) to § 3.12(c)(2) is misleading. He said it implied that an upgraded discharge issued by a board for correction of military records under 10 U.S.C. 1552 could not remove the bar to Veterans Administration benefit entitlement imposed as a result of discharge by reason of the sentence of a general court-martial. Consequently, we have amended § 3.12(c)(6) to specifically state that only a decision of a board for correction of records under 10 U.S.C. 1552 can remove the bar to benefit entitlement imposed when discharge was by reason of a sentence of a general court-martial.

Another commentator suggested that in § 3.12(c)(6)(ii), first sentence, we change the words "may be given" to "are entitled to" and delete the word "may" when next appearing. The final rule includes this change.

The amendments to §§ 3.12, 3.13 and 3.360 are set forth below.

Approved: April 5, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 3.12, paragraphs (c)(6), (g), (h), (i) and (j) are added and paragraphs (c)(5) and (f) are revised so that the revised and added material reads as follows:

§ 3.12 Character of discharge.

* * * * *

(c) Benefits are not payable where the veteran was discharged or released under one of the following conditions:

* * * * *

(5) As an alien during a period of hostilities, where it is affirmatively shown that the veteran requested his or her release. See § 3.7(b).

(6) By reason of a discharge under other than honorable conditions issued as a result of an absence without official leave (AWOL) for a continuous period of at least 180 days. This bar to benefit entitlement does not apply if there are compelling circumstances to warrant the prolonged unauthorized absence. This bar applies to any person awarded an honorable or general discharge prior to October 8, 1977, under one of the programs listed in paragraph (h) of this section, and to any person who prior to October 8, 1977, had not otherwise established basic eligibility to receive Veterans Administration benefits. The term "established basic eligibility to receive Veterans Administration benefits" means either a Veterans Administration determination that an other than honorable discharge was issued under conditions other than dishonorable, or an upgraded honorable or general discharge issued prior to October 8, 1977, under criteria other than those prescribed by one of the programs listed in paragraph (h) of this section. However, if a person was discharged or released by reason of the sentence of a general court-martial, only a finding of insanity (paragraph (b) of this section) or a decision of a board of correction of records established under 10 U.S.C. 1552 can establish basic eligibility to receive Veterans Administration benefits. The following factors will be considered in determining whether there are compelling circumstances to warrant the prolonged unauthorized absence.

(i) Length and character of service exclusive of the period of prolonged AWOL. Service exclusive of the period of prolonged AWOL should generally be of such quality and length that it can be characterized as honest, faithful and meritorious and of benefit to the Nation.

(ii) Reasons for going AWOL. Reasons which are entitled to be given consideration when offered by the claimant include family emergencies or obligations, or similar types of obligations or duties owed to third parties. The reasons for going AWOL should be evaluated in terms of the person's age, cultural background, educational level and judgmental maturity. Consideration should be given to how the situation appeared to the person himself or herself, and not how the adjudicator might have reacted. Hardship or suffering incurred during overseas service, or as a result of combat

wounds of other service-incurred or aggravated disability, is to be carefully and sympathetically considered in evaluating the person's state of mind at the time the prolonged AWOL period began.

(iii) A valid legal defense exists for the absence which would have precluded a conviction for AWOL. Compelling circumstances could occur as a matter of law if the absence could not validly be charged as, or lead to a conviction of, an offense under the Uniform Code of Military Justice. For purposes of this paragraph the defense must go directly to the substantive issue of absence rather than to procedures, technicalities or formalities.

(38 U.S.C. 3103(a).)

* * * * *

(f) An honorable or general discharge issued prior to October 8, 1977, under authority other than that listed in paragraph (h) (1), (2) and (3) of this section by a discharge review board established under 10 U.S.C. 1553 set aside any bar to benefits imposed under paragraph (c) or (d) of this section except the bar contained in paragraph (c)(2) of this section.

(g) An honorable or general discharge issued on or after October 8, 1977, by a discharge review board established under 10 U.S.C. 1553 sets aside any bar to benefits imposed under paragraph (d) of this section when the following conditions are met:

(1) The discharge is upgraded as a result of an individual case review, and

(2) The discharge is upgraded under uniform published standards and procedures generally applicable to all persons administratively discharged or released from active military, naval or air service under conditions other than honorable; and such standards are historically consistent with criteria for determining honorable service and do not include any criterion for automatically granting or denying an upgraded discharge.

However, an honorable or general discharge issued on or after October 8, 1977, by a discharge review board established under 10 U.S.C. 1553 does not set aside any bar to benefits imposed under paragraph (c) of this section.

(h) An honorable or general discharge awarded under one of the following programs does not remove any bar to benefits imposed by paragraph (c) or (d) of this section:

(1) The President's directive of January 19, 1977, initiating further action with respect to Presidential Proclamation 4313 of September 16, 1974, or

(2) The Department of Defense's special discharge review program effective April 5, 1977, or

(3) Any discharge review program implemented after April 5, 1977, and not made applicable to all persons administratively discharged or released from active military, naval, or air service under other than honorable conditions.

However, if a discharge review board established under 10 U.S.C. 1553 determines on an individual case basis, in the case of a person who was issued an honorable or general discharge under any such program after October 8, 1977, that an upgraded discharge would be awarded under standards conforming to paragraph (g) (1) and (2) of this section, that determination removes any bar to benefits imposed by paragraph (d) of this section.

(i) No overpayments shall be created as a result of payments made after October 8, 1977, based on an upgraded honorable or general discharge issued under one of the programs listed in paragraph (h) of this section which would not be awarded under the standards set forth in paragraph (g) of this section. Accounts in payment status on or after October 8, 1977, shall be terminated the end of the month in which it is determined that the original other than honorable discharge was not issued under conditions other than dishonorable following notice from the appropriate discharge review board that the discharge would not have been upgraded under the standards set forth in paragraph (g) of this section, or April 7, 1978, whichever is the earliest. Accounts in suspense (either before or after October 8, 1977) shall be terminated on the date of last payment or April 7, 1978, whichever is the earliest.

(j) No overpayment shall be created as a result of payments made after October 8, 1977, in cases in which the bar contained in paragraph (c)(6) of this section is for application. Accounts in payment status on or after October 8, 1977, shall be terminated at the end of the month in which it is determined that compelling circumstances do not exist, or April 7, 1978, whichever is the earliest. Accounts in suspense (either before or after October 8, 1977) shall be terminated on the date of last payment, or April 7, 1978, whichever is the earliest.

2. In § 3.13, paragraph (b) is revised and paragraph (c) is added so that the revised and added material reads as follows:

§ 3.13 Discharge to change status.

* * * * *

(b) Except as provided in paragraph (c) of this section, the entire period of service under the circumstances stated in paragraph (a) of this section constitutes one period of service and entitlement will be determined by the character of the final termination of such period of active service except that, for death pension purposes, § 3.3(d)(3) is controlling as to basic entitlement when the conditions prescribed therein are met.

(c) Despite the fact that no unconditional discharge may have been issued, a person shall be considered to have been unconditionally discharged or released from active military, naval or air service when the following conditions are met:

(1) The person served in the active military, naval or air service for the period of time the person was obligated to serve at the time of entry into service;

(2) The person was not discharged or released from such service at the time of completing that period of obligation due to an intervening enlistment or reenlistment; and

(3) The person would have been eligible for a discharge or release under conditions other than dishonorable at that time except for the intervening enlistment or reenlistment.

3. Section 3.360 is added to read as follows:

§ 3.360 Service-connected health-care eligibility of certain persons administratively discharged under other than honorable condition.

(a) *General.* The health-care and related benefits authorized by chapter 17 of title 38, United States Code shall be provided to certain former service persons with administrative discharges under other than honorable conditions for any disability incurred or aggravated during active military, naval, or air service in line of duty.

(b) *Discharge categorization.* With certain exceptions such benefits shall be furnished for any disability incurred or aggravated during a period of service terminated by a discharge under other than honorable conditions. Specifically, they may not be furnished for any disability incurred or aggravated during a period of service terminated by a bad conduct discharge or when one of the bars listed in § 3.12(c) applies.

(c) *Eligibility criteria.* In making determinations of health-care eligibility the same criteria will be used as is now applicable to determinations of service incurrence and in line of duty when there is no character of discharge bar.

[FR Doc. 78-9556 Filed 4-10-78; 8:45 am]

[1505-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 876-1; PP 7F2005/R143]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Bentazon

Correction

In FR Doc. 78-8878 appearing at page 14019 in the issue for Tuesday, April 4, 1978, the first line of the first full paragraph in the middle column on page 14020 should read, "Part 180, Subpart C, § 180.355."

[4310-10]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Subpart B—Inspection of Records

CONFIDENTIALITY OF COAL INFORMATION

AGENCY: Department of the Interior.

ACTION: Final regulation.

SUMMARY: These regulations govern the availability to the public of categories of data and information concerning coal obtained by the Department of the Interior from various sources. The regulations are intended to implement amendments made in 1976 to the Mineral Leasing Act.

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Lawrence G. McBride (202-343-4803), Division of Energy and Resources or Chedville L. Martin (202-343-5207), Division of Surface Mining, Office of the Solicitor, U.S. Department of the Interior.

SUPPLEMENTARY INFORMATION: On January 25, 1977, at 42 FR 4496, the Department of the Interior issued a notice of proposed rulemaking on the handling of mineral resource data and information in the Department's possession which may be entitled to confidential treatment. The notice proposed establishing procedures for the assertion of claims of confidentiality, and proposed substantive criteria for use in confidentiality determinations, procedures for advance confidentiality determinations, rules for disclosure of confidential information, rules relating to safeguarding mineral resource information, and special rules governing the release of certain information obtained by the Department under the Mineral Leasing Act of February 25, 1920, as amended. The last mentioned rule was intended to implement amendments to that Act by the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976, 90 Stat. 1083; 30 U.S.C. 181 et seq.).

The rule being adopted today is that portion of the proposed rulemaking designated as § 2.30 in the January 25, 1977, notice. The Department has decided not to proceed with the rulemaking process on the balance of the proposed regulations, designated as § 2.20 through 2.28, because the Department agrees with the objections received that some of the procedures in the proposed regulations may infringe upon procedural rights granted under the Freedom of Information Act (5 U.S.C. § 552). Specifically, the proposal that a requester of potentially confidential mineral resource data and information under the Freedom of Information Act would be informed that his request was initially denied, pending a final determination of the confidentiality of the data by the Office of the Solicitor, might violate the requirement that an agency determine within ten working days after receipt of a request for records whether to comply with the request or grant a right of appeal to the head of the agency from denial of the request. The Department will continue to study the January 25, 1977, proposal to determine if its objectives can be achieved by alternative methods.

The primary author of the proposed rules was Chedville L. Martin, staff attorney, Office of the Solicitor, 202-343-5207. The primary author of the final rule was Lawrence McBride, staff attorney, Office of the Solicitor, 202-343-4803.

DISCUSSION OF COMMENTS

Three commenters discussed § 2.30 (now renumbered § 2.20). One commenter objected to the entire section on the grounds that § 2.30(b)(1), items i, ii, iii, and iv (now § 2.20(b)(1)-(4)) involve studies paid for by taxpayers and should be made available to mining companies to help them evaluate deposits. This is not true of "item i" information; it is largely not true of "item iv" information. The Department has not accepted this objection as it pertains to "item iii" for the reason that the Congress in Pub. L. 94-377 specifically directed the Secretary to withhold from public disclosure the relevant coal information and data for the period of time stated in section 8A(d). "Item ii" information will be made public for reasons set out below.

Another commenter suggested that § 2.30(c)(5) (now § 2.20(c)(5)) be eliminated for the reason that it does not include the discretionary authority granted to the Secretary by the Act to release information on the fair market value of coal subject to lease prior to issuance of a lease. The Department agrees with this objection. However, it has decided to revise this provision to include the discretionary authority to release information on the fair market value of coal to be leased if the Secretary determines it is in the public interest rather than delete the provision altogether.

The comment was made that § 2.30 (now § 2.20) does not cover data submitted by lessees. It does not because none of the amendments made by Pub. L. 94-377 relate to such data. Those data remain subject to the general provisions of 43 CFR Part 2.

Finally, one commenter objected to § 2.30(c)(2) (now § 2.20(c)(2)) on the grounds that this provision would allow a bureauwide discretion to contract for exploratory coal drilling without disclosing the results to the public. We agree that the first sentence of section 8A(d) of the Mineral Lands Leasing Act, as amended at 90 Stat. 1088, requires the Department to make all Category B information public. The rule has been changed to effect this provision of law.

The Department has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated March 31, 1978.

JAMES A. JOSEPH,
Acting Secretary.

In consideration of the foregoing, 43 CFR Part 2, Subpart B, is amended by the addition of a § 2.20 to read as follows:

§ 2.20 Special rules governing certain information concerning coal obtained under the Mineral Leasing Act.

(a) *Definition.* As used in the section:

(1) "Act" means the Mineral Leasing Act of February 25, 1920, as amended by the Act of August 4, 1976, Pub. L. 94-377, 90 Stat. 1083 (30 U.S.C. § 181 et seq.), and the Mineral Leasing Act for Acquired lands, as amended (30 U.S.C. § 351 et seq.)

(2) "Exploration license" means a license issued by the Secretary of the Interior to conduct coal exploration operations on land subject to the Act pursuant to the authority in section 2 (b) of the Act, as amended (30 U.S.C. 201(b)).

(3) "Fair-market value of coal to be leased" means the minimum amount

of a bid the Secretary has determined he is willing to accept in leasing coal within leasing tracts offered in general lease sales or reserved and offered for lease to public bodies, including Federal agencies, rural electric cooperatives, or non-profit corporations controlled by any of such entities pursuant to section 2(a) of the Act (30 U.S.C. 201(a)(1)).

(4) "Information" means data, statistics, samples and other facts, whether analyzed or processed or not, pertaining to federal coal resources, which fit within an exemption to the Freedom of Information Act, 5 U.S.C. § 552(b).

(b) *Applicability.* This section applies to the following categories of information:

(1) *Category A.* Information provided to or obtained by a bureau under section 2(b)(3) of the Act from the holder of an exploration license;

(2) *Category B.* Information acquired from commercial or other sources under service contract with Geological Survey pursuant to section 8A(b) of the Act, and information developed by the Geological Survey under an exploratory program authorized by section 8A of the Act;

(3) *Category C.* Information obtained from commercial sources which the commercial source acquired while not under contract with the United States Government;

(4) *Category D.* Information provided to the Secretary by a federal department or agency pursuant to section 8A(e) of the Act; and

(5) *Category E.* The fair-market value of coal to be leased and comments received by the Secretary with respect to such value.

(c) *Availability of Information.* Information obtained by the Department from various sources will be made available to the public as follows:

(1) *Category A—Information.* Category A information shall not be disclosed to the public until after the areas to which the information pertains have been leased by the Department, or until the Secretary determines that release of the information to the public would not damage the competitive position of the holder of the exploration license, whichever comes first.

(2) *Category B—Information.* Category B information shall not be withheld from the public; it will be made available by means of and at the time of open filing or publication by Geological Survey.

(3) *Category C—Information.* Category C information shall not be made available to the public until after the areas to which the information pertains have been leased by the Department.

(4) *Category D—Information.* Category D information shall be made available to the public under the terms and conditions to which, at the time he acquired it, the head of the department or agency from whom the Secretary later obtained the information agreed.

(5) *Category E—Information.* Category E information shall not be made public until the lands to which the information pertains have been leased, or until the Secretary has determined that its release prior to the issuance of a lease is in the public interest.

[FR Doc. 78-9567 Filed 4-10-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS

PART 1249—REPORTS OF MOTOR CARRIERS

PART 1250—REPORTS OF WATER CARRIERS

PART 1251—REPORTS OF FREIGHT FORWARDERS

Corporate Disclosure Regulations; Filing Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Filing Procedures Adopted Concerning Docket 36141—Corporate Disclosure Regulations.

SUMMARY: The Interstate Commerce Commission adopted procedures set forth below to eliminate the filing of duplicate information with other government agencies. These procedures are intended to reduce the paperwork burden on carriers reporting to the Commission.

EFFECTIVE DATE: March 30, 1978.

SUPPLEMENTARY INFORMATION: In view of the possibility that certain information required under the Commission's corporate disclosure regulations might duplicate information required to be filed with other government agencies, the following procedures are adopted:

Whenever a respondent believes a duplicate filing has been made with another agency, the respondent should submit a copy of that filing to the Commission for determination of sufficiency.

If we determine that the filing will satisfy our needs, we will notify the respondent who can eliminate the pertinent information from the Corporate Disclosure schedules and reference the previous submission.

This procedure assures that the respondent will not be required to reformat information already provided to other agencies and present it on the Corporate Disclosure schedules.

The submission of potential substitute filings for review, as well as questions or requests for further information should be directed to James H. Bayne, Chief, Section of Reports, Interstate Commerce Commission, Washington, D.C. 20423, telephone No. 202-275-7331.

JAMES B. THOMAS, Jr.,
Director, Bureau of Accounts.

[FR Doc. 78-9582 Filed 4-10-78; 8:45 am]

[7035-01]

[S.O. 1304; Exception No. 2]

PART 1033—CAR SERVICE

Union Pacific Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Exception No. 2 to Corrected Service Order No. 1304).

SUMMARY: Service Order No. 1304 restricts the number of jumbo covered hopper cars that a railroad may place in unit-grain-train service to twenty (20) percent of its ownership of such cars, or to the number operated in unit-grain-train service on February 15, 1978, whichever is the lesser. Exception No. 2 authorizes the Union Pacific to increase the number of its jumbo covered hoppers in unit grain train service to 1466 cars, or 14.7 percent of its ownership of such cars in order to comply with shipper requests for such cars for transporting grain from Colorado, Kansas and Nebraska origins to destinations on the West Coast.

DATES: Effective April 3, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Exception is printed in full below.

EXCEPTION UNDER SECTION (a), PARAGRAPH (6), CORRECTED SERVICE ORDER No. 1304

Railroad Service Board Members Joel E. Burns, Robert S. Turkington and John R. Michael.

EXCEPTION NO. 2

To: Union Pacific Railroad Co.

By the Board.

The Union Pacific Railroad Co. (UP), on March 28, 1978, has requested authority to operate a total of 1,466 jumbo covered hopper cars in unit-grain-train service, an increase of 485 cars over the number in that service on March 1, 1978. The new total is 14.7 percent of UP's ownership of such cars and is substantially below the 20 percent limitation required by Section

(a)(1) of Corrected Service Order No. 1304. There is a need for the use of these additional cars in unit-grain-train services on the UP for the transportation of grain in large quantities from origins in Colorado, Kansas, and Nebraska, to destinations on the West Coast. In the opinion of the Railroad Service Board, the operation by the UP of 1,466 jumbo covered hopper cars in unit-grain-train service will not have a significant impact upon the UP's ability to supply jumbo covered hopper cars to other grain shippers dependent upon the UP for their car supplies.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Section (a)(6) of Corrected Service Order No. 1304, the Union Pacific Railroad Co. is authorized to operate 1,466 of its jumbo covered hopper cars in unit-grain-train service regardless of the provisions of Section (a)(5) of the order.

Effective: March 31, 1978.

Issued at Washington, D.C., March 31, 1978.

JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 78-9583 Filed 4-10-78; 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.

[1505-01]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[9 CFR Part 381]

WATER IN POULTRY CHILLERS

Adjustment in Required Levels

Correction

In FR Doc. 78-8818 appearing at page 14043 in the FEDERAL REGISTER issue of Tuesday, April 4, 1978, at page 14046, in the first column, a paragraph was left out. Please insert the following paragraph before the paragraph beginning with "As we see it, discussion of the merits * * *":

Several commenters argued that it will be very difficult to ascertain which applicants for compensation really represent the public interest. NLCPI criticized the opinion that "the regulated industry presents one view the public interest offers another *single* view and the two views are diametrically opposed." It points out, for example, that an industry opposing a proposed regulation intended to protect consumers will not argue that consumers do not deserve protection, but instead will argue that the protection is not worth the cost. It also points out that there can often be large subclasses of consumers with divergent views of the public interest. We quite agree, and over the years have observed the same phenomenon. We do not believe, however, that uncertainty about who "represents the public interest" compels the conclusion that a compensation program would be impracticable or inappropriate. Indeed, this very uncertainty highlights the need for a program to ensure the effective and undiluted representation of a variety of views.

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 211, 212]

SIMPLIFICATION OF CRUDE OIL PRICE CONTROLS

Advance Notice of Proposed Rulemaking; Public Hearing; Inquiry

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Inquiry (Advance Notice of Proposed Rulemaking and Public Hearing).

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") is issuing this Notice to receive preliminary comment on simplifying the crude oil price control program by using a modified version of the entitlements program as the primary mechanism for regulating first sale prices of domestic crude oil. Principal objectives of an entitlements-based crude oil price system would be to provide producers and refiners greater flexibility in pricing individual transactions and to eliminate as much of the current regulatory burden on crude oil producers and resellers as possible without affecting current benefits of price controls to consumers. Commenters are requested to provide other proposals and suggestions for the elimination or reduction of unnecessary complexity in the present crude oil pricing and entitlements programs, while still accomplishing the current policy objectives of price controls.

DATES: Comments by May 26, 1978; Washington, D.C. hearing: May 24, 1978; Houston, Tex. hearing: May 22, 1978; requests to speak by May 12, 1978.

ADDRESSES: Send all comments and requests to speak for the Washington hearing to: Public Hearing Management, Box SR, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461; send requests to speak for the Houston hearing to Department of Energy, attention: Arlene Millard, 2626 Mockingbird Lane, Dallas, Tex. 75235.

HEARING LOCATIONS: Washington, D.C. hearing: Room 2105, 2000 M Street NW., Washington, D.C. 20461; Houston, Tex. Hearing: Federal Building, Room 7006, 515 Rusk, Houston, Tex.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Department of Energy, 2000 M Street NW., Room 2214 B, Washington, D.C. 20461, 202-254-5201.

Ed Vilade (Media Relations), Department of Energy, 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Stephen W. Hall (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 8222, Washington, D.C. 20461, 202-632-8494.

Douglas W. McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128-I, Washington, D.C. 20461, 202-254-8660.

Samuel M. Bradley (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Background
II. Issues for Consideration In This Notice of Inquiry
A. General Purpose of This Inquiry
B. Use of the Entitlements Program to Regulate First Sale Prices of Domestic Crude Oil
III. Specific Requests for Comments
IV. Comment Procedures
V. Appendix
A. History of Domestic Crude Oil Ceiling Price Regulations
1. Emergency Petroleum Allocation Act of 1973
2. Energy Policy and Conservation Act
3. Energy Conservation and Production Act
B. Domestic Crude Oil Allocation (Entitlements) Program

I. BACKGROUND

Two principal regulatory programs concerning domestic crude oil prices are relevant to this Inquiry. The first is the crude oil first sale price control program, which establishes ceiling prices in first sales by producers of various categories of domestic crude oil. The second is the "old oil allocation," or entitlements program, which generally serves to equalize the differences in refiners' acquisition costs that would otherwise result from unequal access by refiners to the various categories of price-controlled and market-priced crude oil.

There are presently three "tiers" of domestic crude oil prices. Lower tier, or "old," crude oil is subject to a ceiling price equal to the highest posted field price for that crude oil on May 15, 1973, plus $1.35 per barrel, plus certain upward adjustments that have been allowed since February 1976 to take account of domestic inflation and to provide a production incentive. Old crude oil is projected to sell for an average first sale price of $5.38 per barrel in April 1978. Generally speaking, old crude oil is that volume of

crude oil currently produced and sold from a property each month up to the property's Base Production Control Level ("BPCL"), which is either (i) the average monthly amount of all crude oil produced and sold from the property in 1972, or (ii) the average monthly amount of old crude oil produced and sold from the property in 1975, whichever is less.

Upper tier, or "new," crude oil is in effect that volume of crude oil produced and sold from a property in excess of the property's BPCL (including all crude oil produced and sold from a property that first began producing crude oil after 1972). The ceiling price for upper tier crude oil is the highest posted field price for uncontrolled crude oil on September 30, 1975, minus $1.32 per barrel, plus cerain upward adjustments that have been allowed since February 1976 to take account of domestic inflation and to provide a production incentive. New crude oil is projected to sell for an average first sale price of $12.02 per barrel in April 1978.

The third category of domestic crude oil production, the "exempt" category, may be sold at whatever price the market will permit (currently about $14.00 per barrel on the average). This category includes crude oil produced and sold from stripper well properties (those which have produced 10 barrels or less per well per day during any preceding consecutive 12 month period commencing after December 31, 1972) and crude oil produced and sold from the Naval Petroleum Reserves. The first sale of imported crude oil into U.S. commerce is also not subject to ceiling prices of any kind.

Under the provisions of Section 8 of the Emergency Petroleum Allocation Act of 1973 ("EPAA," Pub. L. 93-159), which was added to the EPAA by the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163), and later amended by the Energy Conservation and Production Act ("ECPA," Pub. L. 94-385), the actual weighted average first sale ("composite") price of all domestic crude oil could not exceed $7.66 per barrel in February 1976, subject to escalation thereafter by an amount which could not exceed in the aggregate 10 percent per year.

Price controls on domestic crude oil result in wide disparities in crude oil prices. Those refiners with access to disproportionate volumes of domestic, price-controlled crude oil would have a substantial competitive advantage over those refiners reliant on disproportionate volumes of uncontrolled domestic or imported crude oil, were it not for the entitlements program, which was adopted by the Federal Energy Administration in November 1974. That program was designed to allocate, and thus give each refiner relatively equal access to, price-controlled crude oil. The program does not physically allocate price-controlled crude oil; rather, it requires the transfer of cash payments among refiners based upon their relative use of each category of crude oil, so as to roughly equalize their crude oil acquisition costs while avoiding the logistical problems that would be associated with massive physical transfers of crude oil.

Briefly stated, the mechanics of the entitlements program are as follows: Each month refiners report to ERA for a prior month their crude oil runs to stills, receipts of three categories of crude oil (lower tier, upper tier and exempt domestic crude oils, Alaska North Slope oil and imported crude oil), and their actual weighted average acquisition costs for crude oil in each price category. From this data, ERA determines and publishes a National Domestic Crude Oil Supply Ratio ("DOSR"), which is the ratio for the month of all refiners' receipts of price-controlled crude oil to all refiners' crude oil runs to stills. Thus, for example, if the DOSR is .25 and a particular refiner processed 100 barrels of crude oil that month, that refiner would be issued 25 entitlements. If the refiner actually refined more than 25 barrels of price-controlled crude oil in that month, it would have to purchase entitlements from a refiner that refined less than the average, and vice-versa. The price of an entitlement is specified as exactly equal to the difference between the weighted average cost per barrel to refiners of old crude oil and the weighted average cost of imported, Alaska North Slope and domestic exempt crude oil, minus 21 cents.[1]

The original purpose of the entitlements program, as noted, was to eliminate the cost disparities among refiners caused by the crude oil price controls. However, the obligation of a refiner to purchase an entitlement for each barrel of price-controlled crude oil that it refines in excess of the national average also operates as a constraint on the price a refiner is willing to pay for crude oil in a specific category. Thus, the price controls on the first sale of domestic crude oil are in certain respects redundant in the context of the subsequently adopted entitlements program. One purpose of this proceeding is to explore the potential benefits of using a modified version of the entitlements program both to equalize refiner acquisition costs and as the means to control first sale prices of domestic crude oil.

[1]The foregoing is a brief description of the crude oil pricing and entitlements programs. For those unfamiliar with these programs who want to understand them in greater detail, there is attached as an Appendix to this Notice a more extensive description of the programs and their historical development.

II. Issues for Consideration in This Notice of Inquiry

A. General Purpose of This Inquiry

President Carter has directed the Executive Branch to simplify and reform complex regulatory programs. Executive Order 12044 "Improving Government Regulations," (43 FR 12661, March 24, 1978) states the policy as follows:

> Regulations shall be as simple and clear as possible. They shall achieve legislative goals effectively and efficiently. They shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments.
>
> (43 FR at 12661, March 24, 1978.)

The Secretary of Energy has established a Regulatory Reform Task Force, chaired by the Deputy Secretary, to implement this reform program in the DOE. The Secretary has charged the Task Force to conduct a rigorous review of existing regulatory activities in the DOE. Currently, two of the DOE's most complex regulatory programs are the price and entitlements programs applicable to crude oil in transactions from the wellhead to the refinery gate. These programs have developed in stages over the past five years, during which time they have steadily increased in complexity, diminished in responsiveness to current market conditions, created greater data reporting burdens on industry and data analysis and enforcement burdens on the government, and may well have undermined the competitive viability of some segments of the petroleum industry. They are therefore a prime condidate for the regulatory reform efforts.

B. Use of the Entitlements Program to Regulate First Sale Prices of Domestic Crude Oil

In this Inquiry, we are asking for suggestions and comments on appropriate means by which the current crude oil price control and entitlements programs can be simplified. In particular, we invite comments on the feasibility and desirability of using the entitlements program, rather than the present ceiling price regulations, as the primary mechanism for regulating first sale prices of domestic crude oil, as discussed more fully below, the objectives of an entitlements-based crude oil price control system are to reduce present and potential regulatory burdens of the current program and to expand the role of the market system in determining specific transaction prices in sales of domestic, price-controlled crude oil. This could permit eventual elimination of the present crude oil ceiling price regulations, a

more adequate equalization of refiners' crude oil costs, and creation of a market environment appropriate for exemption of crude oil resellers from the price and allocation controls.

In principle, an entitlements-based crude oil price control system would utilize a specified entitlement price as the only regulatory constraint on prices for domestic, price-controlled crude oil. Under this system, the price of an entitlement could be announced in advance for a month or quarter. It would be established at an amount designed to result in actual first sale prices for domestic crude oil that are consistent with the National Energy Plan pricing policies and the EPAA composite price limitations. Current ceiling price restrictions could ultimately be eliminated or otherwise removed as a primary control mechanism over first sale prices for domestic crude oil.

For the first month (or quarter) of operation of the new pricing system, the entitlement price could be established on the basis of the most recent month's entitlements data, an appropriate crude oil price increase as reflected in the then-current schedule of monthly price adjustments, and projections of uncontrolled crude oil prices for the forthcoming month (or quarter). For succeeding months (or quarters), if the specified entitlement price resulted in actual first sale prices for domestic crude oils that exceeded the levels permitted under the EPAA or that were otherwise inconsistent with the current pricing policy, we could maintain or increase, as appropriate, the following month's (or quarter's) entitlement price, thus restraining the prices refiners would be willing to pay for domestic crude oils. The entitlement price also could be reduced periodically to permit domestic crude oil prices to increase at a rate consistent with current pricing policy.

The following example illustrates the operation of an entitlements-based crude oil price control system. The example assumes for purposes of illustration that such a system had been adopted effective November 1, 1977 and that the pre-determined entitlement price was established on a monthly basis (rather than for a longer period, such as three months, which is also a possibility). As indicated above, assuming no change in the projected price of uncontrolled crude oil, the entitlement price for the first month of operation would have been established on the basis of the most recent month's entitlements data (i.e., August 1977) and the appropriate price increase specified in the then-current schedule of monthly price adjustments (i.e., Schedule No. 8). Accordingly, the entitlement price for lower tier crude oil for the first month would have been $8.87 per barrel, calculated as follows:

$8.87=$8.96 [entitlement price for August 1977 ($8.75) plus 21 cents][2] less 9 cents.[3]

The entitlement price for upper tier crude oil would have been $2.44 per barrel, which is equal to the difference between the weighted average cost of uncontrolled crude oil and the weighted average cost of upper tier crude oil in August 1977 ($3.22), less 78 cents.[4]

If an entitlements-based price control system had been adopted, refiners purchasing crude oil in November 1977 presumably would have paid no more for a barrel of lower tier crude oil than its current uncontrolled market value, less $8.87, the entitlement price that would have been established for lower tier crude oil. Similarly, refiners presumably would have paid no more for a barrel of upper tier crude oil than its current uncontrolled market value, less $2.44, the entitlement price that would have been established for upper tier crude oil. Thus, for example, if the delivered price for a particular imported low sulfur crude oil was $15.30 per barrel in November 1977, a refiner presumably would have been willing to pay $6.43 per barrel for comparable lower tier domestic crude oil ($15.30−8.87=$6.43). Lowering the entitlement price to, say, $8.65 should have increased the price that the refiner would be willing to pay for the domestic crude oil by 22 cents ($15.30−8.65=$6.65), and raising the entitlement price presumably should have had the opposite effect.

As is the case under the present ceiling price regulations, under an entitlements-based crude oil price system first purchasers of crude oil from producers would have reported in January 1978 the first sale prices for lower tier and upper tier crude oil in November. If the actual composite price for November 1977 for price-controlled domestic crude oil had varied significantly from the actual composite price projected for November 1977 in Crude Oil Price Schedule No. 8, the ERA could have made adjustments to the pre-determined entitlement price for subsequent months to compensate for the variance. In addition, also as under the current regulations, refiners would have reported in January 1978 their crude oil runs to stills and the volumes of lower tier and upper tier crude oil in their crude oil receipts in November 1977. On the basis of this information, the ERA would have determined the DOSR, and entitlements would have been issued to refiners based on their crude oil runs to stills multiplied by the DOSR. Refiners also would have reported their weighted average costs for lower tier, upper tier, stripper, other exempt domestic crude oils, and imported crude oils. These data also would be used in calculating succeeding months' pre-determined entitlements prices. The requirement in 10 CFR 212.131 regarding certification by producers and resellers of the volumes of lower tier, upper tier, and exempt crude oil sold in each transaction would remain unchanged.

There are several potential advantages of such an entitlements-based crude oil price control system. First, it possibly could allow ceiling prices on first sales of domestic crude oil to be eliminated entirely, thus eliminating the burdens imposed currently on producers to understand and maintain compliance with these complex rules. It might also allow price controls to be eliminated insofar as they apply to crude oil resellers, since their prices also would be effectively restrained by entitlements obligations imposed on refiners. These changes, if adopted, would reduce ERA's enforcement effort regarding price controls to determining whether the domestic crude pricing categories are properly certified in each transaction.

Another potential advantage of an entitlements-based system is that relative prices paid for domestic crude oils of different qualities within a particular pricing category would be determined by the market. Under the current program, the fact that the value of an entitlement is computed on the basis of weighted averages—coupled with the fact that ceiling prices, which in most parts of the country reflect actual selling prices, have frozen quality differentials among various types of crude oil in effect as of May 15, 1973 (in the case of old crude oil) and September 30, 1975 (in the case of new crude oil)—has caused certain distortions in the price control and entitlements programs that result in their not reflecting the present relative values of various types of crude oil. Since these base dates, there have been changes in the crude oil supply and demand picture that have caused certain crude oils to increase in value

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[2] As indicated above, under the current entitlements program, the entitlement price for a month is the exact differential between the weighted average per barrel costs to refiners of lower tier crude oil and of imported and exempt domestic crude oil, less 21 cents. For the purposes of this illustration, the 21 cent advantage for domestic crude oil has been eliminated. In the absence of ceiling prices, an advantage for domestic crude oil could not be maintained in its present form, inasmuch as any reduction in the entitlement price would result in higher first sale prices for domestic crude oil. This is not to suggest, however, that the advantage would not be retained in some form.

[3] Crude Oil Price Schedule No. 8, effective September 1, 1977, provided that lower tier ceiling prices for November 1977 would be 9 cents per barrel above lower tier ceiling prices for August 1977.

[4] Crude Oil Price Schedule No. 8 provided that ceiling prices for upper tier crude oil for November 1977 would be 78 cents above ceiling prices for August 1977.

relative to others. For example, the disproportionate decline in light crude oil production in the U.S. (and the precipitous reduction by the Canadian government in light crude oil exports to the U.S.) and the increasingly stringent requirements that are being imposed by air quality agencies on sulfur oxide emissions have increased the value of light, low-sulfur crude oils generally, relative to the heavier, high-sulfur oils. These changes are not, and cannot be, reflected in the current regulatory program.

Under an entitlements-based system as described above, prices in individual transactions would not be controlled by the ceiling prices, but rather by the predetermined entitlement price, and refiners would bid for the various qualities of domestic price-controlled crude oil on the basis of the prevailing price for comparable imports, less the entitlement price. Accordingly, producers and refiners would have the flexibility to negotiate prices in individual transactions for various grades of crude oil in response to current market conditions.

III. Specific Requests for Comments

Comments are requested on any means by which the existing ceiling price and entitlements programs for crude oil can be simplified and make better use of market forces, while at the same time accomplishing the current policy objectives of price controls. These comments should include, but need not be limited to, an evaluation of an entitlements-based price control system like that described in this Notice. You are encouraged to provide your own analysis of any pricing or other problems addressed in this Inquiry. You also are encouraged to recommend alternative approaches that would achieve the objectives of this Inquiry. In addition, but without intending to limit the scope of the information received, we would like particularly to receive views on the following matters:

1. Under an entitlements-based pricing system like that described in this Notice, how could the entitlement price be determined to ensure that the actual composite price for domestic crude oil is consistent with the EPAA, which allows the compsite of all domestic crude oil proces to rise at a rate of not more than 10 percent a year, and the National Energy Plan, which calls for allowing lower tier and upper tier prices to rise at not more than the rate of inflation as measured by the GNP deflator? How could the inflation adjustment be reflected in the calculation of the entitlement price? Is it possible to calculate the entitlement price with sufficient precision to maintain strict compliance with the composite price limitations of the EPCA?

2. In order to ease the transition from a ceiling price to an entitlements-based price control system, should current ceiling prices applicable on a property-by-property basis be raised only gradually over the first several months (but at a rate faster than the rate it is currenly being increased—i.e., the rate of inflation) until they no longer have a restraining effect on actual prices? If so, at what rate should ceiling prices be raised?

3. If, for the first month of operation of the new pricing system, the entitlement price were established at the level of the entitlement price for the prior month plus 21 cents and ceiling prices were either eliminated or raised immediately to the point where they no longer have a restraining effect on actual prices, what crude oils (identify at least by general location, pricing tier, and quality) would likely increase or decrease in price?

4. What would be the likely impact of a pricing system such as that described in this Notice on the competitiveness of different sectors of the refining industry?

5. If an entitlements-based crude oil pricing system were adopted, would it be legally possible, under Sections 4, 8 and 12 of the EPAA, to eliminate ceiling prices on crude oil prior to May 1979 (when authority granted under the EPAA is discretionary rather than mandatory)? Should ceiling prices be eliminated if it is legally possible to do so? If so, what practical problems would be created?

6. In addition to restoring a market system for setting the relative price differentials among different qualities of price-controlled domestic crude oil, an entitlements-based price control system might also permit the removal of current price and allocation controls on crude oil resellers. Under the system as outlined above, refiners presumably would negotiate with resellers the prices they would be willing to pay for specific grades of domestic crude oil. Since a refiner presumably would be unwilling to pay a price for a given grade of domestic crude oil in excess of the delivered cost of uncontrolled crude oil of the same quality, less the entitlement price, and producers presumably would attempt to obtain the highest lawful prices for their crude oil, the prices charged by resellers should be effectively restrained by the market at competitive levels. Comments are requested as to whether this analysis is generally accurate and, in addition, as to the practical problems, if any, that would be created if crude oil resellers were exempted from the price and allocation regulations.

7. Could the present reporting requirements for first purchasers and refiners be reduced in any respect if an entitlements-based pricing system were adopted? Would the compliance burden on such firms under the new pricing system be greater or less than that under the present regulations in the following specific areas: recordkeeping, reporting, and on-site auditor presence?

8. Would establishing the entitlement price for a period in excess of a month (e.g., 3 months) provide a greater degree of pricing certainty, and give market forces more time to react to entitlements values established by ERA? If the entitlement prices were established for a 3-month period, would it be feasible and desirable for refiners and first purchasers to submit reports for the same period, rather than on a monthly basis as required under the present regulations?

9. Are the present price differentials among the various qualities of crude oil the result to any significant degree of any factors not discussed in this Inquiry? If so, please identify these factors, discuss their relative significance, and explain how they affect price differentials.

10. What are the prices of comparable qualities of domestic crude oil in different regions of the country? Why do these differences occur? How should these differences be taken into account in any new pricing system? Would the regional entitlements program described in the recent Notice of Proposed Rulemaking and Public Hearing concerning additional entitlement and pricing measures for heavy California crude oil (43 FR 8150, February 28, 1978; hearings were held March 30–31, 1978)—that is, a separate entitlements program for PADD-V—be an effective and workable method for taking account of these regional differences? How should such a system be implemented?

11. Use of a single entitlement price for each category of crude oil in an entitlements-based price control system could be expected to result in an increase in the first sale prices of lower tier light, low-sulfur domestic crude oils above current ceiling prices, to reflect current price differentials on the world market. On the other hand, the first sale prices of heavy, high-sulfur crude oils might decrease absent special entitlements treatment for such crude oils. In the California Notice cited above, we requested comments as to whether different entitlement prices should be established for discrete gravity ranges of crude oil and for crude oils of different sulfur content. Would it be desirable and workable to use different entitlement prices based upon gravity or sulfur content under a new pricing system as presented in this Inquiry? How should the different entitlement prices be determined?

12. As crude oil prices increase, do the quality-related price differentials increase proportionately? Stated differently, have quality-related price differentials increased in proportion to

the increases in average or market crude oil prices since May 1973, or are quality-related price differentials generally unrelated to prevailing price levels? If quality-related price differentials increase proportionately with price increases, would it be desirable and workable to express the entitlement price applicable to a barrel of controlled crude oil as a percentage of the market price of comparable uncontrolled crude oil (or as a multiple of the price paid for the controlled crude oil barrel) rather than as a fixed dollar amount? Would a system using a percentage entitlement be a feasible and satisfactory resolution of the anomalies created by the use of a fixed entitlement price based on average crude oil costs? Would such a system be a satisfactory resolution of the pricing problems involving California lower tier crude oil production?

13. The effectiveness of entitlements as a constraint on first sale prices of crude oil depends upon the applicability of entitlement purchase obligations to all uses of price-controlled crude oil. Comments are requested on the extent to which present entitlements regulations and present policies concerning exceptions relief for independent refiners could be modified to insure that all ultimate users of price controlled crude oil are subject to entitlement purchase obligations. Comments are also requested as to whether there are any regions or areas of the country where refiners might not be subject to the same competitive factors in the sale of refined products as elsewhere, and, if so, whether such conditions might lead to undue price increases for producers of crude oil in such regions or areas.

14. If high quality price-controlled crude oil became relatively more expensive as a result of an entitlements-based price control system, it could be expected that refinery modifications to permit the processing of lower quality crude oil would become economically more advantageous than they now would be. Comments are requested on whether this is likely to be so and on the significance of any such result.

15. The illustrative entitlements-based price control system described in this Notice would prescribe an entitlement value for future periods, based upon the most recent available data and on projected prices for uncontrolled crude oil prices in such periods. Alternatively, entitlements values could be determined after all transactions have occurred, as is the case under the present regulations, based upon actual pricing data for uncontrolled crude oil in such past periods. Comments are requested on which alternative would permit such a price control system to function most efficiently and with the least uncertainty or regulatory burden.

16. Would it be desirable and feasible, if an entitlements-based crude oil pricing system is adopted, to impose the entitlement obligation on the first purchaser of crude oil (whether it be refiner, reseller, or non-refiner consumer) from the producer, rather than the refiner exclusively? Would this approach create a market environment appropriate for deregulating crude oil prices beyond the first purchaser? Under which system would the compliance burden be reduced the most?

17. To what extent, if any, would the new pricing system permit the relaxation and perhaps total elimination of the crude oil allocation regulations under the supplier/purchaser rule (10 CFR 211.63) and buy/sell program (10 CFR 211.65)?

18. If an entitlements-based pricing system is instituted, what other regulatory changes, if any, should be coupled with that reform?

IV. Comment Procedure

A. Written Comments

You are invited to participate in this inquiry by submitting data, views, or arguments with respect to the issues set forth in this Notice. Comments should be submitted to the address indicated in the "Addresses" section of this Notice and should be identified on the outside envelope with the designation "Simplification of Crude Oil Price Controls." Fifteen copies should be submitted. All comments that we receive will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

You should identify separately any information or data you consider to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearings

1. *Request procedure.* The times and places for the public hearings are indicated in the "Dates" section of this Notice. If necessary to present all testimony, the public hearing will be continued to 9:30 a.m. of the first business day following the hearing date shown above.

You may make a written request for an opportunity to make an oral presentation at the hearings. The request should contain a phone number where you may be contacted through the day before the hearing. Since it may be necessary to limit the number of persons making such presentations, you should be prepared to describe your interest in this Inquiry, and why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of your proposed oral presentation.

We will notify each person selected to be heard before 4:30 p.m., May 17, 1978. Persons scheduled to speak at the hearing must bring 100 copies of their statement to the appropriate address indicated in the "Addresses" section of this Notice before 12:00 p.m., c.s.t., on May 19, 1978 for the Houston hearing, and before 4:30 p.m., e.s.t., on May 23, 1978 for the Washington, D.C. hearing.

2. *Conduct of the hearings.* We reserve the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearings, which will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearings. Such questions must be submitted to the same address indicated above for requests to speak, three days before the hearings. In addition, if you decide at a hearing to ask a question, you may submit the question, in writing, to the presiding officer. We will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

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

Transcripts of the hearings will be made, and we will retain the entire record of each of the hearings, including the transcripts, which will be made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of a hearing from the reporter.

In the event that it becomes necessary for us to cancel a hearing, we will make every effort to publish advance notice in the Federal Register of such cancellation. Moreover, we will notify all persons scheduled to testify at the hearings. However, it is not possible to give actual notice of cancellations or

schedule changes to persons not identified to us as participants. Accordingly, persons desiring to attend a hearing are advised to contact us on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

Because this Notice does not propose the adoption by ERA of a rule, regulation, or policy affecting the quality of the environment, it has not been submitted to the Administrator of the environmental Protection Agency for his comments.

Because this Notice does not propose the adoption by ERA of a rule or regulation, the preparation of an Economic Impact Evaluation under Executive Order 11821 and OMB Circular A-107 is not required.

Issued in Washington, D.C., April 5, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

APPENDIX

A. HISTORY OF DOMESTIC CRUDE OIL CEILING PRICE REGULATIONS

1. *Emergency Petroleum Allocation Act of 1973.* Section 4(a) of the Emergency Petroleum Allocation Act of 1973 ("EPAA", Pub. L. 93-159) required the President to promulgate regulations providing for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products. The Federal Energy Office ("FEO"), charged with the responsibility for developing regulations under the mandate of the EPAA, adopted regulations incorporating the "two tier" price system originally adopted by the Cost of Living Council ("CLC"). These regulations established a base production control level ("BPCL" for each property equal to the monthly production and sale of crude oil from the property in 1972. Under the two tier system, current levels of crude oil produced and sold each month in excess of the property's BCPL could be sold without respect to the ceiling price rule as "new crude oil." As a further incentive to stimulate domestic production, an equal volume of crude oil could be sold without respect to the ceiling price rule as "released crude oil." Remaining volumes of crude oil produced and sold each month were classified as "old crude oil" and were subject to a ceiling price of the highest posted field price for that grade of crude oil on May 15, 1973, plus $1.35 per barrel. Finally, to encourage continued production from marginal properties, the EPAA exempted from price controls the first sale of crude oil produced from "stripper well leases" (those properties from which production of crude oil was 10 barrels or less per well per day during the proeceding calendar year). Thus, under the two tier pricing system implemented by the FEO, first sales of "old" crude oil were subject to a ceiling price and "new," "released" and "stripper well" crude oil could be sold at uncontrolled prices.

2. *Energy Policy and Conservation Act.* Under section 8 of the EPAA, which was added by the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163), Congress provided the Federal Energy Administration ("FEA") with the flexibility to control first sale prices of domestic crude oil as long as the national weighted average first sale price ("actual composite price") did not exceed $7.66 per barrel ("statutory composite price") for all domestic crude oil produced and sold in February 1976.

Beginning in March 1976, the EPAA authorized increases in the statutory composite price to reflect the effects of inflation and to provide production incentives. Under present authority, the statutory composite price is adjusted upward by DOE at a rate not to exceed 10 percent annually.

In specifying a composite price of $7.66 per barrel for all domestic crude oil produced and sold in February 1976, Congress assumed that the existing ceiling price on domestic old crude oil ("lower tier") would be continued and that the average price of old crude oil was $5.25 per barrel. The $5.25 per barrel estimate was derived originally by CLC as the average first sale price of controlled domestic crude oil in December 1973. FEA was not required, nor did it have any regulatory need, to monitor actual first sale prices of controlled domestic crude oil until the advent of EPCA. Inasmuch as old crude oil prices had remained frozen from December 1973, the $5.25 figure was thought to be a reasonable estimate of lower tier crude oil prices.

In specifying the $7.66 per barrel composite price, the Congress also assumed that "new," "released," and "stripper well" crude oil (which were not then subject to ceiling price limitations), would not have to be rolled back from the average first sale price of uncontrolled domestic crude oil in January 1975, which was $11.28 per barrel. The January 1975 price was based on the most recent price data available which were free from the influence of (1) the 1975 supplemental import fees on crude oil, and (2) the October 1975 price increase by the Oil Producing and Exporting Countries which subsequently affected domestic crude oil prices.

It was also estimated that old crude oil constituted sixty percent of total domestic crude oil. The $7.66 per barrel composite price figure was therefore calculated as follows:

(.6)($5.25)+(.4)($11.28)=$7.66.

(See generally S. Rept. No. 94-516, 94th Cong., 1st. Sess. 187-191 (1975).)

Under the price regulations adopted by FEA to implement the pricing policy that included the statutory composite price restrictions, domestic crude oil was classified either as lower tier or upper tier. Congress in the EPCA repealed the stripper well lease exemption, and such crude oil volumes were classified by FEA as upper tier crude oil.

The lower tier price was basically the same as the price for "old" crude oil under the prior regulations: the highest May 15, 1973 posted field price, plus $1.35 per barrel. The upper tier price was the highest posted field price in effect on September 30, 1975, minus $1.32. FEA selected the month of September as the reference month for the upper tier price because it represented a month of relative price stability and was one of the most recent months for which price information was available.

In amendments which became effective on March 1, 1976, the FEA determined that the full percentage amount available to reflect the impact for inflation and to provide production incentives should be applied equally to the upper and lower tier prices until changes in the relative proportions of upper and lower tier crude oil would require a reduction in the amount of the adjustment to a rate lower than the rate of inflation in order to comply with the adjusted statutory composite price. Having made this policy determination regarding appropriate price adjustments, FEA published the first price adjustment schedule on March 1, 1976, which provided for the exact per-barrel dollar amount which could be added to, or subtracted from, the applicable posted prices in each month. Recognizing that adjustments to the prices shown on the first schedule were likely, FEA adopted procedures by which revised price adjustment schedules could be issued periodically.

Following implementation of the EPCA, the FEA monitored the prices charged for lower and upper tier crude oil in order to determine if sale prices have conformed to the composite price required by Congress in the EPCA. When actual sales figures became available to it in the summer of 1976, these data revealed that actual composite prices were in excess of the statutory levels. In response to these developments, the FEA, effective July 1, 1976, discontinued further monthly increases in crude oil price ceilings and continued them at their June 1976 levels in order to compensate for actual composite prices in excess of adjusted statutory composite price levels. The FEA took further corrective action to achieve compliance with statutory composite price restrictions by reducing upper tier price ceilings by 20 cents per barrel effective January 1, 1977 and by an additional 45 cents per barrel effective March 1, 1977. These actions were projected to eliminate all excess crude oil receipts as of June 1977.

Effective September 1977, the FEA resumed crude oil price increases to take into account the impact of inflation, as permitted under the EPAA, as amended. At that time the FEA announced that lower tier and upper tier prices would be allowed to rise at not more than the rate of inflation, as was proposed in the National Energy Plan issued by the President on April 20, 1977.

3. *Energy Conservation and Production Act.* The Energy Conservation and Production Act ("ECPA," Pub. L. 94-385) amended the EPAA in several significant respects regarding domestic crude oil prices. Specifically, the ECPA removed the EPCA 3-percent

limitation on adjustments to the composite price as a production incentive. Only the overall limitation of 10 percent on the combined effect of adjustments to reflect inflation and production incentives was retained. This increased pricing flexibility was intended to provide the FEA with a means for encouraging domestic production, with an explicit priority on the development and application of high-cost enhanced recovery techniques, and adjustments to certain gravity price differentials associated with heavy crude oil. The ECPA also exempted crude oil produced from stripper well properties, effective September 1, 1976.

B. DOMESTIC CRUDE OIL ALLOCATION (ENTITLEMENTS) PROGRAM

On November 29, 1974 (39 FR 42446, December 4, 1974), the FEA established the entitlements program to achieve approximate equilization of the cost of crude oil purchases among U.S. refiners. When the two tier crude oil pricing system was adopted in August 1973, the extraordinary increases in the world price of crude oil as the result of OPEC action had not yet occurred. At the time, it was contemplated that the difference between upper and lower tier crude oil prices would be approximately $1 per barrel. During 1974, however, the price differential increased to approximately $8 per barrel. Consequently, the average price that refiners had to pay for their crude oil varied greatly depending on the proportion of old, new, released and imported crude oil used as inputs. Thus, without some kind of compensating or equalizing device, a refiner with access to an above-average proportion of old crude oil, with its lower price, would have had a competitive advantage over another refiner that could obtain only higher-priced imported or new crude oil.

Essentially, the entitlements program, by requiring transfers of cash through purchases and sales of entitlements among refiners, achieves the same result (subject to certain qualifications) as if each refiner were allocated a "mix" of lower tier, upper tier, and exempt, Alaska North Slope or imported crude oil that reflected the national supply ratio for each of these pricing categories of crude oil. Stated another way, the entitlements program operates so that lower tier crude oil, upper tier crude oil, and exempt, Alaska North Slope or imported crude oil all have approximately equivalent effective acquisition costs to the refiner.[5]

An entitlement is the right of a refiner to receive into inventory and refine one barrel of deemed old oil in a month. Refiners are required to possess the number of entitlements each month to exactly cover their receipts of deemed old oil. The ERA calculates the number of entitlements issuable to refiners based on the monthly national average supply of deemed old oil. The national average supply of deemed old oil is reported by the ERA in the monthly entitlements notice as a fraction that is designated the "national domestic crude oil supply ratio" ("DOSR"), which is the proportion for the month of all refiners' receipts of deemed old oil to all refiners' crude oil runs to stills. The DOSR is calculated on the basis of refiners' monthly reports of their crude oil runs to stills and the volumes of lower tier, upper tier, and imported crude oil included in their crude oil receipts. Refiners also report their weighted average costs for lower tier, upper tier, stripper well and other exempt domestic crudes oils, and imported crude oil.

Entitlements are issued to refiners based on their crude oil runs to stills multiplied by the DOSR.[6] For example, if the DOSR equalled .25, and a particular refiner processed 100 barrels of crude oil that month, that refiner would be issued 25 entitlements. If that refiner's receipts included more than 25 barrels of deemed old oil, it would have to purchase entitlements; if its receipts included less, it would have to sell its excess entitlements to other refiners. The price of an entitlement is the exact differential reported for each month between the weighted average per barrel cost to refiners of exempt domestic, Alaska North Slope and imported crude oil and the weighted average per barrel cost of lower tier crude oil, less 21 cents. Twenty-one cents is the amount determined necessary as an incentive to process domestic crude oil rather than imported crude oil.[7]

Since the ERA the determines the entitlements obligations and benefits of refiners by using monthly reported data, a time lag exists in the operation of the program such that allocation of obligations and benefits is made in the current month for crude oil transations in a prior month. To illustrate, by June 10, refiners must report their crude oil runs to stills for the month of April. On or about the fifteenth of June, ERA publishes the monthly entitlements notice applicable to April crude oil receipts and runs to stills, which reports the number of entitlements issued to each refiner and the amount of that refiner's entitlement purchase or sale obligation. Refiners are required to complete their entitlement transactions by the last day of the second month following the reporting month. In the April example (above) transactions would be required to be completed by June 30. The net result of the purchase and sale of entitlements is that domestic refiners have roughly same crude oil costs for their refinery feedstock.

Small refiners are given special consideration under the entitlements program, principally through the small refiner bias mechanism, whereby incremental entitlements are issued to refiners with crude oil runs to stills of less than 175,000 barrels per day, inversely proportional to their daily average crude oil runs to stills per day. The additional entitlements issued to small refiners under the small refiner bias result in lower crude oil costs to offset relatively higher processing costs than those incurred by large refiners and to compensate for other competitive disadvantages. This cost benefit is intended to allow small refiners to remain competitive with major integrated and large independent oil companies in the marketplace.

[FR Doc. 78-9584 Filed 4-10-78; 8:45 am]

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[5] In order to implement the pricing policy of the EPCA, the FEA created an additional benefit to be allocated by the entitlements program, the benefit of access to domestic crude oil subject to the upper tier price ceiling. Thus, the program currently allocates the benefit of access to "deemed old oil," which is a category of oil created to reflect the differential cost advantages of old oil (i.e., lower tier crude oil) and of upper tier crude oil over imported crude oil. The volume of a refiner's receipts of deemed old oil is equal to the sum of its receipts of lower tier crude oil plus upper tier crude oil, where one barrel of lower tier crude oil equals one barrel of deemed old oil and one barrel of upper tier crude oil equals a fraction of a barrel of deemed old oil.

[6] As discussed below, small refiners are issued additional entitlements through a calculated small refiner bias based on the size of the refinery's operations.

[7] On March 29, 1976, the FEA adopted amendments to the entitlements programs which were designed to reduce the marketing advantage of domestic refiners producing residual fuel oil for sale in the East Coast market. For a full discussion of these amendments, and the history of the circumstances leading to their adoption, see 41 FR 13899 (April 1, 1976).

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 171]

[Docket No. 78N-0056]

PROCEDURAL REGULATIONS FOR FOOD ADDITIVE PETITIONS

Termination of Proposal

AGENCY: Food and Drug Administration.

ACTION: Termination of proposal.

SUMMARY: The Food and Drug Administration is withdrawing a proposal that would revise the food additive procedural regulations. Since they were initially published, the proposed revisions have been superseded by the recodification of regulations pertaining to food for human and animal use.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of August 8, 1967 (32 FR 11443), the Commissioner of Food and Drugs proposed revisions in the procedural food additive regulations to improve the quality and organization of food additive petitions submitted and to expedite their review. The proposal covered food additives for human use as well as those for animal use.

Since the publication of the proposal, the organization of the food additive regulations has been revised. The procedural food additive regulations pertaining to food for animal use have been amended and recodified under a separate subchapter, Subchapter E (21 CFR Subchapter E), from that covering food for human consumption. Therefore, and in view of the long lapse of time since its publication, the Commissioner concludes that the proposal should be withdrawn. The cur-

rent procedural regulations are adequate at this time; if revisions are warranted in the future, a new proposal will be published.

Although 52 comments were received in response to the proposal, the Commissioner concludes that there is no need to discuss them here because the proposal is being withdrawn.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785-1788 (21 U.S.C. 348, 371(a)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs hereby withdraws the proposal published in the FEDERAL REGISTER of August 8, 1967, to amend the procedural food additive regulations and terminates the rule making proceedings begun by that proposal.

Dated: April 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-9598 Filed 4-10-78; 8:45 am]

[1505-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3959]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Bellefontaine Neighbors, St. Louis County, Mo.

Correction

In FR Doc. 78-6936 appearing on page 11792 in the issue of Tuesday, March 21, 1978 in the 3rd column, the 4th and 5th entries in the 2nd and 3rd columns of the table should read as follows:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
* * * * *		
	Confluence of Calumet Creek.	440
	At Bellefontaine Road.	442
* * * * *		

Also the docket number in small print in the heading should read as it appears above.

[7710-12]

POSTAL SERVICE

[39 CFR Part 111]

CITIZENS' RATE MAIL REGULATIONS

Proposed Rules

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: On July 13, 1977, the Postal Service filed with the Postal Rate Commission proposals for changes in postage rates and fees, and a proposal to establish a new service called Citizens' Rate Mail. This new service, if establish, would constitute a subclass of first-class mail available for use by individuals, with a rate lower than the rate that would apply for regular first-class mail. Before Citizens' Rate Mail can be placed into effect as a permanent new service, it must be recommended by the Postal Rate Commission to the Governors of the Postal Service and be approved by the Governors. The purpose of this rulemaking is to set forth and solicit comments on proposed rules and regulations that would apply to Citizens' Rate Mail if the new subclass is recommended by the Postal Rate Commission and the recommendation is approved by the Governors of the Postal Service. In this manner, the Postal Service will be able to place the Citizens' Rate Subclass into effect in a timely way in the event favorable action on the proposal is forthcoming from the Postal Rate Commission and the Governors of the Postal Service.

DATE: Comments must be received on or before May 15, 1978.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Room 1610, 475 L'Enfant Plaza SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 1610, 475 L'Enfant Plaza, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Ms. Gloria Flanagan, 202-245-4749.

SUPPLEMENTARY INFORMATION: On July 13, 1977, the Postal Service filed with the Postal Rate Commission a request for a recommended decision on changes in postage rates and fees. Incident to that request the Postal Service proposed increases in rates and fees for most classes of mail and special services. The specific rates and fees proposed are set forth at 42 FR 37,332 et seq. as amended at 42 FR 63,240, 63,241 (1977). Generally, under the proposal first-class rates for letters would be increased from the present rate of 13 cents for the first ounce and 11 cents for succeeding ounces to 16 cents for the first ounce and 13 cents for succeeding ounces. Rates for post cards would be increased from 9 cents to 10 cents, and rates for other classes of mail would be increased similarly. Under the provisions of 39 U.S.C. 3624, the Postal Rate Commission is to act on these proposals by May 13, 1978, by recommending appropriate changes in postage rates and fees to the Governors of the Postal Service.

When the Postal Service filed its rate proposals on July 13, 1977, it also proposed to establish a new service called Citizens' Rate Mail. As proposed by the Postal Service, Citizens' Rate Mail is properly prepared standard size first-class mail mailed by individuals, with postage prepaid with adhesive stamps specially printed for this purpose. The Postal Service has suggested a rate of 13 cents per ounce for Citizens' Rate Mail.

As a new subclass of first-class mail, Citizens' Rate Mail would have the attributes and features of the present first-class mail service with certain exceptions. For example, as with other first-class letters, Citizens' Rate Mail would be accorded free forwarding and return, would be sealed against postal inspection, would be transported by air transportation when other first-class mail is transported by air, and could receive all special services that first-class mail now can receive. Amendments to present regulations are not needed in these respects.

Citizens' Rate Mail would differ from regular first-class mail in the following respects. First, it would be available for use only by individuals. A corporation, company, business, association, partnership, professional entity, proprietorship, institution, governmental unit, and similar entities could not use Citizens' Rate Mail.

Second, the rate for Citizens' Rate Mail would be less—3 cents per piece less, under the Postal Service's proposed rates—than the proposed rates for regular first-class mail. In order to be able to provide this lower-priced service, the Postal Service would have the option to defer delivery of Citizens' Rate Mail up to one delivery day. With this operating flexibility the Postal Service would be able to reduce its delivery workload on high volume days that occur from time to time, by postponing delivery of Citizens' Rate Mail, generally to the next delivery day. Present regulations stating that first-class mail receives expeditious transportation and handling would be amended to provide that Citizens' Rate Mail may receive deferred delivery.

Further, the lower priced service, for items weighing one ounce or less, would be available only for standard size pieces. Mail that is standard size can be processed on Postal Service mail handling equipment at less cost

than manual processing. The dimensions for standard size mail were recommended by the Postal Rate Commission and ordered into effect by the Governors of the Postal Service in 1976. Regulations incorporating these standard size mail dimensions appear in section 131.34 of the Postal Service Manual and provide that in order to qualify as standard size mail, first-class mail weighing one ounce or less must not exceed 6.125 inches in height, must not exceed 11.5 inches in length, must not have a thickness greater than 0.25 inch, and must have an aspect ratio (ratio of height to length) between 1:1.3 and 1:2.5. The proposed rules provide that Citizens' Rate Mail weighing one ounce or less must conform to these size standards.

In addition, it is more costly for the Postal Service to handle mail that does not have correct ZIP Codes. Accordingly, in order to qualify for the lower priced Citizens' Rate, the mail would be required to have the correct ZIP Code in the delivery address, and to bear the sender's return address, including the correct ZIP Code, in the upper left hand corner of the face of the mailpiece. In this regard, the proposed regulations contemplate that a mailer would have to add his own return address and ZIP Code when using an envelope supplied by his correspondent having the correspondent's address in the return address area.

In order to be able to identify Citizens' Rate Mail, and thereby avoid mistaking such mail for regular first-class mail that bears insufficient postage, certain requirements that will ensure it is distinguishable must be satisfied. Ordinarily, mail prepaid with 13 cent stamps will be identifiable as Citizens' Rate Mail, provided the above described requirements are met. However, it appears advisable to establish a transitional provision, in order to allow mailers to use up their existing stocks of stamps of other denominations. All 13 cent stamps could be used on Citizens' Rate Mail, and any combination of stamp denominations totalling the proper postage amount could be used on Citizens' Rate Mail under the proposed regulations.

This aspect of the proposed regulations permitting use of any combination of stamps totalling proper postage is intended as a transitional provision. Following an appropriate period of experience, the Postal Service may propose changes concerning the use of combinations of stamps. The Postal Service intends to provide at least 60 days' notice of any such change.

The Postal Service anticipates that introducing the lower priced service for use by individuals will not be disruptive of routine operations; abuses of the service, resulting either from use of Citizens' Rate by other than individuals or from failure to satisfy the necessary requirements applicable to Citizens' Rate Mail, are not expected. The proposed rules make provision for a procedure for returning mail for the appropriate additional postage if the requirements applicable to Citizens' Rate are not met. Present regulations on postage due procedures would be amended to provide for mail to be returned to the sender if it is prepaid in an amount equal to postage for Citizens' Rate Mail but does not qualify as Citizens' Rate Mail. Postage stamps originally affixed to such nonqualifying mail (together with the appropriate additional postage) would be accepted as payment of postage if the mail is re-deposited for delivery as regular first-class mail. The Postal Service is satisfied that there is no need for any additional measures in this regard at this time.

Last, because it will be the policy of the Postal Service to charge the Citizens' Rate for those letters of soldiers, sailors, airmen, and marines which now may be sent postage collect, no additional regulations are necessary and none are proposed on this matter.

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

PART 122—ADDRESSES

1. In 122.1 add new .13i reading as follows:

122.1 *General Information.*

* * * * *

.13 * * *

i. Citizens' Rate Mail—131.24

PART 131—FIRST CLASS

2. In 131.1 add a new .14 reading as follows:

131.1 *Rates.*

* * * * *

.14 *Citizens' Rate Mail.* The rate of postage on Citizens' Rate Mail is 13 cents[1] per ounce, or fraction thereof, for first-class mail prepared in accordance with the provisions of 131.24, and sent by an individual. For purposes of this section, the term "individual" does not inclued a corporation, business, association, partnership, professional entity, proprietorship, institution or governmental unit or any similar entity.

3. In 131.2 revised the first two lines of .211 and add new .24 to read as follows:

131.2 *Classification.*

.21 *Description.*

.211 First class mail receives expeditious handling, and transportation (*Provided, however,* That Citizens' Rate Mail is deferrable in delivery) and consists of mailable:

* * * * *

.24 *Citizens' Rate Mail.* To qualify for the rate for Citizens' Rate Mail, first-class mail sent by individuals (see 131.14) must be prepared as follows:

a. Pieces weighing one ounce or less must be standard size. See 131.34.

b. The address must include the correct ZIP Code. A return address, which must include the sender's street address, or box number, and correct ZIP Code, must appear in the upper left hand corner of the face of the mail piece.

4. In 131.4 revise .41 to read as follows:

131.4 *Payment of Postage.*

.41 *Single Piece Rate.* Mailers of first-class matter at single piece rates other than Citizens' Rate Mail may pay postage by adhesive stamps, stamped envelopes and postal cards, meter stamps, and permit imprints. Mailers of Citizens' Rate Mail must pay postage by adhesive stamps and are encouraged to pay postage by adhesive stamps of 13 cent denominations: *Provided, however,* That postage may be paid by adhesive stamps of any denomination, in appropriate combination.

PART 146—PREPAYMENT AND POSTAGE DUE

5. In 146.1 amend .123 b and c and .13 to read as follows:

146.1 *Postage Payment.*

* * * * *

.12 *Insufficient Prepayment.*

* * * * *

.123 Mail of any class, including that for which special services are indicated (except registered mail—see 161.31), received at either the office of mailing or office of address without sufficient postage will be:

* * * * *

b. Dispatched promptly to the addressee by means of the regular or special service indicated, except as provided in 146.123c;

c. Delivered to the addressee on payment of the charges marked on the mail.

(i) When quantity mailings of ten or more pieces are received at the office of mailing without sufficient postage, the mailer will be notified, without charge, preferably by telephone, in order that the postage charges may be adjusted before the mail is dispatched.

(ii) When mail is prepaid at the rates for Citizens' Rate Mail, but does not

[1]The rate for Citizens' Rate Mail will be that which is recommended by the Postal Rate Commission and approved by the Governors of the Postal Service. The 13 cent rate is included here only for illustration.

meet the eligibility requirements for Citizens' Rate Mail, it will be returned to the sender rather than dispatched to the addressee.

* * * * *

.13 *Postage on mail insufficiently prepaid.* Postage stamps are canceled when the mail is first received. Except in the case of mail returned to the sender pursuant to 146.123c(ii) rather than dispatched to the addressee, postage stamps or meter strips originally affixed to insufficiently prepaid mail will, when it is again presented for mailing, be accepted in payment of postage to the amount of the face value. Canceled postage stamps on mail returned pursuant to 146.123c(ii) will be accepted in payment of postage in the amount of the face value if such mail is re-deposited, with appropriate additional postage affixed, for delivery as regular first-class mail.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-9565 Filed 4-10-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 879-7]

MARYLAND STATE IMPLEMENTATION PLAN

Proposed Revision; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule—extension of public comment period.

SUMMARY: This notice extends the public comment period for a notice of proposed rulemaking issued by EPA Region III pertaining to a proposed revision of the Maryland State Implementation Plan (SIP). The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corporation, Luke, Md.

DATE: The public comment period has been extended to May 8, 1978.

ADDRESSES: Copies of the proposed revision, together with supporting documentation and correspondence, are available for public inspection during normal business hours of the offices of:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Maryland 21201, ATTN: Mr. George P. Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Israel Milner, Manager, Plans Management Group, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, 215-597-8174

SUPPLEMENTARY INFORMATION: On March 6, 1978 (43 FR 9162), EPA issued a notice of proposed rulemaking pertaining to a proposed revision of the Maryland State Implementation Plan. The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corporation, Luke, Md. The request would except Westvaco from the applicable State and Federal sulfur content-in-fuel regulations and, at the same time, limit sulfur dioxide emissions from all fuel-burning equipment located at this facility to 49 tons per day.

This notice is to advise the public that the comment period on this exception request is extended until May 8, 1978. All comments submitted on or before that date will be considered as a basis for the Administrator's final determination with regard to this proposed SIP revision.

(42 U.S.C. 7401.)

Dated: March 31, 1978.

JACK J. SCHRAMM,
Regional Administrator.

[FR Doc. 78-9496 Filed 4-10-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Railroad Administration

[49 CFR Part 211]

[Docket No. RSSI-78-4; Notice No. 1]

RULES OF PRACTICE

Additional Safety Features for DOT Specification 105 Insulated Pressure Tank Cars; Notice of Safety Inquiry

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of safety inquiry.

SUMMARY: The Federal Railroad Administration (FRA) is initiating a special safety inquiry concerning the need to improve present safety standards for the design and construction of new and existing Department of Transportation (DOT) specification 105 insulated pressure tank cars. The FRA develops the technical or substantive provisions of regulations governing the design and construction of 105 and other tank cars which are issued by the Materials Transportation Bureau, and submits them to the Bureau for review and issuance. Since the development of safety improvements in the design and construction of 105 tank cars is basically a technical matter, FRA will use the information it receives as a result of this inquiry in developing appropriate design and construction improvements for 105 tank cars. These improvements will then be sumitted to the Bureau for review and issuance.

DATE: The public inquiry will begin at 10 a.m. on April 13, 1978.

ADDRESS: Trans Point Building, Room 3201, 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

William F. Black, 202-426-2748 or Edward F. Conway, Jr., 202-426-8836.

SUPPLEMENTARY INFORMATION: Pursuant to § 211.61 of its Rules of Practice (41 FR 54181; 49 CRF 211.61), the Federal Railroad Administration (FRA) is initiating a special safety inquiry concerning the need to improve present safety standards for the design and construction of new and existing DOT specification 105 insulated pressure tank cars.

On September 15, 1977, the Materials Transportation Bureau (the Bureau) published in the FEDERAL REGISTER (42 FR 46306) a final rule in Docket HM-144 amending the specifications for 112 and 114 uninsulated pressure tank cars to include special couplers and thermal and tank head protection (49 CFR Part 179). In the preamble to this final rule, the Bureau discussed the need for similar equipment for 105 insulated pressure tank cars:

> Several commenters mentioned that many DOT specification 105 tank cars are used to transport the same products as are transported in 112 and 114 tank cars. The commenters believe that the 105 tank cars may not have as good thermal and tank head puncture resistance protection as is being specified for the 112T/J and 114T/J cars. This matter is beyond the scope of this docket. Therefore, the Bureau will consider the matter of safety standards for specification 105 tank cars and may initiate rulemaking in the future.

In addition to carrying the same products as do the 112 and 114 tank cars, the 105 insulated pressure tank cars carry other more hazardous products such as chlorine, hydrogen chloride and hydrocyanic acid. For this reason, the FRA is considering development of improved safety standards for the design and construction of 105

tank cars that will be at least equivalent to those prescribed in HM-144 for 112 and 114 tank cars. Among the items under consideration to minimize the hazards associated with transportation of these products are improvements in couplers, tank head protection, thermal protection and safety relief devices.

Although regulations governing the design and construction of 105 and other tank cars are issued by the Bureau, these regulations are the result of joint efforts of the FRA and the Bureau. The FRA develops the technical or substantive provisions of these regulations and submits them to the Bureau for review and issuance. Since the development of safety improvements in the design and construction of 105 tank cars is basically a technical matter, FRA will use the information it receives as a result of this inquiry in developing appropriate design and construction improvements for 105 tank cars. These improvements will then be submitted to the Bureau for review and issuance.

The purpose of this special inquiry is to obtain additional information to assist the FRA in developing appropriate additional safety features on new and existing 105 insulated pressure tank cars. The FRA has requested that the Association of American Railroads, the National Transportation Safety Board, tank car builders, coupler manufacturers, and other interested parties actively participate in this inquiry by providing knowledgeable witnesses and pertinent technical, manufacturing, service and cost data.

The public inquiry will begin at 10 a.m. on Thursday, April 13, 1978, in Room 3201 of the Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590. Additional information concerning this inquiry may be obtained from William F. Black, 202-426-2748 or Edward F. Conway, Jr., 202-426-8836.

AUTHORITY: Sec. 208, Federal Railroad Safety Act of 1970 (45 U.S.C. 437); § 1.49(n) of the Regulations of the Office of the Secretary, 49 CFR 1.49(n).

Issued in Washington, D.C. on April 7, 1978.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-9820 Filed 4-10-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1100, 1307, 1310]

[Ex Parte No. MC-98 (Sub-No. 2)]

RELEASED RATES IN CONJUNCTION WITH A SMALL SHIPMENTS TARIFF

Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: As a result of our findings in Ex Parte No. MC-98, New Procedures in Motor Carrier Restructuring Proceedings, decided March 20, 1978 the Interstate Commerce Commission has instituted a proceeding for the purpose of determining the desirability of released rates for shipments weighing 500 pounds and under in connection with a small shipments tariff, and if desirable, what form they should take.

DATES: Statements of intent to participate are due on or before May 1, 1978. As soon as practicable thereafter, the Commission will serve a list of the names and addresses of all persons on whom service of an opening and reply statement shall be made.

ADDRESS: Send statements of intent to participate to: Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Deputy Director Rosenak, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION:

RELEASED RATES

The Interstate Commerce Commission in Ex Parte No. MC-98, "New Procedures in Motor Carrier Restructuring Proceedings," studied methods of solving problems related to the transportation of small shipments (those shipments weighing 500 pounds and under). Published at 41 FR 1923, January 13, 1976.

One suggested revision of the rate structure for small shipments is the institution of released valuation or released rates. Under such rates a carrier is subject to limited liability. In exchange for a lower rate, shippers "release" the carrier from liability in excess of a certain amount per pound. This system is reputed to benefit the shipper of less valuable commodities. Shippers of commodities of greater value have three choices: (1) They may not release and pay the normal (and higher) rate for the carrier's common law absolute liability; (2) they may release, pay a lower rate and purchase insurance independently; or (3) they may release, pay a lower rate and take the risk and absorb any losses, i.e., self-insure. As a practical matter, the last two options are available only to larger shippers. Small shippers may have difficulty in contracting for this type of insurance or in absorbing the losses, and accordingly may be forced to pay the higher rate.

CARRIER LIABILITY

Section 20(11) of the act restates the common-law rule that a common carrier is ordinarily an insurer against loss, damage, or injury to property committed to it for transportation, and declared any limitation of liability or recovery to be unlawful and void. However, this section gives the Commission authority to grant partial exemption from full liability in cases where rates depending upon, and varying with, declared or agreed value would, in the Commission's judgment, be just and reasonable under the circumstances and conditions surrounding the transportaion. "Released Rates Rules—National M. Freight Classification," 316 ICC 499, 508-509 (1962).

The purpose of maintaining released-value rates is to accord a shipper the choice of two different rates. Under the higher rate unlimited carrier liability attaches and under the lower, the shipper in consideration for the reduced rate, declares or agrees that in the event of loss or damage the value of the shipment is a sum certain. When such an agreement is made at the time of shipment, the shipper is bound by his declaration and is estopped from claiming or recovering more than the value stated in case of loss or damage.

In the past, before authorizing partial exemption from full liability, we have required a showing that traffic is highly susceptible to loss or damage, and that the commodities involved have a wide range of values making the amount of any claim that may arise difficult to estimate. "Released Rates on Stone in the Southeast, supra, and Released Ratings on Rates on Engines," 47 MCC 767 (1943).

We have often reiterated the criteria for granting released rates. They are: (1) A wide range in value of the commodity making the amount of any claim that may arise difficult to estimate; (2) comparatively high susceptibility of the traffic to loss or damage; (3) a high ratio of claims to freight charges; and (4) a great number and frequency of claims for loss and damage. Other factors have been (5) difficulty of a carrier in obtainig adequate insurance coverage; (6) unreasonably high cost of insurance; and (7) competitive necessity.

CONGRESSIONAL MANDATE

The Congressional mandate codified in section 20(11) enables and directs

this Commission to authorize rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property where, in our opinion, rates dependent upon and varying with declared or agreed values would be just and reasonable under the circumstances and conditions surrounding the transportation. Thus, although standards have developed over the years in released rates cases, our fundamental consideration in section 20(11) of the Act remains the surrounding transportation circumstances and conditions. Compare "Machines, Data Processing, Classification Ratings," 353 ICC 661 (1977). Moreover, section 20(11) does not limit relief from full liability to a particular description of traffic. Indeed, the Commission has wide latitude in determining the extent to which a carrier's operation may be granted partial liability. "Gen. Commodities—American Delivery Systems, Inc.", 351 ICC 760, 766 (1976).

Released Rates as a Pricing Technique

Many parties to Ex Parte MC-98 have indicated that the major problem with small shipments service is that rates are too high. Many parties have stated that if rates were lower they would find general commodities carriers' service more attractive than available alternatives. One way in which lower rates may be offered, is to limit carrier liability.

Before the Commission can authorize released rates it needs data. The Commission is therefore taking two steps to obtain this data. Through its Bureau of Economics, the Commission is taking a survey of shippers. The survey is designed to determine shipper attitudes toward released rates and to gauge shippers present use of released rates, use of transportation alternatives for small shipments, and ease or difficulty with settling claims problems. It is hoped that the data will be helpful in making decisions regarding released rates.

Rulemaking

Second, the Commission is instituting a rulemaking on released rates. The purpose of the rulemaking is to determine the desirability of released rates for shipments weighing 500 pounds and under in connection with a small shipments tariff, and if desirable, what form they should take. The rulemaking is divided into three parts. The first part addresses the philosophical issues addressed at ascertaining who would benefit by released rates and how they would benefit.

The second part of the rulemaking is concerned with costing in relation to released rates. The carriers must bear the burden of proving that the released rates they want authorized are reasonable. It is paramount that the value to which the goods are released be reasonable. In the past, rates often increased due to inflation and other causes, but tariffs failed to raise the released value commensurately. If released rates are to be authorized for a small shipments tariff the Commission will require that carriers maintain a reasonable relationship between the released and unreleased rates, a relationship that will reflect the difference in risk. The lower rate and the associated liability must be high enough to insure that the carrier will take due care to prevent damage and theft, and the higher rate must not be so disproportionate as to effectively deprive the shipper of the choice of rates and the carrier liability which the act requires. The Commission strongly emphasizes that released rates, in order to be authorized, must be based on carrier costs. "Token allowances" will not be tolerated; proportionately lower rates must accrue to the shipper in return for limited carrier liability. We expect carriers to present data which at least shows loss and damage claims for past years, amounts paid out on those claims, savings which would have accrued to the carriers if the rates had been released, and the costs shippers would have incurred had the rates been released. The questions in the rulemaking are designed primarily to aid this Commission in deciding whether released rates should be authorized as part of a small shipments tariff. If the Commission is convinced that small shipments tariffs should include provesions for released rates, then these questions may aid carriers in presenting their individual proposals.

The third part of the rulemaking is a proposed rule for released rates. The proposed rule is intended to mitigate some of the concerns about released rates.

Scope of Proposed Rulemaking on Released Rates in Conjunction With a Small Shipments Tariff

This rulemaking is designed to determine the desirability of released rates for shipments weighing 500 pounds and under in connection with a small shipments tariff, and if desirable, what form they should take. Parties to Ex Parte No. MC-98 as well as any other interested parties are invited to participate. Comments need not be confined to the following specific questions which are to be used as a guideline only:

Part A. Should the Interstate Commerce Commission Consider Authorizing Released Rates in Conjunction With a Small Shipments Tariff?

1. Do released rates as they are presently applied result in any significant savings to consumers, or do they merely transfer liability for loss and damage from carriers to shippers and receivers? If there are no savings, do you have any suggestions for improving provisions for released rates?

2. Will the reduction of carriers' liability for loss and damage, including that caused by their own negligence, reduce their incentive to handle freight carefully? To vigorously pursue loss and damage prevention?

3. Are released rates a trap for the unwary? If a shipper makes a mistake in releasing the shipment that error can result in too high a freight charge, or carriers' liability that is too low, and the error cannot be corrected. Is there any practical way to eliminate this problem?

4. Should a shipper be able to release a shipment to value when the shipment is sold FOB origin? Any suggestion as to how a consignee can be protected if released rates are not desired and title passes to consignee?

5. Should shipments be subject to an "automatic release" which limits carriers' liability unless shippers specify otherwise?

6. Should a release valuation apply to a shipment as a whole, thus protecting carriers from catastrophic losses *only*, or should the release apply to each article in a shipment?

7. What is the lowest value a shipper should be able to declare, and what should be the spread between full value and released value rates? How will these amounts be determined?

8. What should be the amount of excess value charges assessed by carriers for added protection? How should this amount be determined?

9. Should released rates be permitted on minimum charge shipments?

10. Should shippers be able to release shipments to a nominal amount regardless of actual value?

11. Does loss and damage to small shipments (500 pounds and under) normally occur in transit or in the terminal? If loss and damage occurs in the terminal, should the rate be released to an amount unrelated to distance? In other words, presently in some instances, the final charge is determined by multiplying rate times distance. If rates are released should another method of determining the final charge be used?

Part B. Data Which the Commission Finds Essential to Consider Blanket Application of Released Rates in Connection With a Small Shipments Tariff. If Individual Carriers Supply Data Random Samples Are Not Acceptable. If Rate Bureaus Supply Data Using a Random Sample, That Sampling Must Be Shown To Be Representative

1. Actual claims for loss or damage paid over past three to five years. Claims paid to mean net after salvage and interline recoveries. Refer to small shipments only. By weight and by class or exception rating or commodity rates. Breakdowns shall be as follows:

a. Class or Exception Rating:

Under 35,
35 to L/T 50,
50 to L/T 75,
75 to L/T 100,
100,
Over 100.

b. Commodity rates.

c. Weight Breaks—Minimum charge:

1-25 pounds,
25-50 pounds,

50-100 pounds,
100-200 pounds,
200-300 pounds,
300-400 pounds,
400-500 pounds.

2. Amount of freight charges collected for these shipments, break down by class, exception, or commodity rating and by weight.

3. Average amount of loss and damage claim arising from these shipments, breakdown by class, exception, or commodity rating and by weight.

4. What would have been the claim payments and freight charges to the foregoing if released rates had been in effect? Compare to actual payments and charges.

5. The percentage of all claims and all revenues applicable to small shipments only. (Small shipments are defined as those weighing 500 pounds and under.)

6. The percentage of loss and damage claims particularly for small shipments, filed by consignee as opposed to shipper. Presumably title passed to consignee.

7. How are claims for loss and damage manifested in the rates?

PART C. PROPOSED RULE

Comment on the proposed rule as an addition to the small shipments provision. Suggestions to improve the mechanism to protect shippers which is less cumbersome than the proposal yet gives adequate notice are welcome.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS OF MOTOR CARRIERS

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

Proposed that 49 CFR, Parts 1307 and 1310, be amended by adding to §§ 1307.51 and 1310.34 paragraph (e) to read as follows (paragraph (e) for both these sections read exactly the same.):

§ 1307.51 Small shipments provisions.

* * * * *

(e) *Released rate information.* (1) Carriers parties to released value rates (see 49 CFR 1100.225) shall provide all shippers with written information explaining the implications of the carriers' released rates and the advantages and disadvantages thereof.

(2) The information containing an explanation of the rates shall be on a separate document from the bill of lading and shall have a detachable portion. Upon the detachable portion the carrier must obtain a signature from the shipper or his authorized agent certifying that the shipper or his authorized agent has read the carrier's explanation and fully understands the implications of released rates, and that he has title to goods which he is releasing to value or, alternatively the person who has title has given informed permission for him to do so. The detachable portion shall contain the identifying number or letters of the accompanying bill of lading and shall be severed from the written explanation (which is retained by the shipper) and attached to the bill of lading.

(3) All shippers are to be supplied with a copy of the appropriate information sheet for each shipment when rates are released. The shipper may also serve the carrier with a notice relieving it of the duty to supply the released rates information with each shipment utilizing these rates because said shipper fully understands them. Such notification must be on the shipper's letterhead and kept in the carrier's current file. After service of such letter, the carrier will be relieved of the duty to serve the shipper with information, except that whenever a change is made in the released rates rovision the duty is revived.

PART 1100—GENERAL RULES OF PRACTICE

Proposed that 49 CFR, Part 1100.225, be amended by adding thereto a new § 1100.225 (—) to read as follows:

§ 1100.225 (—)

(—) *Released rates authority—small shipments.* (1) Application for authority to establish and maintain released rates on shipments moving under "Small Shipments Provisions" (see 49 CFR 1307.51 and 1310.34) shall contain:

(i) Rates to apply when a shipment is released to——(specify value) per pound or per shipment, as the case may be.

(ii) Rates to apply when a shipment is not released.

(iii) "Excess value" charges to apply when a shipment is released to a value greater than the value specified under subdivision (i) of this subparagraph. This excess value charge shall be subject to a provision that the total charges for the shipments shall not exceed the total which would be applicable if the shipment had not been released.

(2) With each application for released rates authority for these shipments shall be submitted for approval a copy of the information required to be supplied the shippers by 49 CFR 1307.51(e) and 1310.34(e).

By the Commission.

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

March 20, 1978.

[FR Doc. 78-9498 filed 4-10-78; 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.

[3410-30]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CASH-IN-LIEU OF COMMODITIES STUDY

Solicitation for Pilot Projects

Notice is hereby given that, in accordance with section 20 of the National School Lunch Act, as amended by the National School Lunch Act and Child Nutrition Amendments of 1977 (Pub. L. 95-166), as set forth in 1 below, applications for pilot project participation are being accepted from school districts.

1. Sec. 20.(a).

The Secretary shall conduct pilot projects with respect to local school districts or other appropriate units, or groups of program participants, for the purpose of determining whether there may be more efficient, healthful, economical, and reliable methods of operating school lunch, school breakfast, and summer feeding programs under this act and the Child Nutrition Act of 1966, and methods for operating such programs that will result in improved delivery of benefits thereunder in accordance with the purposes of such Acts. Such projects shall, notwithstanding any other provision of law, include (1) not more than ten projects providing participating schools or other institutions the option of receiving all or part cash assistance in lieu of commodities under such Acts for such nutrition programs operated in such schools or institutions, (2) projects designed to streamline or reduce reporting requirements by local school districts, and (3) projects using the United States Department of Agriculture Extension Service to aid in nutrition training and education in schools and other institutions.

(b) The Secretary shall conduct a study to analyze the impact and effect of cash payments in lieu of commodities. The study shall be limited to a comparison between a State that phased out its commodity distribution facilities prior to June 30, 1974, and elected to receive cash payments in lieu of donated foods, and a State not eligible for cash payments in lieu of donated foods. Such study shall include an assessment of the administrative feasibility and nutritional impact of cash payments in lieu of donated foods, the cost savings, if any, that may be effected thereby at the Federal, State, and local levels, any additional costs that may be placed on programs and participating students, the impact on Federal programs designed to provide adequate income to farmers, the impact on the quality of food served, and the impact on plate waste in school lunch and breakfast programs.

(c) The Secretary shall report to Congress, not later than eighteen months after the date of the enactment of this section, on the results of the pilot projects and study conducted under this section. In connection with such pilot projects, such report shall include an assessment of the methods employed in such projects for operating school lunch, school breakfast, and summer feeding programs, in terms of the following factors—

(1) The administrative feasibility and nutritional impact;

(2) The cost savings that may be effected at Federal, State and local levels;

(3) The impact on Federal programs designed to provide adequate income to farmers;

(4) The impact on the quality of food served; and

(5) The impact on plate waste.

2. Study Methods. a. A total eight local school districts shall be selected, as the cash-in-lieu of commodities program (CLC) pilot projects. Each of the eight districts shall be visited and required baseline data collected prior to impelementation of the cash-in-lieu of commodities program (Phase I). The cash-in-lieu of commodities program shall be instituted during the summer of 1978 in the eight pilot projects (Phase II). Commodities shall be cashed out for the entire school year 1978-79. The same eight projects shall be revisited and the required Phase II data collected, analyzed, and compared with the Phase I data for various CLC impacts.

b. A total of four school districts shall be selected for pilot projects to test the reduction on reporting requirements: (1) Two school districts shall serve as pilots for the simplification of accounting procedures for justifying reimbursements claimed for the National School Lunch Program and School Breakfast Program. In these pilot projects, reimbursements claimed by local school food authorities (SFAs) will be combined for breakfast and lunch, and compared with reimbursable costs. Costs of food and labor will be allocated among reimbursable and nonreimbusrable programs by the use of standard proportions. The SFA will receive the lesser of derived costs and allowable reimbursement rates as before. The SFA must continue to report the number of paid, free and reduced price meals served. The pilot project is intended to gain experience in eliminating separate accountability for Lunch and Breakfast Program costs. (2) The remaining two school districts shall serve as pilots for simplification of certification procedures for children applying for free and reduced price meals.

c. Two States shall be selected to assess the feasibility of using USDA Extension Service specialists to train school food service managers in the principles of food service management and, also, to assist in the effective utilization of USDA donated foods. Two training models will be developed for this purpose. The first model will involve using program aids plus a formal food service training program. In the second model, only program aids will be used. Eacch model consists of four school districts with two elementary and two secondary schools in each of the four school districts. The same meal requirements will need to be followed in the sample school districts during the "before" and "after" measurements. Before and after measurements will be taken of: (1) Plate waste for meals by food category; (2) the nutritive value of meals as served and consumed; and (3) changes in menu planning and food preparation. Neither model will involve the direct education of students in the classroom. The potential contributions of USDA Extension Service personnel will be maximized through the training of school food service personnel rather than the direct education of students.

3. Requirements of CLC Pilot Participants. a. Pilot school districts must agree to: (1) Provide accurate cost data related to salaries and fringe benefits of individuals involved in food purchasing activities, supplies, data processing, and other administrative costs associated with food procurement, transportation, warehousing, and handling costs associated with food distribution; specific quality, grade and expenses incurred with respect to food received under the commodity distribution program during school years 1977-78 and 1978-79 (the same month comparisons to avoid seasonality). Costs encompass all food procurement costs incurred at the State or local level to the user point. (2) Provide accurate food inventory data. (3) Provide other data as necessary.

b. State agencies of the States in which the eight projects are located must agree to provide cost data related to administration of the commodity distribution program as opposed to a cash substitute.

4. Requirements of the Reduction of Reporting Requirements Pilot Participants. Pilot school districts must agree to provide necessary data.

5. Characteristics of Pilot Projects. School districts volunteering to par-

ticipate as a pilot project will be selected based on the following characteristics: Number of students participating in the Child Nutrition Program(s), Urban/rural area location, and program combinations offered.

Additional factors which shall be considered in selecting school districts for inclusion as pilot projects include:

a. The degree of central warehousing utilized (i.e., no central warehousing, USDA commodity only storage, USDA commodity and other food item storage);

b. The type of district (i.e., private versus public);

c. The type of food delivery systems (i.e., bulk versus hot-and-cold pack, etc.);

d. The degree of utilization of USDA commodity processing contracts (i.e., no utilization versus significant utilization) and

e. The geographical location of the school district.

6. Application Procedures. Any school district (or other appropriate school administrative unit) which wishes to be considered for inclusion in this study as a Cash-in-Lieu of Commodities pilot project or as a paperwork project must submit an application, through its respective State Agency, to Stephen J. Hiemstra, Director, Economic Analysis and Program Evaluation Staff, Food and Nutrition Service, U.S. Department of Agriculture, 500—12th Street SW., Washington, D.C. 20250, on or before 20 days from the date of this Notice. School districts will not be asked to volunteer as the USDA Extension Service pilot projects. On a voluntary basis, States will be identified by FNS in cooperation with Extension Service. When the two States are identified, school districts within these States will be requested to participate.

a. The applications from volunteer districts must provide the following information: (1) Latest total enrollment figures for the school district; (2) latest average daily attendance figures for the school district (or other appropriate administrative unit); (3) latest available month's average daily participation in the National School Lunch Program for the school district, by type of meal served (free, reduced, and paid); (4) latest available month's average daily participation in the School Breakfast Program for the school district; (5) latest available month's average daily participation in the 1977 Summer Program for the school district; (6) number of elementary and secondary schools administered by the school district; (7) number of elementary and secondary schools offering the National School Lunch Program (NSLP) within the school district; (8) number of elementary and secondary schools offering the School Breakfast Program (SBP) within the school district; (9) number of elementary and secondary schools offering the Summer Food Service Program within the school district; (10) number of NSLP schools offering the Special Milk Program within the school district; (11) the degree of central warehousing utilized (none, commodity only storage, commodity plus significant food item storage); (12) the type of district (private versus public); (13) the type of food delivery systems (bulk, hot-and-cold-pack, frozen prepack, etc.); and (14) the degree and type of utilization, etc.).

b. The Department recognizes that there are alternative study methodologies related to the reduction in reporting requirements that may be better suited to local situations. Volunteer projects are encouraged to submit any such ideas along with their applications.

c. This application must be accompanied by a statement certifying the ability and willingness of the district and State Agency to abide by the requirements stated in paragraphs 3 and 4, as appropriate.

7. Selection Announcement. All applicants for pilots are to be notified in writing during the first week in May. Data collection shall begin about May 8.

8. Final Report. Information gathered from onsite reviews of the pilot projects shall be used along with appropriate secondary data in preparing the required reports to the Congress.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: April 3, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 78-9280 Filed 4-10-78; 8:45 am]

[3410-37]

FOOD SAFETY AND QUALITY SERVICE

NITRATES AND NITRITES IN MEAT PRODUCTS STATEMENT OF POLICY

Request for Data Extension of Time for Comments

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice.

SUMMARY: On October 18, 1977, the Administrator published in the FEDERAL REGISTER (42 FR 55626-55627) a notice, "Nitrates and Nitrites in Meat Products," requesting data from the industry demonstrating whether the use of nitrates and/or nitrites in the production of cured products results in the formation of carcinogenic nitrosamines during processing and/or preparation for eating. Different time periods were assigned for the receipt of data concerning different classes of cured products. Data for dry cured cuts and dermented sausages, including dry and semi-dry sausages, were to be received by April 16, 1978; however, because tests on these products cannot be completed by that date, the Administrator is extending the time period allotted for submitting such data on these products by 60 days.

DATES: The period for submission of data regarding the use of nitrates and nitrites in dry cured cuts and fermented sausages, including dry and semi-dry sausages, is extended to June 16, 1978.

ADDRESSES: Send required information to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Agriculture Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Irwin Fried, Acting Director, Product Labels and Standards Staff, Food Safety and Quality Service, U.S. Department of Agriculture, Room 202 Annex Building, Washington, D.C. 20250, 202-447-6042.

SUPPLEMENTARY INFORMATION: The Nitrite Safety Council, an organization of national, regional, and local meatpacker and processor associations, poultry processors, and farm and livestock organizations has requested that the time period for the submission of data with respect to dry cured cuts and fermented sausages, including dry and semi-dry sausages, be extended by 60 days because of delays concerning the approval of protocols for the testing of such products. These delays were caused in large part because of the total concentration of resources required to complete similar tests with respect to bacon. The October 18, 1977, notice, "Nitrates and Nitrites in Meat Products," requested that data with respect to bacon be submitted to the Department by January 16, 1978, but the time period for submission of data with respect to bacon was subsequently extended to March 17, 1978 (see 42 FR 62512).

Since the Administrator is interested in receiving factual and meaningful data, these circumstances are considered sufficient justification for a 60-day extension of the time originally allotted for submitting data concerning dry cured cuts and fermented sausages, including dry and semi-dry sausages. This extension of the time for submitting data shall apply only to dry cured cuts and fermented sausages, including dry and semi-dry sausages.

Done at Washington, D.C., on: April 7, 1978.

ROBERT ANGELOTTI
Administrator, Food Safety and Quality Service.

[FR Doc. 78-9735 Filed 4-10-78; 8:45 am]

[3410-15]

Rural Electrification Administration

ASSOCIATED ELECTRIC COOPERATIVE, INC., AND WESTERN FARMERS ELECTRIC COOPERATIVE

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has issued a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with possible financing assistance for Associated Electric Cooperative, Inc., P.O. Box 754, Springfield, Mo. 65801 and for Western Farmers Electric Cooperative, P.O. Box 429, Anadarko, Okla. 73005.

The anticipated financing assistance would provide Associated and Western Farmers with the financing required to participate with Public Service Co. of Oklahoma in the joint construction of the Black Fox Station, a 2300 MW (net) nuclear generating plant, to be located in Rogers County, Okla. Also related to the project would be 278 circuit miles of new transmission lines in northeastern Oklahoma, northwestern Arkansas, and southwestern Missouri to interconnect with existing transmission systems.

REA's Draft Environmental Impact Statement consists of the following: (i) the Final Environmental Statement dated February 1977, issued by the Nuclear Regulatory Commission; (ii) REA comments on the Final Environmental Statement.

Additional information may be obtained from Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are invited from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, State and local agencies which are authorized to develop and enforce environmental standards, and the public.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4314 or at the Headquarters of Associated or Western Farmers whose addresses are given above.

Comments concerning the evnironmental impact of REA's proposed action must be received on or before June 12, 1978 to be considered in connection with the proposed financing assistance.

Any financing assistance by REA pursuant to these applications will be subject to, and release of funds thereunder will be contingent upon REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with environmental statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C. this 5th day of April, 1978.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc. 78-9569 Filed 4-10-78; 8:45 am]

[3410-16]

Soil Conservation Service

LEWIS AND CLARK 1805 R.C. & D. AREA CRITICAL AREA TREAMENT R.C. & D. MEASURES, NORTH DAKOTA

Intent Not To Prepare Environmental Impact Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Lewis and Clark 1805 R.C. & D. Area Critical Area Treatment R.C. & D. Measures in Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan, and Sioux Counties, N. Dak.

The environmental assessment of these Federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Allen L. Fisk, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fencing, and grassed waterways.

The notice of intent not to prepare environemntal impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Allen L. Fisk, State Conservationist, Soil Conservation Service, Federal Building, Room 270, Rosser and 3rd Street, Bismarck, N. Dak. 58501, 701-255-4011, extension 421. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 11, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: April 3, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-9499 Filed 4-10-78; 8:45 am]

[3410-16]

NORTH CENTRAL RC & D AREA CRITICAL AREA TREATMENT RC & D MEASURES, NORTH DAKOTA

Intent Not To Prepare Environmental Impact Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the North Central RC & D Area Critical Area Treatment RC & D Measures in Benson, Cavalier, Eddy, Ramsey, Rolette, and Towner Counties, North Dakota.

The environmental assessment of these Federally assisted actions indicates that the projects will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Allen L. Fisk, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fencing, grassed waterways, lined waterways, streambank protection, and stream channel stabilization.

The notice of intent not to prepare environmental impact statements has

been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Allen L. Fisk, State Conservationist, Soil Conservation Service, Federal Building, Room 270, Rosser and 3rd Street, Bismarck, N. Dak. 58501, 701-255-4011, extension 421. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 11, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q).

Dated: April 3, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-9500 Filed 4-10-78; 8:45 am]

[3410-16]

NORTHLUMBERLAND FLOOD PREVENTION RC & D MEASURE, NEW HAMPSHIRE

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Northumberland Flood Prevention RC & D Measure in Northumberland, N.H.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Donald G. Burbank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

This measure concerns a plan for flood prevention on Roaring Brook flood plain. The planned works of improvement include 230 feet of dike, 120 feet of stone lined waterway, and 4,500 square feet of vegetation.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and my be reviewed by contacting Mr. Donald G. Burbank, State Conservationist, Soil Conservation Service, Box G, Federal Building, Durham, N.H. 03824; telephone 603-868-7581. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until May 11, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program-Pub. L. 87-703, 16 U.S.C. 590a-f-q.)

Dated: April 3, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-9502 Filed 4-10-78; 8:45 am]

[3410-16]

ROOSEVELT-CUSTER RC & D AREA CRITICAL AREA TREATMENT RC & D MEASURES, NORTH DAKOTA

Intent Not To Prepare Environmental Impact Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Roosevelt-Custer RC & D Area Critical Area Treatment RC & D measures in Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope, and Stark Counties, North Dakota.

The environmental assessment of these Federally assisted actions indicates that the projects will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Allen L. Fisk, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fending, grassed waterways, and tree and shrub plantings.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Allen L. Fisk, State Conservationist, Soil Conservation Service, Federal Building, Room 270, Rosser and 3rd Street, Bismarck, N. Dak. 58501, 701-255-4011, extension 421. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 11, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: April 3, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-9502 Filed 4-10-78; 8:45 am]

[3410-16]

SOUTH PUTNAM SCHOOL CRITICAL AREA TREATMENT AND LAND DRAINAGE R.C. & D. MEASURE, INDIANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the South Putnam School Critical Area Treatment and Land Drainage R.C. & D. Measure, Putnam County, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment and land drainage. The planned works of improvement include construction of grade stabilization measures, subsurface drains, surface inlets, riprap (stone), and approximately 4 acres of critical area treatment (seeding to grass).

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environ-

mental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 11, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: April 3, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-9503 Filed 4-10-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 30471]

[Order 78-3-112;[1] Docket Nos. 30697, 32294, etc.]

CARIBBEAN AREA SERVICE INVESTIGATION

Order of Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of March 1978. Caribbean Area Service Investigation, Docket 30697, U.S.-Bahamas Service Investigation, Docket 32294, Application of Allegheny Airlines, Inc., Docket 31052; American Airlines, Inc., 31152; Antilles Air Boats, Inc., 30330; Caribbean International Airlines, Inc., 31153; Conner Air Lines, Inc., 31120 and 31121; Continental Air Lines, Inc., 31149; Delta Air Lines, Inc., 31154; Eastern Air Lines, Inc., 31140 and 25909; Evergreen International, Inc., 31146; National Airlines, Inc., 31136; North Central Airlines, Inc., 31144; Northwest Airlines, Inc., 31142; Red Carpet Flying Service, Inc., 31143; Rich International Airways, Inc., 31139; Southern Airways, Inc., 31137; Texas International Airlines, Inc., 31148; and Trans International Airlines, 31170. Under section 401 of the Federal Aviation Act of 1958, as amended.

Petitions of the Government of the Virgin Islands of the United States, the Commonwealth of Puerto Rico, the Tampa Bay Area Parties for the institution of a Service Investigation under section 401 of the Act, as amended. Dockets 31135, 31157, 31145.

In Appendix A, "Caribbean Points to be Included Within the Scope of the Caribbean Case," Guadeloupe was omitted inadvertently and should be added to the list.

In ordering paragraph 8 of page 7, the motions to consolidate various applications with the U.S.-Bahamas Service Investigation, Docket 32294, inadvertently excluded the application of Evergreen International Airlines, Inc., in Docket 31146. Accordingly, the application of Evergreen International Airlines, Inc., in Docket 31146 is consolidated with the U.S.-Bahamas Service Investigation to the extent it conforms to the scope of the proceeding.

Dated: April 3, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-9568 Filed 4-10-78; 8:45 am]

[1] Published at 43 FR (13409) 3-30-78.

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

GEOLOGICAL SURVEY—RESTON, VA.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00021. Applicant: U.S. Department of the Interior, Bureau of Geological Survey, National Center, MS 526, 12201 Sunrise Valley Drive, Reston, Va. 22092. Article: Wild Offline Orthophoto System. Manufacturer: Wild Heerbrugg Instruments Ltd., Switzerland. Intended use of article: The article is intended to be used to analyze aerial photographs by digitally-controlled optics that transform the images on the photographs to orthographic views of the images from points above the earth's surface. This technique is employed to produce orthophotos, stereo-mates and digital terrain models. These products are used by scientists to analyze spatial features of the earth's surface.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides digitally controlled slope correcting optics and a maximum orthophoto format size equal to 900 millimeters (mm) x 750 mm plus one scan width. The National Bureau of Standards advises in its memorandum dated February 21, 1978 that (1) the specifications of the article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9548 Filed 4-10-78; 8:45 am]

[3510-25]

MASS. INST. OF TECH.—LOGO GROUP

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00029. Applicant: LOGO Group, Artificial Intelligence, M.I.T., 545 Technology Square, Cambridge, Mass. 02139. Article: General Turtle TT3500 Computer Systems, and accessories. Manufacturer: Societe General Tortue Ltee, Canada. Intended use of article: The article is intended to be used in a research project which will thoroughly document the experiences of a small number of 5th grade children in an elementary school computer laboratory, using LOGO, an advanced computer language designed for children. Detailed anecdotal records will be kept, and observers will note the development of the children's computer programming skills, and the acquisition of knowl-

edge in the areas of mathematics, science, and language, and of cognitive strategies and attitudinal changes which transfer beyond the specific subject matter studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides hard and software that implements the LOGO computer language and "turtle graphics" developed by the applicant. The Department of Health, Education, and Welfare advises in its memorandum dated February 16, 1978 that (1) the capabilities of the article described above are pertinent to the applicant's intended research and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9549 Filed 4-10-78; 8:45 am]

[3510-25]

RICE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00392. Applicant: Rice University, P.O. Box 1892, Houston, Tex. 77001. Article: Star sensor, rocket borne and data conversion services for rocket flight. Manufacturer: INIK, Sweden. Intended use of article: The article is intended to be used in studies of the northern lights, the aurora borealis, and related phenomena in the earth's upper atmosphere. Instruments are built to measure the auroral light and the particles that produce it, and these launched on sounding rockets into the aurora. The article will be used to determine the altitude of the rocket in flight with very great precision. In addition, the article will be used to train graduate students to conduct independent scientific research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a precision of 0.1 degree in spin axis direction. The National Bureau of Standards advises in its memorandum dated February 27, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9550 Filed 4-10-78; 8:45 am]

[3510-25]

UNIV. OF CALIF.—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00053. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: Ultrafast Streak Camera System. Manufacturer: Hadland Photonics, United Kingdom. Intended use of article: The article is intended to be used to photograph the behavior of a high velocity (up to 10^8 cm/sec) plasma stream emerging from a coaxial plasma gun. In the future it will also be used to diagnose a planned linear implosion plasma experiment. The phenomena to be studied will include the initial gas breakdown and subsequent behavior inside the gun (gun barrel phase) and the behavior of the plasma as it is injected into appropriate magnetic fields.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of picosecond domain time resolution. The National Bureau of Standards advises in its memorandum dated March 16, 1978 that (1) the specification of the article described above is pertinent to the applicant's intended purposes (2) the only domestic manufacturer capable of providing an instrument comparable to the foreign article, General Engineering and Applied Research Inc., declined to bid on the applicant's request for quote due to a production overload and (3) it knows of no other domestic source capable of providing an equivalent domestic instruments.

Thus no domestic manufacturer was both willing and able to provide an instrument scientifically equivalent to the article without unreasonable delay.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9551 Filed 4-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF MINNESOTA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00027. Applicant: University of Minnesota, Department of Chemistry, 207 Pleasant Street, SE., Minneapolis, Minn. 55455. Article: Programmable Circulating Thermostat, Model CT-C, with accompanying accessory pump unit, Model PC-B. Manufacturer: Sodev, Inc., Canada. Intended use of article: The article is intended to be used in the investigation of the temperature dependence of the rates of hydrolysis of a congener series of aliphatic amino acid esters by the enzyme α-chymotrypsin. The temperature dependence will reveal the underlying thermodynamic parameters that provide a physical description of the catalytic process. The objective of this investigation is to gather the precise data necessary to extract the free energies, enthalpies and entrophies of activation of the various rate constants involved in the catalytic process at high enough level of accuracy and precision that a detailed mechanistic interpretation is possible. Two types of experiments to be conducted involve: (1) Measurement of reaction progress curves at a set of fixed temperatures, and (2) measurement of initial rates of reaction in a temperature scanning made.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a programmable and circulating system with an accuracy of $\pm 0.02°$ Centigrade (°C) or better after correction for non-linearity of the thermistor probe (± 0.26°C without this correction) and a precision temperature control of ± 0.001°C. The Department of Health, Education, and Welfare advises in its memorandum dated February 16, 1978 that (1) the capabilities of the article described above are pertinent to the applicant's intended research and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9552 Filed 4-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF PENNSYLVANIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00038. Applicant: University of Pennsylvania, Department of Biochemistry and Biophysics, 37th Street and Hamilton Walk, Philadelphia, Pa. 19104. Article: 510 Nanosecond Lamp, complete with Power Supply and Accessories. Manufacturer: Photochemical Research Association, Canada. Intended use of article: The article is intended to be used to study the interaction of light biological material. Specific experiments to be conducted will include: (1) The study of muscle structure; and (2) The study of mitochondrial structure. The ultimate aim of this research will be to describe the organization of molecules in a living cell and to correlate this organization with life processes. The article will also be used in independent research (undergraduate), and graduate research to teach students about nanosecond fluorescence measurements.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a gated lamp with a field frequency stability better than 0.1 percent (%) with an amplitude stability better than 5% and short light pulse (2-3 nanosecond) depending on the gas used. The most closely comparable domestic instrument is the Model 9352, nanosecond pulser, manufactured by Ortec Incorporated. The domestic Model 9352 is not available in a gated system. The Department of Health, Education, and Welfare advises in its memorandum dated February 16, 1978 that (1) the features of the article described above are pertinent to the applicants' intended uses and (2) it knows of no domestic instrument or apparatus which provides all of the pertinent features of the article.

We, therefore, find that the Model 9352 manufactured by Ortec is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9553 Filed 4-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF VIRGINIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00034. Applicant: University of Virginia, Department of Biochemistry, School of Medicine, Charlottesville, Va. 22901. Article: JEOL/FX 60Q High Resolution Fourier Transform Nuclear Magnetic Resonance Spectrometer and accessories. Manufacturer: JEOL Analytical Instruments, Japan. Intended use of article: The article is intended to be used for physical studies of phospholipid bilayers, which serve as models for biological membranes. The research projects (Cholesterol-Phosphatedylceroline Interactions and Compositional Domains in Bilayers) involve a variety of techniques, e.g., analytical ultracentrifugation, fluorescence, calorimetry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for making $T_{1/2}$ measurements. The Department of Health, Education, and Welfare advises in its memorandum dated January 21, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended research and (2) it knows of no domestic instrument or apparatus which provides the pertinent feature.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9554 Filed 4-10-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

GULF EXHIBITION CORP.

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Gulf Exhibition Corp. "Gulfarium".

b. Address: Highway 98 East, Fort Walton Beach, Fla. 32548.

2. Type of permit: Public Display.

3. Name and number of animals: Atlantic bottlenosed dolphins (*Tursiops truncatus*), 6.

4. Type of Take: By capture for public display.

5. Location of Activity: Choctawhatchee Bay, Fla.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 11, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: April 6, 1978.

ROLAND F. SMITH, 103 ACTING ASSISTANT, DIRECTOR FOR FISHERIES MANAGEMENT, NATIONAL MARINE FISHERIES SERVICE.

[FR Doc. 78-9564 Filed 4-10-78; 8:45 am]

[6330-01]

COMMISSION OF FINE ARTS

MEETING

The Commission of Fine Arts will meet in open session on Tuesday, April 25, 1978, at 10 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006, to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

This notice confirms notice of December 27, 1977, published at 42 FR 64651.

Dated in Washington, D.C., April 6, 1978.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 78-9547 Filed 4-10-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Thursday, May 11, 1978, San Bernardino, Calif.

The entire meeting, commencing at 0900 hours, is devoted to the discussion of classified information as defined in Section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on ICBM Refire potential.

Dated: April 6, 1978.

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

[FR Doc. 78-9522 Filed 4-10-78; 8:45 am]

[3810-70]

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session May 17-18, 1978 at the Pentagon, Arlington, Va.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense, Research and Engineering, on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for May 17-18, 1978 to discuss interim findings and tentative recommendations resulting from ongoing task force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communication, and technology issues. The Board will also discuss plans for future considerations of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

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

Dated: April 6, 1978.

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

[FR Doc. 78-9520 Filed 4-10-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 6, 1978; Tuesday, June 13, 1978; Tuesday, June 20, 1978; and Tuesday, June 27, 1978, at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

Dated: April 6, 1978.

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

[FR Doc. 78-9521 Filed 4-10-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP73-112, RP74-92, RP75-88]

ALGONQUIN GAS TRANSMISSION CO.

Order on Pipeline Rates Settlement Agreement

MARCH 31, 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 activitated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceeding 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.

BACKGROUND

Algonquin Gas Transmission Co. (Algonquin) owns and operates pipeline facilities from which it services customers in the New England area. The transmission system starts from a point in New Jersey where it purchases its entire pipeline supply of natural gas from Texas Eastern Transmission Corp. (also a part owner of Algonquin) and terminates in the vicinity of Boston, Mass.

In addition to rendering natural gas service, Algonquin, renders Synthetic Natural Gas (SNG) Service. Algonquin purchases the SNG production from its affiliate, Algonquin SNG, Inc. Algonquin also renders transportation and exchange service for several of its distributor customers.

On June 15, 1973, in Docket No. RP73-112 Algonquin filed for a rate increase amounting to approximately $7.8 million annually under its resale Rate Schedules F-1, WS-1 and T-1. This filing was assigned F.P.C. Docket No. RP73-112. The filing included a claimed rate of return of 15.5 percent on equity; an increase in the previously effective depreciation rate from 3.0 percent to 5.0 percent; and general increases in other elements of its cost of service. The filing was permitted to go into effect subject to refund on January 1, 1974 following a five month suspension period, and, as a result of the filing of the next rate increase application, was locked-in on November 30, 1974. Testimony and Exhibits were timely filed and hearings were held and completed. An Initial Decision was issued on June 15, 1976.

On May 16, 1974, Algonquin filed another rate increase application in Docket No. RP74-92. This was suspended and permitted to become effective subject to refund on December 1, 1974. The increase sought amounted to approximately $17.6 million annually, of which $16.5 million was applicable to Rate Schedule SNG-1 (primarily feed stock costs) and the remaining $1.1 million increase was related to increased costs under Rate Schedules F-1, WS-1, and T-1. No change in depreciation was sought but the rate of return on equity was reduced to 15.25 percent. In addition, issues relating to Rate Schedule SNG-1 were raised. The major SNG issues were: (1) Billing determination; (2) rate design; (3) depreciation rates; and, (4) feedstock cost of naphtha. These increased rates remained in effect until October 22, 1975, when they were superseded by the next rate increase filing (Docket No. RP75-88). Hearings were held and concluded and an Initial Decision was issued in RP74-92 on June 8, 1976.

On April 8, 1975, Algonquin filed for increased rates in Docket No. RP75-88. The rate increase of about $25.3 million was suspended until October 23, 1975, at which time the rates were permitted to become effective subject to refund. The $25.3 million increase reflected $21.3 million of claimed increased costs of the SNG-1 service (again primarily feedstock costs) and $4.0 million of increased costs related to Rate Schedules F-1, WS-1, and T-1. This $4.0 million increase included

claimed increases of costs for normal expenses plus a downward sales adjustment as a result of curtailments received from the pipeline's supplier, Texas Eastern. No change in depreciation rates was claimed and the rate of return on equity was the same as claimed in the underlying proceeding. Hearings were held and concluded and an Initial Decision was issued on March 30, 1977. However, no briefs on exceptions have as yet been filed.

By letter, dated April 29, 1976, the Commission requested Algonquin to submit to all parties an offer of settlement for all dockets which could serve as a basis for the possible expeditious resolution of the subject proceedings. On June 16, 1976, Algonquin filed an offer of settlement on all parties. By letter dated August 11, 1976, the FPC Staff rejected Algonquin's offer but scheduled a settlement conference to convene on August 26, 1976. Further settlement conferences were held until September 21, 1977, when the instant Settlement was agreed to by all parties (except for certain issues, described more fully below). On September 26, 1977, the Settlement was filed and the filing of comments and reply comments by interested parties was completed on November 25, 1977.

The comments raise questions related to three issues:

1. *Effective Date of Depreciation Rate Change for the SNG Plant:* Standard Steel Corp., an intervenor, who is a customer of Penn Fuel Gas, a temporary off-system customer of Algonquin purchasing SNG service during the Docket No. RP74-92 locked-in period, objects to the proposed effective date of the change in the SNG depreciation rate.

2. SNG Rate Design for Locked-in Refund Period: Standard Steel also objects to the SNG rate design related to computing refunds for the locked-in period of Docket No. RP74-92 (December 1, 1974 through October 22, 1975).

3. *Refund Procedure:* Staff raises a question concerning the Settlement's alternative method of flowing through refunds—lump sum or monthly credits.

Before addressing the contested issues in detail we shall examine the uncontested portions of the settlement.

Major Uncontested Portions of Stipulation and Agreement

Although the settlement encompasses three unconsolidated rate proceedings, there are certain issues common to all three dockets covered by the settlement. These common issues and their resolution are as follows:

Pipeline Book Depreciation Rate

All three proceedings involve a proposal by Algonquin to increase its basic pipeline book depreciation rate from 3 percent to 5 percent. Staff testified in support of an increase to 3.5 percent. Customer intervenors opposed any increase and supported continuation of the basic rate of 3 percent.

The Settlement book depreciation rate is the 3.5 percent.

Pipeline Rate Design for Demand-Commodity Rates

Algonquin has historically utilized an "Atlantic Seaboard" cost classification for the transmission cost of service in designing its demand-commodity rates. Although the Staff, in its testimony and exhibits, supported this methodology, Staff does not object to the settlement's use of the "United Gas" method.

Rate of Return

The following tabulation lists the company's filed-for position, Staff's filed-for position and the settlement position.

Docket	Company (equity)	Staff	Settlement
	Percent	*Percent*	*Percent*
RP73-112	[1]15.5	12.5	13.75
RP74-92	[2]15.25	12.5	13.50
RP75-88	[2]15.25	12.5	13.25

[1]31.3 pct ratio.
[2]35.84 pct ratio.
[3]41.21 pct ratio.

SNG Issues (Related to Dockets RP74-92 and RP75-88)

Rate Form

The Company's filed rate form consists of a demand charge reflecting all the costs of the operation except the feedstock costs which are reflected in the commodity charge.

The Staff and the Customers proposed a straight volumetric rate. Such a design would result in Algonquin's full recovery of the fixed costs only to the extent the plant operated on a full service basis. Under the Company's design the risk of plant outages would be borne by the Customers while under the Staff's design any production less than capacity would result in the Company's recovery of less than its full cost of service.

Settlement of this issue provides that for the past manufacturing periods Algonquin will be permitted to recover its actual costs of operations. For the future, the rate form will provide for a commodity charge reflecting the fixed costs of return on equity and related income taxes and, a demand charge reflecting all other fixed costs and a separate charge reflecting reimbursement of the feedstock costs.

Depreciation Rate

The Company began operations of the SNG plant utilizing a 10-year life, which coincided with the terms of the service agreements executed with its SNG Customers. The Customers, through testimony and exhibits, proposed that this life be extended to 14 years.

This issue was resolved by the Company agreeing to the 14 year life and the Customers, correspondingly agreeing to extention of the terms of their executed service agreements to 14 years. The reduction in the SNG book depreciation rate from 10 percent to 6.6 percent rate was made prospective from October, 1976 (Docket No. RP75-88).

This is one of the issues which received adverse comments from Standard Steel who objected to the starting date of the reduced depreciation rate. Standard Steel proposes a starting date commencing with the Docket No. RP74-92 period. We will address this point more fully below.

Carrying Charges on Deferred PGA Accounts. Algonquin agrees to modify its PGAC to provide for carrying charges on both positive and negative balances of the deferred account (Account No. 191) at the interest rate set forth in Section 154.67(c) of the Commission's regulations, and, if necessary, be modified to comply with any further Commission's order in Docket No. R-406 (permission to allow carrying charges on Account 191 balances).

We will condition our approval of this portion of the settlement upon Algonquin's agreeing to file revised tariff sheets to comply with any future modification of this provision in Docket No. R-406 or any other docket and agreeing to be bound by this condition until the date the rates in the current settlement agreement are suspended by another major Section 4 rate filing.

Specific Cost of Service Unit Refund Amounts, and Unit Rates for the Future Period

1. *Docket No. RP73-112*—(Rate Schedule SNG-1 is not involved in this proceeding.)

The locked-in period extends from January 1, 1974 thru November 30, 1974. Since the locked-in period is less than 12 months, a test period of December 1, 1973 thru November 30, 1974, was utilized to determine those costs which were annual in nature in order to calculate a unit rate of refunds to be applied to the actual locked-in volumes.

Actual book amounts have been utilized with one basic adjustment: In order to avoid distortion related to the WS sales (special service rendered during the winter period) for two partial split winter periods, the WS sales reflected are the actual sales rendered during the 1973-74 single winter period.

Attached as Appendix A is a brief summary of the cost-revenue-refund amounts covered in the settlement. As noted therein, the settlement provides for refunds of $7,473,936.

2. *Docket No. RP74-92.* The locked-in period extends from December 1, 1974, through October 22, 1975. Again, since the locked-in period is not equal to a 12 month period, a 12-month test period, December 1, 1974, through November 30, 1975, is utilized in order to determine the costs that are annual in nature in order to calculate a unit rate of refunds to be applied to the locked-in volumes. Actual book amounts have been utilized for this 12 month period with two major exceptions. The WS sales reflected in the test period are the actual sales for the 1974-75 single winter season and for the SNG-1 costs and revenues, in order to reflect a complete production cycle, the twelve month period of October 1, 1974, through September 30, 1975, was adopted.

Attached as Appendix B is a brief summary of the cost-revenues-refund amounts in RP74-92. As noted therein, the settlement produces a $10,243,178 refund.

3. *Docket No. RP75-88.* The rates in this docket became effective on October 23, 1975, and are in effect today, adjusted inter-alia for PGA filings. As these rates have been in effect for more than two years and will continue to be in effect into the future, the problem arises as to treatment of this proceeding so as to provide for refunds for the past periods and to reflect reduced rates for the future. The problem is resolved by establishing locked-in periods, as reflected below for the past, utilizing actual book figures—both cost and sales—to determine refund dollars, and a test period approach to determine rate reductions for the future. These periods are as follows:

(i) Pipeline rates, locked in refund period "A": November 1, 1975 through October 31, 1976.

(ii) Pipeline rates, locked in refund period "B": November 1, 1976 through July 31, 1977.

(iii) Pipeline rates, future period commencing August 1, 1977: Test period ended October 31, 1977.

(iv) SNG rates, locked in refund period: October 1, 1975, through September 30, 1976.

(v) SNG rates, future period: October 1, 1976, through September 30, 1977.

It should be noted that Algonquin presently has a Purchased Feedstock Adjustment Clause (PFAC) for the Rate Schedule SNG-1. The PFAC in addition to providing Algonquin the right to track changes in its feedstock costs (increases and decreases), requires Algonquin to file an SNG cost of service after each production cycle (Post-Audit) and to adjust its SNG-1 rates, downward, to reflect reduced operating costs, if any. This PFAC is not opposed in this settlement, and will not be addressed in this order. We note, however, that a substantiative determination on this issue is the subject of another proceeding (Docket Nos. RP76-15 and RP76-98) and our approval of PFAC here should not be considered as precedent on this question.

Attached as Appendix C is a brief summary of the cost-revenue-refund and rate reduction for RP75-88.

According to the settlement, the Appendix C rates will be in effect from August 1, 1977, adjusted for PGA filings, until the settlement is approved by the Commission. At that time, the F-1 demand-commodity rates will be readjusted as set below:

Rate schedule	Aug. 1, 1977 "Atlantic Seaboard"	Effective rate of settlement "United Gas"
F-1:		
Demand	$6.8350	$5.8500
Commodity	0.8688	0.9173

The SNG-1 rate design for the future, exclusive of feedstock costs, shall be as follows:

Unit commodity charge:	
SNG-1 stipulated cost of service	$18,644,593
Commodity charge fixed-cost percentage per settlement	×[1] 30.6
Unit commodity charge	$5,705,245
Billing units (MMBtu)	$17,848,200
Unit commodity charge (MMBtu)	0.32
Unit demand charge:	
Remainder of fixed costs	$12,939,348
Billing units	$17,848,200
Unit demand charge (MMBtu)	0.725

[1] This 30.6 percent represents the portion of the fixed costs relating to return on equity and associated taxes. This percentage represents only the agreement by all parties for the purpose of establishing the future rates for SNG-1 under this settlement and the parties should not be deemed to be agreeing to any ratemaking principle.

AMOUNT OF REFUNDS AND INTEREST

The amounts payable to each customer shall be calculated as follows:

(i) For the appropriate locked-in periods, the applicable unit refund amount specified for each locked-in period multiplied by the actual sales to each customer during the applicable locked-in period.

(ii) For the Docket No. RP75-88 Future Period, for pipeline rates, multiply the applicable Unit Rate Reduction by the actual sales for each customer between August 1, 1977, and such time as the adjusted Unit Rates are made effective by Commission order. With respect to SNG-1 rates, refunds shall be made for the 1976-77 winter period by multiplying the applicable unit rate reduction by the actual sales rendered to each SNG customer during such period.

Such principle amounts of refunds shall bear simple interest at the rate of 7 percent per annum on those amounts collected and held prior to October 10, 1974, and 9 percent per annum, on all amounts collected or held thereafter.

CONTESTED ELEMENTS OF SETTLEMENT

As noted above three issues are contested in settlement. The first issue we will discuss is that raised by Standard Steel in which it suggests that the modification of the depreciation period (10 years to 4 years) must be made applicable to all of the pending dockets. As presently constituted, the modified depreciation component will only be in effect from October, 1976, prospectively. Standard Steel, it should be noted, purchased SNG on a one time non-recurring basis in the period covered by the Docket No. RP74-92. Standard Steel contends that the proposed modification of depreciation results in a violation of Section 4(b) of the Natural Gas Act.

Staff responded to Standard Steel's argument suggesting that "the gravamen of Standard Steel's unique problem is its own decision to purchase SNG through Penn Fuel for a very short time [in] the majority of one SNG sales period in 1974-75. If it had continued to contract for SNG in the latter periods covered by Docket No. RP75-88, Standard Steel would be entitled to further refunds or rate reductions on the same basis as all other customers." [2] Staff concludes that "the settlement provides for full recovery of Algonquin's reasonable costs of SNG for operations during each period and for a single set of uniform and just rates in each period to recoup these costs. Thus, there can be no undue discrimination or advantage to any customer from approval of the settlement." [3]

Echoing similar thoughts, Algonquin states at page 3 of its reply comments that:

In contrast, the Standard Steel proposal is that the Settlement be amended so that the off-system Customers served on a non-recurring basis in the past pay fewer depreciation dollars *through a retroactive* reduction in the book depreciation rate, with the off setting burden shifted to the regular Customers to pick up the remaining return of investment in the future. It is a proposal to change the allocation of the "return of investment" over the life f the SNG property so that the off-system Customers pay less, and the regular Customers pay more.

The SNG plant and related service was made possible by the fact that the regular Customers contracted for such service on a long term basis. The off-system Customers were temporary riders, purchasing the service on a non-recurring basis to meet emergency conditions on their systems. Such off-systems Customers were—and under the Settlement are—given the same rate as the regular Customers for each period that they receive service. Indeed, because of this parity of treatment, the off-system Customers even obtain the advantage of the lower rate base resulting from depreciation dollars accrued over a past period to which the off-

[2] Reply Comments of the Commission Staff, at 4.

[3] Id.

system Customers had not contributed one cent.[4]

We agree with Staff and Algonquin on this point. As Algonquin has so aptly noted:

> Standard Steel, which took upon itself none of the long term customer burdens which made construction of the plant possible, nor the added burdens which permitted reducing the book depreciation rate, now proposes that the Commission require an amendment of the Settlement so that Standard Steel too can share in the benefits of the reduced book depreciation rate for the single past periods in which it received service—at the cost of the regular Customers. This cannot, under any stretch of the imagination, be considered as an equitable proposal.[5]

Each Customer during the docket No. RP74-92 period, whether regular Customer or off-system Customer, received identical rate treatment. This is fully supported by the facts. We find no undue discrimination against Standard Steel.

Standard Steel finds support for its position in the Initial Decision of the Presiding Administrative Law Judge in this case issued June 8, 1976. The instant settlement is proferred in lieu of the Initial Decision reached in the three dockets at issue herein. In the June 8, 1976 decision, Judge Benkin concluded that the proper and adequate rate of depreciation for the SNG facilities was a rate which would be derived from the application of a 14 year service life estimate. The settlement uses the 14 year period for prospective treatment only.

This point is addressed in Algonquin's Reply Comments wherein Algonquin notes that:

> Standard Steel * * * refers to the Initial Decision in Docket No. RP74-92 as supporting its claim for increased refunds, citing particularly those portions dealing with the so called rate design issue and whether the SNG plant should be depreciated over a 10 year period rather than a 14 year period. Standard Steel claims that under the Settlement Standard Steel lost 24 cents which it had "won" in the Decision. The trouble is that Standard Steel has ignored the substantial off-setting items which it had "lost" under the Decision but which are included in the Settlement. * * * The Settlement cannot be validly tested in the manner suggested by Standard Steel. It is a *negotiated* conclusion to many issues and must be tested on the basis of its overall result.[6]

Algonquin is substantially correct inasmuch as the rates derived and charged in any proceeding, whether settled or litigated mut be just and reasonable. While the mere fact that a Settlement is the negotiated resolution of the merits does not permit the Commission to ignore the just and reasonable requirements of the Natural Gas Act, the fact that the result was obtained by a give and take of negotiation cannot be ignored. Algonquin's direct case presented a 10 year depreciation period. Staff's cost of service witness followed that proposal in the RP74-92 docket, noting that at a future time when more experience data became available the rate would be reviewed. This is because operations had commenced in December 1973, only one year before the rates in Docket No. RP74-92 became effective, and at that time SNG manufactured from naphtha feedstock was a new technology. The Judge in fact noted the newness of this technology, (ID at 26). His decision also noted Algonquin's objections to the analogous data upon which he relied in recommending the 14 year depreciation life. Without reaching a determination on the correctness of each of the factual issues raised by Algonquin regarding the IRS study, the 1973 article, the relevancy of the New York Commission's decision, or whether absent a settlement we would necessarily order a 10 year depreciation period, we find that there are sufficient grounds on the record to support the settlement's use of a 10 year depreciation period during that 11 month locked-in period. We find this particularly so, where as here, we are presented with a settlement package resolving several outstanding dockets. Inherent in the very nature of Settlements is the inescapable fact that each side will have lost on some issues and gained on other issues. In the instant settlement it appears to us that the equities on the side of approving the Settlement provisions on depreciation timing far outweigh the equities in favor of adopting Standard Steel's position.

Standard Steel's next objection to the Settlement is set out beginning on page 6 of its comments. There Standard Steel states "the 'Rate Design' in RP74-92, which allows Algonquin to assign and recover costs on volumes of gas not offered for sale, is unjust and unreasonable."[7] These comments note that during the SNG season covered in Docket No. RP74-92, Algonquin's contract demand was for 17,537,575 MMBtu's of SNG, of which it sold only 15,814,391 MMBtu's. This roughly 9.9 percent shortfall was due apparently to technical problems with Algonquin's SNG equipment which caused unscheduled outages. Standard Steel objects to that portion of the Settlement which "places all costs except for feedstock costs in a demand charge, which the Customer must pay in full even though substantial amounts of gas (here, about 10 percent) were never offered to that Customer. This arrangement would shift the entire risk of 'outages' to Algonquin's Customers who have no control over the operation or maintenance of the SNG plant."[8] In support of its position, Standard Steel cites *Trunkline LNG Company*, Opinion No. 796-A, Docket No. CP74-138 (June 30, 1977), *Tenneco Atlantic Pipe Line Compnay (TAPCO)*, Docket No. CP77-100, et al. (Initial Decision issued November 2, 1977), and *Transwestern Coal Gasification Company*, Opinion No. 728-A. Docket Nos. RP74-48, et al., (May 31, 1977).

In its Reply Comments, Algonquin notes that "even the precedents cited by Standard Steel do not support its apparent position here. Thus, its description of the *Trunkline LNG Company* case * * * indicates that for a level of service of over 90 percent Trunkline LNG would be permitted to obtain its full return on equity. Similarly, reference to the cited *Transwestern Coal Gasification Company* case shows that there would be no discount to return to equity for a 90 percent delivery level. These authorities, if anything, support a full return to equity allowance for Algonquin Gas for the 90 percent-plus level of SNG-1 service achieved during the RP74-92 period."[9] The basic objection of Standard Steel to this portion of the Settlement appears to be set forth at page 8 of its comments. There it states "the Settlement would violate Section 4(b) (of the Natural Gas Act) by subjecting Standard Steel to the 'undue disadvantage' of having to pay Algonquin for volumes not offered, a source of revenue of which Algonquin has only partially availed itself in the RP75-88 'future' docket. Algonquin and its Customers have chosen to bifurcate the SNG-1 rate design in a manner which increases rates in RP74-92 and decreases them in the future."[10]

We are not moved by Standard Steel's objections. Even were we to impose for the period at issue in the RP74-92 docket, a rate design as presently proposed for prospective application in the Settlement on the basis of cases cited by Standard Steel, its rates would remain unchanged. As noted by Algonquin, even in the locked-in RP74-92 period, it delivered in excess of 90 percent of its contract demand. Furthermore, as Staff noted, Standard Steel's incentive arguments are misplaced. There is clearly nothing that this Settlement can do which will effect the operation of Algonquin's SNG plant during the winter season of 1974-75. The Stipulation and Agreement does, however, create a reasonable incentive for efficient future operations by allocating the return and tax on return allowance to a prospec-

[4] Algonquin's Reply Comments at 3-4 (emphasis in original).

[5] Id. at 4.

[6] Algonquin Reply Comments at 2 (footnote omitted, emphasis in original).

[7] Standard Steel Comments at 6.

[8] Id.

[9] Reply Comments of Algonquin at 7.

[10] Comments of Standard Steel at 8.

tive commodity charge. Staff also notes in its comments that under the Settlement, future SNG rates will include a substantial penalty—the loss of net return dollars—if Algonquin is unable to meet its contractual obligations. Furthermore, the rates for past "locked-in periods" are designed so that only reasonable costs and a fair return are recouped. Standard Steel does not challenge the 13.5 rate of return nor the agreed-upon cost of service. As presently constituted, the Stipulation and Agreement provisions relating to the SNG Rate Design for the RP74-92 period are just and reasonable. We will not reject this portion of the Settlement as Standard Steel would have us do.

The final objection to the Stipulation and Agreement is that of the Commission's Staff which would have the Commission reject the optional refund procedure contained in the Settlement. Article V, Paragraph (B) of the Stipulation and Agreement provides that "refunds to be made under this Settlement shall be made as lump sum payments, or at the option of each Customer through credits over a period of one year * * *" [11] As grounds for Staff's objection it states that "it (the optional refund procedure) has never been explained to our satisfaction. The purposes and intent of the optional procedures are unclear. We are unable to conclude that adoption of this provision will benefit the ultimate consumers served by Algonquin. Therefore, Staff respectfully requests that the optional refund provision be disapproved and severed from the Settlement * * *" [12]

According to Staff,

"the Commission should give little weight to the effects of any refund procedures upon Algonquin's immediate Customers, the local distributors. They are merely conduits for payment and refund of Algonquin's rates and charges. Primary consideration must be given to the rights and interests of the consumers which ultimately bear all costs. The ultimate consumers will not be benefitted by a delay of up to 13 months in the flow through of Algonquin's refunds to them. The entire refund process should be completed as soon as possible after the termination of Algonquin's liability for statutory interest at 9 percent per annum. The interest that would accrue on refunds in an escrow bank account is an inadequate substitute. It is inconceivable that a bank will pay interest on a short term account at a rate that even approaches the 9 percent per annum that is accruing on all revenues collected by Algonquin subject to refund." [13]

Algonquin, in responding to Staff's opposition notes that, "Staff's unsupported conclusions opposing the optional refund provision must be balanced against the fact that the Customers, not the Staff, are faced with the day to day problems of guiding distribution systems through these difficult times of gas supply." [14]

The Algonquin Customer Group, 21 distribution company customers of Algonquin, in their Reply Comments to the Settlement suggests that "the optional refund provision as contained in the Agreement will give each of the 21 distributors that are located in 5 different states, the flexibility to receive its refunds (in the aggregate in excess of $60,000,000) in a manner which is in the best interest of that distributor and the consumers being served. It is evident that this provision could (1) help these distributors to reduce the rates being charged the consuming public over the succeeding 12 month period and (2) help to avoid substantial fluctuation in the rates of these distributors." [15] Both Algonquin, and the Customer Group note that there is precedent for such a refund provision, citing the December 24, 1975, Federal Power Commission approval of a settlement in *Florida Gas Transmission Company* in Docket No. RO74-19 et al.

We perceive no benefit in the optional refund procedure such as to require its inclusion in this settlement. While it is conceivable that such benefit exists, such a benefit is not apparent upon the record before us. Inasmuch as this element is, by its very terms severable from the remainder of the Settlement Agreement, and seemingly offers no public benefit, we will delete the optional refund provisions from the Commission's approval of the balance of the Settlement. This should not be read as a precedential decision with regard to similar optional refund conditions. Rather, our rejection of this element of the Settlement grows out of the record before us which does not show the existance or nature of any off-setting public benefits accruing through such a procedure.

The Commission finds. The Stipulation and Agreement in Docket Nos. RP73-112, RP74-92, and RP75-88, filed September 26, 1977, as modified by deletion of Article V (B), "Refund Procedures"; is just and reasonable and should be approved.

The Commission orders. (A) That the Stipulation and Agreement summarized herein, filed with the Commission on September 26, 1977, as modified by the deletion of Article V (B) refund procedures, is hereby approved

(B) The provisions of this settlement agreement providing for the modification of Algonquin's Purchased Gas Adjustment Account clauses to comply with any future modification of the rules regarding carrying charges on both positive and negative balances of Account No. 191 shall be effective until such time as the rates in the current settlement agreement are superseded by another major Section 4 major rate filing.

(C) Within 45 days of this order Algonquin shall refund all rates collected in excess of that rate which would have been collected under the terms of the Stipulation and Agreement, together with interest at the rate of 7 percent per annum for all sums collected and held prior to October 10, 1974, and 9 percent per annum on all amounts collected or held thereafter.

(D) Within 15 days after completion of the refunds set out in Paragraph (B), Algonquin shall file with this Commission, and all interested state commissions a full report detailing the refund procedure and accounting for all refunds made under the Stipulation and Agreement.

(E) The requirement for filing briefs on exceptions in Docket No. RP75-88 is hereby eliminated.

By the Commission.

KENETH F. PLUMB,
Secretary.

[11] Stipulation and Agreement at 19.
[12] Staff Initial Comments at 2.
[13] Id. at 3.
[14] Algonquin Reply Comments at 8.
[15] Reply Comments of the Algonquin Customer Group at 2.

APPENDIX A.—*Test period—12 mos. ended Nov. 30, 1974*

Revenues—F-1, WS-1 and T-1	$119,745,447
Cost of service—F-1, WS-1 and T-1	111,503,461
Excess revenues	8,241,986

	F-1 and WS-1	T-1
Revenues over cost	$8,152,437	$89,549
Test period sales and transport volumes (Mcf)	126,711,953	5,789,364
Unit refunds	6.433834¢	1.546785¢
Adjustment for miscellaneous revenue	0.027667	0.006470
Total unit refunded	6.461501¢	1.553255¢
Locked-in volumes (Mcf)	114,375,749	5,378,762
Refund dollars	$7,390,390	$83,546
Total refunds		$7,473,936

APPENDIX B.—*Test period 12 mos. ended Nov. 30, 1975*

		Rate schedules F-1, WS-1, and T-1	Rate schedule SNG-1
Test period revenues		$132,122,220	$64,716,628
Test period ending Nov. 30, 1975		126,382,708	59,838,484
Excess revenues		5,739,512	4,878,144
Revenues over cost	$5,717,564	$21,948	$4,878,144
Test period volumes (MMBtu)	111,050,355	5,859,767	15,814,391
Unit refunds	5.148623¢	0.374554¢	30.846234¢
Adjustment miscellaneous revenue	0.095004	0.006842	
Total unit refund	5.243627¢	0.381396¢	30.8466234¢
Locked-in volumes (MMBtu)	101,919,888	5,436,629	15,814,391
Refund dollars	$5,344,299	$20,735	$4,878,144
Total refund			$10,243,178

APPENDIX C.—*Unit refunds for locked-in period "A" test period, 12 mo. ended Oct. 31, 1976*

		Rate schedules F-1, WS-1, and T-1	Rate schedule SNG-1
Test period C/O/S		$155,421,149	$22,534,092
Test period revenues (including S-T revenues—net of costs)		166,362,719	23,963,965
Excess revenues		10,941,570	1,429,873
	F-1 and WS-1	T-1	SNG-1
Revenues over costs	$10,859,683	$81,887	$1,429,873
Test period sales (MMBtu)	114,452,150	5,863,320	17,711,726
Unit refunds	9.488405¢	1.396598¢	8.073030¢
Adjusted for miscellaneous revenue	0.735190¢	0.108541¢	
Total unit refunds	10.223595¢	1.505139¢	8.073030¢
Locked-in volumes (MMBtu)	116,478,528	5,948,887	17,711,726
Refund dollars	11,908,293	89,539	1,429,873
Total refund			$13,427,705

Unit refunds for locked-in period "B" test period—12 mo. ended July 31, 1977 SNG, Oct. 1, 1975 and unit refunds for locked-in period, due Sept. 30, 1976

		Rate schedules F-1, WS-1 and T-1	Rate schedule SNG-1
Test period cost/service		$162,059,795	$18,644,593
Test period revenues		175,039,250	24,148,615
Revenues over cost		12,979,455	5,504,022
	F-1 and WS-1	T-1	SNG-1
Revenues over cost	$12,882,317	$97,138	$5,504,022
Test period sales (MMBtu)	123,076,832	5,462,941	17,848,200
Unit refund	10.466890¢	1.778126¢	30.84¢
Adjust for miscellaneous revenues	0.921479¢	0.280818¢	
Total unit refund	11.388369¢	2.058944¢	30.84¢
Locked-in volumes (MMBtu)	99,558,598	2,463,161	17,823,940
Refund dollars	11,338,101	50,715	5,496,903
Total refund			$16,885,720

Pipeline rates for future period, commencing Aug. 1, 1977; Nov. 1, 1976 through Oct. 31, 1977

	Rate schedules F-1, WS-1 and T-1	Rate schedule SNG-1
Test period C/O/S	$160,049,540	$18,644,593
Test period revenues (F-1, WS-1, T-1 and S-T)	172,939,409	24,148,615

Pipeline rates for future period, commencing Aug. 1, 1977; Nov. 1, 1976 through Oct. 31, 1977

	Rate schedules F-1, WS-1 and T-1	Rate schedule SNG-1
Revenues over cost-of-service	12,895,409	5,504,022

Collection of future rates	F-1 and WS-1	T-1	SNG-1
Annual reduction	$12,798,900	$96,509	$5,504,022
Test period sales—MMBtu	120,679,133	5,690,575	17,848,200
Unit rate reduction	10.61¢	1.70¢	30.84¢
Adjustment for miscellaneous revenue	0.84¢	0.14¢	
Total reduction rates	11.45¢	1.84¢	30.84¢

Rate schedule	Presently efficient base rates	Future base rates
F-1 Demand	$6.835	$6.835
Commodity	0.9833	0.8688
WS-1	2.2400	2.1255
P-1 (no sales)	0.9883	0.8738
E-1 (no sales)	1.2871	1.1726
T-1 Demand	1.85¢	1.85¢
Commodity	3.62¢	1.78¢

[FR Doc. 78-9483 Filed 4-10-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RP78-51]

COLORADO INTERSTATE GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 5, 1978.

Take notice that Colorado Interstate Gas Co. (CIG), on March 31, 1978, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed base rates would increase revenues from jurisdictional sales and service by approximately $12.1 million over rates presently being collected subject to refund in Docket No. RP77-105, inclusive of all PGA adjustments through April 1, 1978 (excluding surcharges). The proposed increase is based on the twelve-month period ended December 31, 1977, adjusted for known and measurable changes which will become effective within the nine months subsequent to that date, as provided for in the Commission's Regulations.

CIG states that the jurisdictional rates filed herewith are designed to enable CIG to recover increases in its jurisdictional cost of service attributable primarily to additional facilities, increased labor and other operating costs, and increased return and related income tax requirements.

Also included in the filing are Second Revised Sheet Nos. 198 and 262 reflecting the adjusted transportation rates contained in Rate Schedules X-60 and X-66.

Copies of CIG's filing have been served on CIG's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9515 Filed 4-10-78; 8:45 am]

[6740-02]

[Docket No. CP78-253]

NORTHWEST PIPELINE CORP.

Notice of Application

APRIL 4, 1978.

Take notice that on March 24, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-253 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the gathering and transportation of up to 2,500 Mcf of natural gas per day for Thermal Exploration, Inc. (Thermal), Development Associates, Inc. (Development) and IGC Production Co. (IGC) (Producers), all wholly owned subsidiaries of Washington Natural Gas Co. (Washington Natural), The Washington Water Power Co. (Water Power) and Intermountain Gas Co. (Intermountain), respectively, all existing customers of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that IGC has acquired, or otherwise controls, certain natural gas production in the East Douglas Creek Field, Rio Blanco County, Colo., which the Producers, as parties in a joint venture arrangement, have the right to purchase. The application further states that IGC would retain its share of the subject production volumes and would, pursuant to a gas purchase contract dated April 29, 1977, sell the remaining volumes to Thermal and Development. Consequently, the Producers have acquired the right to purchase certain volumes of natural gas in the East Douglas Creek Field which they desire to make available to their respective parent companies, it is said.

It is indicated that Applicant's gas transmission system is the only system available to transport gas from the East Douglas Creek Field to the market areas served by the Purchasers; therefore, Applicant and Producers have entered into a gas transportation agreement dated May 13, 1977, whereby Applicant would provide a transportation service for the Producers.

Applicant indicates that pursuant to the agreement, IGC would deliver to Applicant, for the account of the Producers, the volumes of natural gas presently or hereafter owned or controlled by the Producers in the area covered by the agreement, and that IGC would deliver the subject volumes to Applicant at various points on Applicant's East Douglas Creek gathering system. Applicant states that it would transport such volumes through its East Douglas Creek gathering system and mainline transmission system and would redeliver thermally equivalent volumes, less compressor fuel, to the Purchasers for the account of the Producers. Applicant's deliveries to the Purchasers would be at various points where Applicant is presently authorized to sell and deliver volumes of natural gas to Purchasers, it is said.

Applicant states that it estimates that, initially, 480 Mcf of natural gas per day would be delivered by IGC to Applicant for the account of the Producers as proposed herein. It is indicated that for such transportation service, Applicant would charge the Producers a two-part rate as follows:

1. A gathering rate based on Applicant's cost-of-service for that portion of its East Douglas Creek gathering system which would be utilized in the transportation of the Producer's gas. The initial gathering rate would be 18.69 cents per Mcf.

2. A mainline transportation rate equal to Applicant's rolled-in transmission system cost-of-service for all volumes transported by Applicant for the Producer's accounts. The initial mainline transportation rate would be 16.03 cents per Mcf, which is the rate utilized in settlement of Applicant's most recent general rate filing at Docket No. RP76-115.

It is stated that in addition to the transportation charges, Applicant pro-

poses to retain a total of 6 percent of the volumes to be transported for the Producers as compensation for compressor fuel usage for the transportation of natural gas utilizing Applicant's mainline transmission system and a 4 percent compressor fuel usage on the East Douglas Creek gathering system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 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. 78-9516 Filed 4-10-78; 8:45 am]

[3128-01]

Southeastern Power Administration

MARKETING POLICY PROCEDURE

Extension of Date for Filing Written Comments

On March 1, 1978, the Southeastern Power Administration (SEPA) published a proposed Procedure for Public Participation in Formulation of Marketing Policy and announced a March 28 meeting for oral presentation of views. Written comments were due March 31. At the March 28 session SEPA was requested and agreed to extend the date for the submission of written comments to April 19.

Accordingly, in FR Doc. 78-5313, appearing at page 8285 in the FEDERAL REGISTER of March 1, 1978, make the following change:

On page 8285, in the fourth paragraph headed "DATES", change the due date for written comments of "March 31, 1978" in the first sentence to "April 19, 1978".

Issued in Washington, D.C. April 6, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-9539 Filed 4-10-78; 8:45 am]

[6560.01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 879-8; OPP-30000/208]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Cadmium

Correction

On October 26, 1977 (42 FR 56574), the Environmental Protection Agency published a notice of presumption against registration and continued registration of pesticide products containing the ingredient cadmium. As indicated in that FEDERAL REGISTER notice, any omissions in the computerized listings presented were to be corrected via further publication. Omissions have been discovered; this notice serves to correct the list of affected parties/products.

Dated: April 4, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Registrant	Name and address	Product No. and name
8730	Herculite Protective Fabric Corp., 1107 Broadway, New York, N.Y. 10010.	4 Hercon insectape containing baygon. 5 Hercon roach tape professional strength with baygon. A Hercon luretape BWL containing grandlure. 7 Hercon insectape containing diazinon. I Hercon roach tape professional strength with diazinon. 9 Hercon roach tape professional strength with chlorpyrifos. 10 Hercon insectape containing chlorpyrifos. RR Hercon insectape roach killer. RE Hercon Lure-N-Kill flytape. 13 Hercon insectape 4 pct propoxur. RU Hercon insectape 3 pct propoxur.
7874	Uniroyal, Inc., 312 North Hill St., Mishawaka, Ind. 46544.	6 Naugahyde gymnasium mat bacteriostatic quality.
2724	Zoecon Industries, Inc., 1226 Denton Drive, Dallas, Tex. 75234.	106 Starbar insect strip. 153 Trix flea collar for dogs-black. 159 Kemic flea collar for cats-white. 166 Kemic flea collar for cats-red. 168 Kemic flea collar for dogs-red. 172 Kemic flea collar for dogs-clear. 178 -Starbar insect strip. 184 Kemic flea medallion for dogs. 230 Thuron red dog collar. 231 Thuron red cat collar. 232 Thuron white cat collar. 235 Vaporette insect strip. 236 Vaporette 3 mo. flea collar for dogs. 237 Vaporette 3 mo. flea collar for cats. 238 Vaporette strike 30-30 day insect strip.
201	Shell Chemical Co., Agricultural Division, 1025 Connecticut Ave., NW., Suite 200, Washington, D.C. 20036	136 Shell insecticide strip with vapona. 138 Shell 20 pct vapona insecticide resin strand A. 160 Shell 20 pct vapona insecticide 2-in. resin strip (for house trailers and cab). 161 20 pct vapona insecticide resin strip (for households). 170 10 pct vapona insecticide resin strip (AC6720) (for manufacturing purposes). 185 Shell can care insecticide for plastic and metal garbage cans. 215 Shell flea collar for dogs. 216 Shell flea collar for dogs (red). 224 Shell flea collar for cats. 230 Shell flea collar for dogs (black). 236 20 pct vapona insecticide resin strip (bulk). 237 Shell no-pest insecticide mili ministrip/ clothes, moths and flying insects.

Registrant	Name and address	Product No. and name
		261 Shell 20 pct vapona insecticide resin granules.
		323 Shell 2-in. resin strip.
		325 Shell flea tag for dogs.
		327 Shell new can care insecticide and deodorant for plastic and metal cans.
		341 Shell turkey leg bands.
		345 Rabon insecticide flea and tick collar for dogs.
		346 Rabon insecticide tick and flea collar for cats.
		352 Shell mini strip insecticide.
		355 Pecten flea collar for dogs (clear).
		356 Pectan flea collar for dogs (red).
		357 Pecten flea collar for cats (clear).
		358 Pecten flea collar for cats (red).
		364 Shell flea tag for large dogs.
		365 Shell flea tag for cats.
		366 Shell flea tag for small dogs.
		368 5 pct vapona insecticide resin ribbons.
523	Roberts Laboratories Division, Hopkins Agricultural Chemicals, 4995 North Main St., Rockford, Ill. 61101.	45 Roberts flygon automatic insect bar.
602	Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.	113 Purina vapona strip.
727	Sun Chemical Corp., P.O. Box 70, Chester, S.C. 29706.	21 Facilon AB 818 bacteriostatic fabric.
		24 Facilon AB 1024 bacteriostatic fabric.
		25 Facilon AB 818 bacteriostatic fabric.
2596	Hartz Mountain Corp., 700 South 4th St., Harrison, N.J. 07029.	33 Hartz mountain 90 day brand perch for birds.
		34 Hartz flea killing collar for dogs.
		35 Hartz mountain 90-day clear collar for cats.
		36 Hartz flea killing collar for larger dogs.
		37 Hartz mountain flea tag for dogs.
		38 Hartz mountain flea tag for small dogs.
		39 Hartz mountain flea tag for large dogs.
		40 Hartz mountain flea tag for cats.
		48 Hartz flea tag for dogs.
3590	B and G Equipment Co., Applebutter Road, Plumsteadville, Pa. 18949.	3 Ban bug resin strip.
7273	Crown Chemical Inc., 4995 North Main St., Rockford, Ill. 61101.	32 Vapona automatic insect bar.
15577	Arkovet Laboratories, BP 13, 06021 Nice Cedex, France.	2 Dog flea collar.
		3 Cat flea collar.
		4 Flea tag for dogs between 20 and 49 pounds.

[FR Doc. 78-9495 Filed 4-10-78; 8:45 am]

[6560-01]

[FRL 880-3]

SCIENCE ADVISORY BOARD ENVIRONMENTAL MEASUREMENTS ADVISORY COMMITTEE

Open Meeting

Under the provisions of Pub. L. 92-463, notice is hereby given of an open meeting of the Environmental Measurements Advisory Committee of the U.S. Environmental Protection Agency Science Advisory Board.

The meeting will be held on April 27 and 28, 1978, on each day in Room No. 1112-A, Crystal Mall Building No. 2 (1921 Jefferson Davis Highway, Arlington, Va. 20460), beginning each day at 9 a.m. There will be a delayed afternoon session on April 27, 1978, to allow some of the committee members to attend a special luncheon.

The topics to be discussed at the meeting are current committee activities dealing with methods of monitoring and operating analytical chemistry facilities, analytical methods development, and technical transfer of monitoring methods to transfer use.

Persons desiring to attend the meeting should contact the Science Advisory Board secretariat at Area Code 703-557-7710 and ask for Mrs. Moore. Persons should indicate their desire to attend by the close of business on April 24, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

APRIL 6, 1978.

[FR Doc. 78-9589 Filed 4-10-78; 8:45 am]

[6560-01]

SCIENCE ADVISORY BOARD ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSPORMATION ADVISORY COMMITTEE

[FRL 880-4]

Open Meetings

Under the provisions of Pub. L. 92-463, notice is hereby given of an open meeting of the Environmental Pollutant Movement and Transformation Advisory Committee of the U.S. Environmental Protection Agency Science Advisory Board.

The meeting will be held on April 27 and 28, 1978, on each day in Room 2814, Waterside Mall, 400 M Street SW., Washington, D.C. 20460. Access to the building is through either the Mall entrance or the West Tower entrance. Visitors must receive a visitor's card from the guard who will direct the visitor to the meeting room. The April 27, 1978, session will have a delayed afternoon meeting time to allow some of the committee to attend a special luncheon.

The topics of the meeting are a discussion of the committee's report on groundwater research No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6; report on a legislative iniative for groundwater; reports from the joint meeting with the Ecology Committee of January 30, 1978; and discussion of future activities and directions.

Persons desiring to attend the meeting should contact the Environmental

Pollutant Movement and Transformation Advisory Committee, Science Advisory Board secretariat at area code 703-577-7710 and ask for Miss Osborne. Persons should indicate their desire to attend by the close of business on April 24, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

APRIL 6, 1978.

[FR Doc. 78-9588 Filed 4-10-78; 8:45 am]

[6560-01]

[FRL 880-1; OPP-180179]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Nortron To Control Winter Weeds in Perennial Ryegrass Seed Crop

The Environmental Protection Agency (EPA) has granted a specific exemption to the Washington Department of Agriculture (hereafter referred to as the "Applicant") to use a maximum of 2,250 pounds of Nortron 1.5 EC (ethofumesate) for the control of winter weeds on 1,500 acres of newly seeded and established perennial ryegrass seed fields in western Washington. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, application of Nortron is needed to control rattail fescue (*Festuca myuros*), annual bluegrass (*Poa annua*), common velvetgrass (*Hulcus lanatus*), and other grasses. These winter weeds are serious problems in establishing newly-seeded plantings of ryegrass in western Washington; the pest weeds compete with germinating and newly-emerged seedlings. According to the Applicant, infestations of grass weeds can reduce the yield of a new seeding by 15-25 percent; in addition, the presence of weed seeds in certified, turf grade, grass seed reduces its market value. The Applicant estimated that losses to the perennial ryegrass seed crop may run as high as $225,000 without the use of an effective herbicide.

The Applicant stated that the presently acceptable method for establishment of a new stand of perennial ryegrass is to drill the seed into rows and apply a band of activated charcoal directly over the seed row. An overall treatment of diuron is then applied to the field. The activated charcoal allows the ryegrass to germinate through the diuron treatment; however, the charcoal band, which covers about twenty percent of the field, also allows weed seeds within the bans to germinate through the chemical treatment. Diuron should not be applied after crops or weeds emerge. The pesticides IPC (propham), and Atrazine are also registered for control of one or more of the weeds mentioned. However, IPC and Atrazine are registered for application to established perennial ryegrass stands; they should not be applied to newly-planted fields.

The Applicant therefore requested that a single application of Nortron 1.5 EC be made at a rate of 1.5 pounds af active ingredient per acre on a maximum of 1,500 acres of perennial ryegrass seed fields in western Washington. Applications will be made by State-licensed commercial applicators using ground and air equipment. Qualified growers may elect to apply the pesticides on their own property. The Washington State University Extension Service will provide directions to applicators and growers. EPA has determined that this use of Nortron poses minimal hazards to man or the environment. Nortron will be restricted for application to ryegrass grown for seed crop.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak has or is about to occur; (b) there is no pesticide presently registered and available for use to control these winter weeds in Washington; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the weeds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until March 30, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Nortron may be applied at a rate of one to one and one-half (1.5) pounds of active ingredient per acre;
2. A single application may be made;
3. Nortron may be applied by both ground and air equipment;
4. Nortron will be applied in 15-50 gallons of water per acre by ground and in 5 or more gallons of water by air;
5. A maximum of 2,250 pounds af active ingredient may be applied to 1,500 acres;
6. Crops other than perennial ryegrass will not be planted in treated fields within 12 months of application of Nortron. All ryegrass crops which are planted in treated fields within 12 months of application of Nortron will be grown for seed only and are subject to the same restrictions as treated grass;
7. Treated grass will not be grazed or cut for use as food and feed;
8. Grass seed and grass screenings will not be used as food and feed;
9. Precautions will be taken to avoid or minimize spray drift to non-target areas;
10. All applicable directions, precautions, and restrictions on the Nortron label must be observed;
11. Prior to application of Nortron, the grower will be required to sign an agreement which states that he or she understands the provisions of the exemption and will observe all directions, restrictions and precautions;
12. The Applicant is responsible for ensuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by November 30, 1978;
13. Applications will be made by State-certified commercial applicators or by qualified growers on their own property; and
14. The EPA shall be immediately informed of any adverse effects resulting from the use of Nortron in connection with this exemption.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq).)

Dated: April 5, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-9494 Filed 4-10-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 516]

BOLTON & MITCHELL, INC.

Order of Revocation

The bond issued in favor of Bolton & Mitchell, Inc., 79 Wall Street, New York, N.Y. 10005, FMC 516, was cancelled effective January 22, 1978.

By letter dated December 29, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 516 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 22, 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.

Bolton & Mitchell, Inc. 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 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 516 be and is hereby revoked effective January 22, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 516 issued to Bolton & Mitchell, Inc. 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 Bolton & Mitchell, Inc.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-9577 Filed 4-10-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1811]

CLICK INTERNATIONAL/CLICK DELIVERY SERVICE, INC.

Order of Revocation

On March 29, 1978, Click International, Click Delivery Service, Inc., d.b.a., 3710 Robertson Street, P.O. Box 683, Metairie, La. 70004, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1811 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1811 issued to Click International, Click Delivery Service, Inc., d.b.a., be and is hereby revoked effective March 29, 1978 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Click International, Click Delivery Service, Inc., d.b.a.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification & Licensing.

[FR Doc. 78-9578 Filed 4-10-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 648]

GATEWAY SHIPPING CO., INC.

Order of Revocation

The bond issued in favor of Gateway Shipping Co., Inc., One World Trade Center, Suite 2547, New York, N.Y. 10048, FMC No. 648, was cancelled effective March 22, 1978.

By letter dated February 21, 1978, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 648 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 22, 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 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 648 be and is hereby revoked effective March 22, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 648 issued to Gateway Shipping Co., Inc. 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 Gateway Shipping Co., Inc.

ROBERT M. SKALL,
Deputy Director Bureau of Certification & Licensing.

[FR Doc. 78-9579 Filed 4-10-78; 8:45 am]

[6730-01]

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of 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 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1978 in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularly 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. 3103-67.

Filing Party: Charles F. Warren, Esq., Warren & Associates, P. C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 3103-67 would extend the presently approved intermodal authority of the Japan/Korea-Atlantic and Gulf Freight Conference, as set forth in Article 1 of the conference agreement, for an unlimited period beyond the present expiration date of November 24, 1978, by deleting paragraph (e) of Article 1 in its entirety.

Agreement No. 9789-1.

Filing party: Frank V. Quinn, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., One Whitehall Street, New York, N.Y. 10004.

Summary: Agreement No. 9789-1 amends the basic transshipment agreement between Farrell Lines Incorporated and The Unicorn Lines (PTY) Ltd. (formerly The Unicorn Shipping Lines (Pty) Ltd.) to reflect the current applicable tariffs governing the movement of cargo to and from Mauritius, Reunion, Malagasy Republic, Comoro Islands, Mozambique and the Seychelles to and from United States Atlantic Ports with transshipment at ports in the Republic of South Africa. The modification further amends the basic agreement by revising (a) the amount of revenue to be apportioned to each carrier, and (b) the apportionment of the expenses of handling, transshipment and storage of cargoes under the agreement.

Agreement No. 10135-6 (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 authorizes the member lines of the Far East and Pacific Westbound Conferences (Agreements 17 and 57, respectively) to meet jointly to ". . . discuss, consider, and, if possible, agree upon recommendations to the [Conferences] . . ." upon matters of mutual interest including "Any matter within the scope of FMC Agreement 8200 . . . and Agreements 57 and 17 . . . [and] Practices and rate structures and policies relating to the interchange of traffic with land carriers (intermodalism)."

This arrangement is scheduled to expire by its terms on July 5, 1978. Agreement 10135-6 here would accord the basic agreement an unlimited approval, i.e., without an expiry date.

Agreement No.: T-3606.

Filing party: Mr. Ronaldo Rodriguez Ossorio, General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T-3606, between Puerto Rico Ports Authority (PRPA) and Maizera Criolla, Inc., (MCI), provides for the one-year exclusive use of a concrete building and a steel building located on Pier 7 in San Juan. In addition, MCI is granted preferential berthing privileges at Pier 7. MCI will use the facilities provided for the berthing, loading and discharge of vessels, the handling and temporary storage of outbound and inbound cargo and supplies, and the handling of passengers. As compensation, PRPA will receive annual rental of $29,734.47. MCI shall also pay PRPA harbor dues, wharfage charges, dockage, demurrage, and other charges assessed by PRPA against vessels and/or cargo in accordance with applicable laws and regulations.

Dated: April 6, 1978.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-9576 Filed 4-10-78; 8:45 am]

[6730-01]

PACIFIC/INDONESIAN CONFERENCE

Notice of Petition Filed

The Federal Maritime Commission hereby gives notice that the following petitions have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

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 10128; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 1, 1978 in which this notice appears. 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. 6060 DR-1.

Filing Party: H. R. Rollins, Secretary, Pacific/Indonesian Conference, 320 California Street, Suite 600, San Francisco, Calif. 94104.

Summary: The Pacific/Indonesian Conference has filed an application, pursuant to section 14b of the Shipping Act, 1916, and denominated as No. 6060 DR-1, requesting that the term of its presently approved exclusive patronage (dual rate) contract system be extended indefinitely. Approval of the contract system is presently scheduled to expire June 6, 1978.

Agreement No. 9522-DR-9.

Filing Party: David C. Jordan, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 9522-DR-9 is a clarification of the Med-Gulf Conference's dual rate contract to assure that only contract signers receive contract rates.

Dated: April 6, 1978.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-9575 Filed 4-10-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Proposed Expansion of Activities of Sun States Life Insurance Co. and Great Lakes Insurance Co.; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correction.

SUMMARY: This document corrects an error in a section 4(c)(8) notice of application for Chemical New York Corp.

FOR FURTHER INFORMATION CONTACT:

Richard M. Whiting, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3786.

In FR Doc. 78-8541 appearing at page 13630 of the issue for Friday, March 31, 1978, the second line of the second column should read "than May 1, 1978."

Board of Governors of the Federal Reserve System, April 5, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-9528 Filed 4-10-78; 8:45 am]

[6210-01]

FIDELITY UNION BANCORPORATION

Acquisition of Bank

Fidelity Union Bancorporation, Newark, N.J., 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 Burlington County Trust Co., Moorestown, N.J. 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 New York. 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 May 2, 1978.

Board of Governors of the Federal Reserve System, April 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-9529 Filed 4-10-78; 8:45 am]

[6210-01

MISSOURI STATE FINANCIAL CORP.

Formation of Bank Holding Company

Missouri State Financial Corp., St. Louis, Mo., 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 (less directors' qualifying shares) of Missouri State Bank and Trust Co., St. Louis, Mo. The factors that are considered in acting on the application are set forth in section (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 St. Louis. 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 May 3, 1978.

Board of Governors of the Federal Reserve System, April 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-9530 Filed 4-10-78; 8:45 am]

[6210-01]

SIBLEY BANCORPORATION

Formation of Bank Holding Company

Sibley Bancorporation, Sibley, 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 80 percent or more of the voting shares of The First National Bank of Sibley, Sibley, 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 May 2, 1978.

Board of Governors of the Federal Reserve System, April 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-9531 Filed 4-10-78; 8:45 am]

[6820-14]

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEE FOR THE PRESIDENT'S ADMINISTRATIVE SERVICES REORGANIZATION PROJECT

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the convening of the Advisory Committee for the President's Administrative Services Reorganization Project from 9 a.m.-3:30 p.m. on April 28, 1978. The meeting will be held in Room 5141-A at the GS Building, 18th and F Streets NW., Washington, D.C. 20405.

The Committee will review and make recommendations relating to the delivery of administrative services within the federal establishment. This meeting will be open to the public.

Dated: April 3, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-9505 Filed 4-10-78; 8:45 am]

[6820-22]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 5, April 26, 1978, from 9 a.m. to 5 p.m., Room 3520A, John C. Kluczynski Federal Building, 230 South Dearborn Street, Chicago, Ill. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Energy Conservation Retrofit Studies for Federal Buildings located in Battle Creek and Detroit, Mich.; Duluth, Fort Snelling, Minneapolis (2 buildings), Minn.; and, Cincinnati, Cleveland, and Toledo, Ohio. The meeting will be open to the public.

WILLIAM B. MORRISON,
Acting Regional Administrator.

[FR Doc. 78-9504 Filed 4-10-78; 8:45 am]

[6820-22]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 6, April 26 and 27, 1978, from 9 a.m. to 4 p.m., Public Buildings Service Conference Room, Federal Building, 1500 East Bannister Road, Kansas City, Mo. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following proposed projects: (1) Architectural/Mechanical/Electrical Energy Conservation Retrofit Supplemental Design Services in Missouri; (2) Architectural Supplemental Design Services in Missouri; (3) Mechanical/Electrical Engineering Supplemental Design Services in Missouri; and (4) Energy Conservation Studies at five locations in Region 6. The meeting will be open to the public.

H. D. HARVELL,
Regional Administrator.

[FR Doc. 78-9689 Filed 4-10-78; 8:45 am]

[6820-22]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 9, April 24, 25, and 26, 1978, from 9 a.m. through 4:15 p.m., California Room on the 28th Floor, Tishman Building, 525 Market Street, San Francisco, Calif. The meeting will be devoted to the initial steps of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed U.S. Courthouse and Federal Building, San Jose, Calif., and for repair and alteration work at the U.S. Geological Survey Pacific Coast

Center, Menlo Park, Calif. The meeting will be open to the public.

T. E. HANNON,
Regional Administrator.

[FR Doc. 78-9742 Filed 4-10-78; 8:45 am]

[6820-22]

REPORT ON ENVIRONMENTAL ACTIONS

Pursuant to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), and Section 1500.6(e) of the Council on Environmental Quality Guidelines for the Preparation of Environmental Impact Statements (38 FR 20550) the following is a list of administrative actions for which environmental impact statements were under preparation by the General Services Administration from September 1 through November 30, 1977, for real property disposal actions and for facility planning actions. Also listed are administrative actions for which environmental impact statements are planned in the future and actions for which environmental assessments were completed with negative declarations.

Dated: March 30, 1978.

ROBERT K. BOGARDUS,
Acting Commissioner,
Public Buildings Service.

GSA FACILITY PLANNING ACTIONS

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

REGION 1

A. *EIS's in preparation*

Ft. Kent, Maine—Final EIS for construction of a new Border Station.

Springfield, Mass.—Draft EIS for construction of a new Courthouse-Federal Office Building.

Boston, Mass.—Draft EIS for construction of a new Federal Office Building.

Providence, R.I.—Draft EIS for construction of a Federal Office Building.

B. *EIS's planned*

Boston, Mass.—Draft EIS for lease construction of a new Veterans Administration Clinic Building.

Houlton, Maine—Draft EIS for construction of new Border Station.

C. *Environmental assessments completed with negative declarations*

None.

REGION

A. *EIS's in preparation*

New York, N.Y., 201 Varick Street—Draft EIS for repair and alteration project to include a detention facillity for illegal aliens.

Otisville, N.Y.—Supplement to final EIS for Federal correctional institution.

B. *EIS's planned*

Niagara Falls (Rainbow Bridge), N.Y.—Construction of a new border station to replace existing facility.

C. *Environmental assessments completed with negative declaration*

None.

REGION 3

A. *EIS's in preparation*

Suitland, Md.—Draft EIS for the Suitland Federal Center master plan—southern portion including Smithsonian Institution Museum Support Center.

Washington, D.C.—Final EIS for the repair and alteration of the Old Post Office (12th and Pennsylvania Avenue NW.).

Washington, D.C.—Final EIS for the repair and alteration of the West Heating Plant (29th and K Streets NW.).

B. *EIS's planned*

Washington, D.C.—Draft EIS for new construction—Pennsylvania Avenue (extension to the new post office).

C. *Environmental assessments completed with negative declarations*

Allentown, Pa.—Veterans Administration outpatient clinic (lease for building to be constructed).

Martinsburg, W. Va.—Internal Revenue service center (extension to an existing leased building).

REGION 4

A. *EIS's in preparation*

Savannah, Ga.—Draft EIS for new construction of a Federal building and parking facility (temporarily deferred).

Knoxville, Tenn.—Draft EIS for new construction of a Federal building.

B. *EIS's planned*

Birmingham, Ala.—Draft EIS for construction for Federal building-U.S. courthouse.

Nashville, Tenn.—Draft EIS for acquisition and renovation of Union Station.

C. *Environmental assessments completed with negative declarations*

None.

REGION 5

A. *EIS's in preparation*

East St. Louis, Ill.—Final EIS for construction of a Federal Building and Courthouse.

Detroit, Mich.—Draft EIS for the U.S. Federal courthouse annex (new construction for the Bureau of Prisons).

Milwaukee, Wis.—Draft EIS for lease of Federal building and parking facility to be constructed.

B. *EIS's planned*

None.

C. *Environmental assessments completed with negative declarations*

None.

REGION 6

A. *EIS's in preparation*

Kansas City, Kansas/Kansas City, Mo. (standard metropolitan statistical area)—Draft EIS for the Internal Revenue Service-midwest service center.

B. *EIS's planned*

None.

C. *Environmental assessments completed with negative declarations*

None.

REGION 7

A. *EIS's in preparation*

Dallas, Tex.—Supplement to final EIS for repair and alteration of the Federal Building at 1114 Commerce Street.

Sante Fe, N. Mex.—Draft EIS for construction of the National Park Service Buiding.

El Paso, Tex.—Draft EIS for construction of Federal Building and parking facility and the repair and alteration of courthouse Federal builidng conversion.

Ysleta (El Paso), Tex.—Draft EIS for Federal construction of a border station.

Austin, Tex.—Draft EIS for lease for Internal Revenue Service.

Little Rock, Ark.—Draft EIS for construction of extension to post office/courthouse.

B. *EIS's planned*

Corpus Christi, Tex.—Draft EIS for U.S. Courthouse.

San Antonio, Tex.—Master plan of Federal center.

C. *Environmental assessments completed with negative declarations*

None.

REGION 8

A. *EIS's in preparation*

Ogden, Utah—Draft EIS for new construction of Internal Revenue Service, western service center extension (deferred until further notice).

B. *EIS's planned*

None.

C. *Environmental assessments completed with negative declarations*

None.

REGION 9

A. *EIS's in preparation*

Los Angeles, Calif.—Draft EIS for construction of a parking facility.

West Los Angeles, Calif.—Draft EIS for construction of a Federal Bureau of Investigation—parking facility (deferred until further notice).

San Jose, Calif.—Draft EIS for construction of Federal Building and parking facility (deferred until further notice).

B. *EIS's planned*

San Francisco, Calif.—Draft EIS for construction of Federal Building.

C. *Environmental assessments completed with negative declarations*

None.

REGION 10

A. *EIS's in preparation*

None.

B. *EIS's planned*

None.

C. *Environmental assessments completed with negative declarations*

Ketchikan, Alaska—Alterations of Federal Building.

Seattle, Wash.—Alterations of Federal Center South.

GSA REAL PROPERTY DISPOSAL ACTIONS

REGION 1

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATION

A. *EIS's in preparation*

Charlestown, R.I.—Draft EIS regarding disposal of approximately 604 acres of the former Naval Auxiliary Landing Field.

Newport, North Kingstown, Middletown, and Portsmouth, R.I.—Draft EIS regarding

disposal of approximately 3,200 acres of the former Quonset Point Naval Air Station, Construction Battalion Center, and U.S. Naval Base.

B. *EIS's planned*

None.

C. *Environmental assessments completed with negative declarations*

Vernon, Conn.—Negotiated sale of the former Rockville Carrier Station to the Rockville Public Health Nursing Association for educational purposes.

Manchester, N.H.—Conveyance through the Department of Health, Education, and Welfare of the Hoyt Building to the State of New Hampshire, Department of Education, for educational purposes.

Newport, R.I.—Negotiated sale of 30.4 acres of the former Fort Adams/Brenton Village to the State of Rhode Island for recreational uses and conveyance through the Department of the Interior of 47 acres to the State of Rhode Island for recreational uses.

REGION 2

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

Negative.

B. *EIS's planned*

Negative.

C. *Environmental assessments completed with negative declaration*

Negative.

REGION 3

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

None.

B. *EIS's planned*

None.

C. *Environmental assessment completed with negative declarations*

Norfolk, Va.—Assignment of Parcel A and improvements of the Willoughby Bay Family Housing to the Department of Interior, Bureau of Outdoor Recreation for a public park and recreational facility. Negotiated sale of Parcel B to the City of Norfolk.

Wyoming County, Va.—Assignment of portion of Lizard Branch Spoil Area to the Deartment of Health, Education, and Welfare for public health use. Assignment of the remaining portion to the Bureau of Outdoor Recreation for public park and recreation.

Philadelphia, Pa.—Negotiated Sale of Unit 1 of the Marine Corps Supply Activity, improved with 7 buildings, to the City of Philadelphia. Assignment of the remaining portion improved with Building 7, to the St. Rita's Community Center, Inc., for educational purposes.

West View, Pa.—Public sale of Portion, NIKE Battery PI-93L, U.S. Army Reserve Center by competitive bid.

Beltsville, Md.—Assignment of Parcel No. 4, Agricultural Research Center to the Federal Highway Administration and the Bureau of Outdoor Recreation for their conveyance to the Maryland Department of Transportation and the Maryland National Capital Park and Planning Commission for use as fringe parking and park and recreation.

Cecil County, Md.—Negotiated Sale of Portion of the Bainbridge Naval Training Center to the State of Maryland for a power plant land bank site or open space. Transfer of portion of subject to the Department of Labor for a Job Corps site. Assignment of portion of the subject to the Department of Health, Education, and Welfare for conveyance to the Cecil County Association for Retarded Citizens, Inc., for live-in retarded adults.

REGION 4

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

Negative.

B. *EIS's planned*

Negative.

C. *Environmental assessment completed with negative declarations*

Selma, Ala.—Airport conveyance of the Craig AFB's Vaiden Auxiliary Field, Perry County, Ala., to the City of Marion, Ala., for airport purposes.

Chattahoochee County, Ga.—Public sale of 178.35 acres of the Fort Benning Military Reservation by competitive bid.

Sumter County, S.C.—Negotiated sale of the Shaw Outer Marker Annex to the former owner.

REGION 5

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

Environmental assessments completed with negative declarations

Charlevoix County, Mich.—Beaver Island Moorings, Beaver Island, consisting of 0.437 acre of fee-owned land improved with 2 buildings, divided into 2 parcels. Parcel A, 0.241 acre, is improved with a frame Coast Guard dwelling. Parcel B consists of 0.196 acre improved with a frame boathouse. Proposed assignment of Parcel B to State of Michigan through Bureau of Outdoor Recreation. Parcel A to be purchased by St. James township for general public purposes.

Butler County, Ohio—Portion of Bethany Relay Station, consisting of 104.59 acres of unimproved land subdivided into 2 parcels, one of 45 acres and one of 59.59 acres. Proposed assignment of 45 acres for conveyance by Bureau of Outdoor Recreation to Union Township for park and recreation use. Remaining 59.59 acre parcel will be offered for competitive sealed bid sale.

Kincheloe Air Force Base, Kinross, Mich.—Property consists of approximately 897.20 acres of fee-owned land improved with approximately 833 structures, approximately 2,817.74 acres of leased lands improved with approximately 339 structures and approximately 3,579.6 acres of easements. Basically, the land and structures will be returned to the State agencies for their use.

Cleveland Harbor Coast Guard Station, Cleveland, Ohio—Property consists of 0.3 acre of fee-owned land improved with 2 buildings and a garage. Proposed assignment to Department of Health, Education, and Welfare for conveyance to City of Cleveland for helath purposes at 100 percent public benefit allowance.

Bloomington, Ind.—Federal Building, 211 College Avenue, consisting of 17,663 square foot building on a 0.4 acre site. Proposed assignment to Department of Health, Education, and Welfare for conveyance to Monroe County for public health uses.

McKinley Park, Milwaukee, Wis.—Old Coast Guard Station consisting of 1.15 acres of fee-owned land improved with 2 buildings. Proposed assignment to Bureau of Outdoor Recreation for conveyance to Milwaukee County for park purposes.

Ann Arbor, Mich.—Former U.S. Post Office, 200 North Main Street, consists of 0.6 acre site impoved with a 1 story Post Office building. Proposed conveyance to City and County for additional administrative offices.

Chippewa County, Mich.—U.S. Coast Guard Payment Range Light, Sugar Island. Property consists of 0.58 acre of unimproved land. Proposed sale and conveyance to contiguous surrounding land owner.

Chippewa County, Mich.—U.S. Coast Guard Winter Point Range Light Station. Property consists of approximately 20.3 acres of unimproved land. Proposed conveyance to the State, Department of Natural Resources for wildlife purposes based on the acceptability of their application for that purpose by Fish and Wildlife Service, Department of the Interior.

REGION 6

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

Negative.

B. *EIS's planned*

Negative.

C. *Environmental assessments completed with negative declarations*

Geary County, Kans.—Assignment of 160 acre portion of Milford Lake to Junction City, Kansas, for park and recreational use.

Holland, Mo.—Public sale of improved 0.63 of an acre, Outer Marker Annex of Blytheville Air Force Base.

Cape Girardeau, Mo.—Negotiated sale of 72.9 acres of the Rockroad Levee to the Little River drainage district for water drainage purposes.

Grand Island, Nebr.—Transfer of 27.38 acres to the State of Nebraska, Game and Parks Commission for wildlife use.

REGION 7

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

Matagorda Island, Tex.—Draft EIS in process regarding disposal of 18,992.18 acres former Matagorda Island Air Force Range, Tex.

B. *EIS's planned*

None.

C. *Environmental assessment completed with negative declarations*

Dona Ana County, N. Mex.—Negotiated sale of 2.56 acres with improvements to Dona Ana County, N. Mex. for municipal uses.

Wagoner County, Okla.—Public sale of 33.65 acres of the Chouteau Lock and Dam by competitive bid.

Mineral Wells, Tex.—Public sale of 16.647 acres with improvements at former Fort Wolters, Mineral Wells, Tex. by competitive bid.

Roswell, N. Mex.—Negotiated sale of 6.05 acres with 50 buildings at Walker Air Force Base to the City of Roswell.

Mineral Wells, Tex.—Assign 1.322 acres with improvements at former Fort Wolters

to Department of Health, Education, and Welfare for conveyance to city of Mineral Wells for educational use.

New Orleans, La.—Assign 6 acres of land at the Army Reserve Center to Department of Health, Education, and Welfare for conveyance to State of Louisiana, Department of Health and Human Resources for health use.

REGION 8

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

Negative.

B. *EIS's planned*

Negative.

C. *Environmental assessments completed with negative declarations*

Clearfield, Utah—Federal transfer of 2.27 acres of land and Building No. 6 at Clearfield Federal Depot to the Department of Labor, Job Corps.

Coram, Mont.—Federal transfer of a two-bedroom house and oil house for off-site removal at the Coram Work Center to the Bureau of Indian Affairs.

Condon, Mont.—Federal transfer of a three-bedroom house for off-site removal at the Old Condon Work Center to the Bureau of Indian Affairs.

Hungry Horse, Mont.—Federal transfer of a two-bedroom house for off-site removal at the Hungry Horse Ranger Station to the Bureau of Indian Affairs.

REGION 9

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

Negative.

B. *EIS's planned*

Novato, Calif.—Draft EIS regarding disposal of approximately 1,745 acres of the former Hamilton Air Force Base.

C. *Environmental assessments completed with negative declarations*

Oakland, Calif.—Public sale of 138 acres of submerged land adjacent to a deep water channel that provides access to the Oakland Base piers.

San Francisco, Calif.—Assign 0.30 acre parcel of land improved with one building identified as the former Naval Dispensary, 50 Fell Street to the Bureau of Outdoor Recreation for conveyance to the city and county of San Francisco for park and recreation use.

San Francisco, Calif.—An amendment to the initial determination on former Naval Dispensary, 50 Fell Street revises the proposed disposal action to assign the property to the Department of Health, Education, and Welfare for conveyance to the New College of California School of Law for educational purposes.

Los Angeles County, Calif.—A supplement to the original determination on approximately 106 acres of the Los Angeles Defense Area, Nike 88 revises the proposed disposal action to disposal by public sale.

Solano County, Calif.—Supplement No. 3 changes the previous proposed disposal action on approximately 22 acres of the Administrative Area of Travis Air Force Base Defense Area, Nike 10 to disposal by public sale.

Truckee River, Nev.—Convey 120 acres of the Newlands Project to the State of Nevada, Department of Fish and Game for wildlife conservation and a public sale of the remaining 40 acres.

Sacramento, Calif.—Public sale of 84 acres at Mather Air Force Base.

REGION 10

ENVIRONMENTAL IMPACT STATEMENTS/ NEGATIVE DECLARATIONS

A. *EIS's in preparation*

None.

B. *EIS's planned*

None.

C. *Environmental assessments completed with negative declarations*

Elmendorf Air Force Station, Alaska—Transfer one building to the Department of the Air Force.

Franklin, County, Wash.—Public sale of approximately 0.2 acre near the city of Pasco.

Benton County, Wash.—Negotiated sale to State of Washington.

[FR Doc. 78-9506 Filed 4-10-78; 8:45 am]

[4910-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of May 1978:

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

MAY 1-3: 9:30 A.M.

Open—May 1: Conference Rooms "G" and "H", Parklawn Building, Rockville, Md. 20857.
Closed—May 2-3: Conference Room 14-105, Parklawn Building, Rockville, Md. 20857.
Contact—Mrs. Zelia Diggs, Room 11-101, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 443-4333, area code 301.

PURPOSE

The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

AGENDA

On May 1 the meeting will be open for discussion of NIMH policy issues. These will include current administrative, legislative and program developments. Otherwise, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above. Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the Council members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: April 4, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-9389 Filed 4-10-78; 8:45 am]

[4110-03]

Food and Drug Administration

GASTROINTESTINAL DRUGS ADVISORY COMMITTEE

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Gastrointestinal Drugs Advisory Committee.	Apr. 24 and 25, 9 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 24, 9 to 10 a.m.; open committee discussion Apr. 24, 10 a.m. to 5 p.m., Apr. 25, 9 a.m. to 12 m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally, or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the techniques for postmarketing surveillance; report from the Secretin Subcommittee; and discussion of the Subcommittee on Hepatotoxicity Guidelines.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: April 3, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-9392 Filed 4-10-78; 8:45 am]

[1505-01]

Food and Drug Administration

[Docket No. 78F-0051]

INSTITUTE FOR RESEARCH, INC.

Notice of Filing of Food Additive Petition

Correction

In FR Doc. 78-8319 appearing on page 13632 in the issue of Friday, March 31, 1978, in the 3rd column, the 5th line, the word, "animated" should read, "aminated".

[4110-03]

[Docket No. 78N-0080]

NORTH CAROLINA SERUMS, INC.

Revocation of U.S. License No. 569

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs revokes the establishment and product licenses of North Carolina Serums, Inc., U.S. License No. 569, to manufacture Source Plasma (Human) because of failure to comply with applicable standards designed to ensure safety, purity, potency, and protection of human donors.

EFFECTIVE DATE: April 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1306.

SUPPLEMENTARY INFORMATION: The Commissioner is revoking License No. 569, issued to North Carolina Serums, Inc., Suite 127, Parkway Office Building, Asheville, N.C., and the firm's product license for the manufacture of Source Plasma (Human).

An inspection of North Carolina Serums, Inc. on January 5 and 6, 1978 revealed numerous deviations from the requirements of Part 600 (21 CFR Part 600), including the shipment, on December 13, 1977, of eight units of Source Plasma (Human) without the firm having in its possession the written hepatitis test results required under § 610.40(b)(3) (21 CFR 610.40(b)(3)). This significant deviation was one of the items cited previously in an FDA inspection of the firm in 1976 which resulted in the first of three license suspensions.

As a result of this most recent inspection, the establishment and product licenses issued to North Carolina Serums, Inc. were suspended on February 15, 1978 pursuant to § 601.6(a) (21 CFR 601.6(a)). On February 17, 1978 a letter was sent to North Carolina Serums, Inc. which confirmed the suspension and set forth the grounds for the suspension and revocation.

In response to the February 17, 1978 letter issued to North Carolina Serums, Inc., the firm has requested that its license be revoked and has waived the opportunity for hearing under § 601.5(a) (21 CFR 601.5(a)). The Commissioner is granting the request. Accordingly, under § 12.38 (21

CFR 12.38), section 351 of the Public Health Service Act (42 U.S.C. 262), and the authority delegated to the Commissioner (21 CFR 5.1), U.S. License No. 569, including the product license for the manufacture of Source Plasma (Human), is hereby revoked as of the date of signature. This notice of revocation is published under § 601.8 (21 CFR 601.8).

Dated: April 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-9594 Filed 4-10-78; 8:45 am]

[4110-03]

PANEL ON REVIEW OF DENTIFRICES AND DENTAL CARE AGENTS

Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Panel on Review of Dentifrices and Dental Care Agents meeting scheduled for April 26 and 27, 1978, has been changed to meet on April 26, 27, and 28, 1978, in Conference Rm. G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Thomas D. DeCillis, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of March 14, 1978 (43 FR 10624) meetings of FDA public advisory committees and other required information.

Notice is hereby given that the meeting of the Panel on Review of Dentifrices and Dental Care Agents scheduled for April 26 and 27, 1978, has been changed to meet on April 26, 27, and 28, 1978, Conference Rm. G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. The open public hearing will begin at 9 a.m. on April 26.

Dated: April 3, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-9390 Filed 4-10-78; 8:45 am]

[4110-03]

RADIOPHARMACEUTICAL DRUGS ADVISORY COMMITTEE

Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Radiopharmaceutical Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on February 28, 1980, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: April 3, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-9391 Filed 4-10-78; 8:45 am]

[4110-84]

Health Services Administration

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1978.

Name: Material and Child Health Research Grants Review Committee.
Date and Time: May 17-18, 1978, 9 a.m.
Place: Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Open: May 17, 9 a.m.-10 a.m.
Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: The Committee will be performing the review of grant applidations for Federal assistance. This meeting will be open to the public from 9 to 10 a.m., May 17 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Acting Administrator, Health Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of the members, minutes of meeting or other relevant information should contact: Gontran Lamberty, Dr. P.H., Bureau of Community Health Services, Room 7-15, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-2190.

Agenda items are subject to change as priorities dictate.

Dated: March 31, 1978.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc.78-9507 Filed 4-10-78; 8:45 am]

[4110-08]

National Institutes of health

CANCER CONTROL PREVENTION, DETECTION, DIAGNOSIS, AND PRETREATMENT EVALUATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Prevention, Detection, Diagnosis, and Pretreatment Evaluation Review Committee, National Cancer Institute, April 26-27, 1978, building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, Md. 20014. Except as noted below, this meeting will be open to the public on April 26, 1978 from 8:30 a.m. to 5 p.m., and on April 27, 1978, from 8:30 a.m., to 12 noon to review breast cancer detection projects from: Mountain State Tumor Institute; College of Medicine and Dentistry of New Jersey; University of Kansas Medical Center; University of Cincinnati; St. Vincent's Medical Center, Albert Einstein Medical Center; Temple University Hospital; University of Pittsburgh; Wilmington medical Center; University of Michigan; and, Iowa Lutheran Hospital. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public approximately ten times during the two days for approximately ten minutes each time to discuss personal information concerning individuals associated with each contract. In addition, and in accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 27, 1978, from 12 noon

to adjournment, for the review, discussion, and evaluation of two contract proposals. These proposals and the discussions of the proposals could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, national Institutes of Health, Bethesda, Md. 20014 (301-496-5709) will provide a summary of the meeting and a roster of committee members, upon request.

Dr. Veronica L. Conley, Executive Secretary, National Cancer Institute, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Md. 20014 (301-427-7941) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)

Dated: March 31, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-9634 Filed 4-10-78; 8:45 am]

[4110-87]

National Institute for Occupational Safety and Health

CERTAIN CHEMICALS, PHYSICAL AGENTS AND PROCESSES

Request for Information

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of Request for Information.

SUMMARY: This notice solicits information concerning the establishment of a safe and healthful occupational environment involving certain chemical agents and processes. This information will be used in the development of criteria for recommended standards for occupational exposure.

DATES: Comments concerning this notice should be submitted by June 12, 1978.

ADDRESSES: Comments and recommendations should be submitted in writing to: Mr. Vernon E. Rose, Director, Division of Criteria Documentation and Standards Development (CDB), National Institute for Occupational Safety and Health, 5600 Fishers Lane (Room 8A-52), Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Dr. Irwin P. Baumel, Chief, Criteria Development Branch, NIOSH, 301-443-2490.

SUPPLEMENTARY INFORMATION: Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provided that the Secretary of Health, Education and Welfare, on the basis of information available to him shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents containing recommended occupational health standards for the following chemicals, physical agents, and processes for completion in 1979-80:

Aliphatic Di and polyamines
Aromatic amines
Brominated aliphatics
Dichloropropane
Diesel emissions
Diphenyl
Dying and finishing textiles
Hexachlorobutadiene
Hexachloroethane
Hydrogen chloride
Infrared radiation
Manufacture of N-metal pigments and dyes
Monochloroacetic acid
Monochloroethane
Plastics and resins manufacture
Pentachloroethane
Pulp and paper mills
Secondary aliphatic monoamines
Terphenyl
Tertiary aliphatic monoamines
Tetrahydrofuran
Trichloropropane
Ultrasonics
Vibration, whole body
Wood preserving

In the process-oriented standards NIOSH does not plan to recommend workplace environmental limits for all products or intermediates involved in their respective processes. The vast number of chemical species, their varying toxicities, unique safety hazards, and the potential for exposure to suspected chemical carcinogens are exceedingly important considerations. Therefore, work practices and engineering controls designed to limit occupational exposure, methods to educate the employee and employer, and methods of biological and workplace monitoring will be recommended in lieu of specific environmental limits.

Each criteria document will include, among other items, an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances and processes is requested to submit such information with accompanying documentation.

1. Establishment of safe occupational environmental levels for such agents including levels for acute and chronic exposure to airborne concentration of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects, taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to, such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methods, including instruments, for air sampling and sample analysis of the chemical agents and methods of measuring levels of exposure to the physical agents.

6. The need for medical examinations for workers exposed to such agents and/or processes, the frequency of such examinations, the specific diagnostic tests which should be used, and the rationale for their selection.

7. Work practices, engineering controls or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when occupational environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such chemicals, physical agents, and/or processes that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such chemicals, physicial agents, and/or processes.

All information received concerning these chemicals, physical agents, and/or processes, except that information which is trade secret and protected by section 15 of the Act, will be available for public inspection at the foregoing address.

Dated: April 5, 1978.

J. DONALD MILLAR,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 78-9510 Filed 4-10-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Meeting

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda on the forthcoming meeting of the National Advisory Council on Ethnic Heritage Studies. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1.10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Meetings May 4-5, 1978, 9 a.m. to 4:30 p.m.

ADDRESS: Room 4173, DHEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas E. Cotner, Acting Chief, Ethnic Heritage Studies Branch, Office of Education, Room 3913, ROB3, 7th and D Streets SW., Washington, D.C. 20202. telephone 202-245-7401.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies was established under section 906(a) of the Elemantary and Secondary Education Act of 1965 as added by section 504(a) of the Education Amendments of 1972, Pub. L. 92-318 (20 U.S.C. 900a-4).

The Council is directed to:

(1) Advise the Secretary, the Assistant Secretary for Education; and the Commissioner of Education on the implementation of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

(2) Perform specific functions as follows:

a. Make recommendations to the Comissioner, the Assistant Secretary, and the Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development.

b. Suggest innovations or program changes as the program evolves and develops toward improving ethnic heritage studies.

c. Suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required for substantial intercultural curriculum materials development.

d. Provide such administrative and legislative proposals as may be appropriate.

e. Not later than March 31 of each year, submit to the Congress a report of its activities, findings, and recommendations.

The meeting will open to the public beginning at 9 a.m. and ending at 4:30 p.m. each day. The meeting will be held at Room 4173, DHEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed agenda includes:

(1) Adoption of the agenda, and approval of the minutes of the last meeting.

(2) Subcommittee reports.

(3) Meeting with the commissioner of Education to discuss Program and Budget.

(4) Duties and responsibilities of council members.

(5) Review of the Program Guidelines.

(6) Public testimony.

(7) Status report on the evaluation of proposals for grants.

(8) Discussion of proposals for nationwide dissemination centers: the role of a center.

(9) Review of products.

Records shall be kept of all council proceedings and shall be available for public inspection at the office of the Ethnic Heritage Studies Branch, Office of Education, Room 3919, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on April 6, 1978.

THOMAS E. COTNER,
Acting Chief, Ethnic Heritage Studies Branch.

[FR Doc. 78-9570 Filed 4-10-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the National Advisory Council on Vocational Education will hold a meeting open to the public on May 4, 1978, from 1 to 4 p.m., local time, at the Capital Hilton Hotel, Washington, D.C.

On May 4, 1978 from 4 to 7 p.m., local time, the National Advisory Council on Vocational Education meeting will be closed to the public. This portion of the meeting will be closed to the public in accordance with the provisions of section 10(d), Federal Advisory Committee Act, Pub. L. 92-463 and Title 5, U.S. Code, Section 552b(c) (2) and (6). The purpose of the closed meeting is to discuss personnel matters and procedures, and documents may be presented which, if open to the public would constitute a clearly unwarranted invasion of personal privacy.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of vocational education programs, supported with assistance under the Act; review the administration and operation of vocational education programs under the Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the Act and publish and distribute the results thereof.

The Agenda shall include:

1 to 4 p.m.

Reports of the Chairman and Executive Director.
Reports of Committee and Task Force Chairmen.
Other Council Business.

4 to 7 p.m.

Closed Session.

Records of the meeting proceedings shall be kept and made available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425, 13th Street NW., Washington, D.C. 20004. A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within fourteen days of the meeting.

For further information call Virginia Solt: 202-376-8873.

Signed at Washington, D.C. on March 23, 1978.

REGINALD PETTY,
Executive Director.

[FR Doc. 78-9587 Filed 4-10-78; 8:45 am]

[4110-92]

Office of Human Development Services

[Program Announcement No. 13626-782]

SPECIAL PROJECTS AND DEMONSTRATIONS IN VOCATIONAL REHABILITATION

Announcement of Model Spinal Cord Injury System Grants for Fiscal Year 1978

The Rehabilitation Services Administration, Office of Human Development Services, announces that applications will be accepted until June 20, 1978, from State vocational rehabilitation agencies and other public or nonprofit agencies or organizations wishing to compete for grants in fiscal year 1978 under the Special Projects and Demonstrations in Vocational Rehabilitation authorized by title III, section 304(b)(1) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762) to assist in the rehabilitation of handicapped individuals.

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and consideration for award.

Regulations applicable to this program were published in the FEDERAL REGISTER, Subpart A and Subpart B of Part 1362, Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR Part 1362) on November 25, 1975.

Scope of this Program Announcement. This announcement provides information solely relating to the designation and award of new Model Spinal Cord Injury Systems for fiscal year 1978 and the National Conference on Model Spinal Cord Injury Systems to be convened in Phoenix, Ariz., on April 20-21, 1978, for the purpose of informing interested potential applicants of the first five years' experience in the establishment of the eleven designated Model Spinal Cord Injury Systems presently supported by the Rehabilitation Services Administration.

A. PROGRAM PURPOSE

The purpose of the Special Projects and Demonstrations program specified in section 304 of the Rehabilitation Act of 1973 authorizes grants to states and public or nonprofit organizations for the purpose of paying part or all of the costs for special projects and demonstrations (and research and evaluation connected therewith) for spinal cord injured individuals.

B. ELIGIBLE APPLICANTS

Any State vocational rehabilitation agency, and other public or nonprofit agency or organization, including institutions of higher learning, may apply for a grant under this announcement.

C. AVAILABLE FUNDS

Of the $4.5 million appropriated by the Congress for Model Spinal Cord Injury Systems in fiscal year 1978, the Rehabilitation Services Administration expects to award an estimated $750,000 for new grants.

It is expected that three grants will be awarded pursuant to this announcement. The average award is expected to be $250,000. General, projects will be supported for periods of one to three years. The funds currently available will sustain the budget for the first year of the project. Support of any additional time remaining in the project will depend on funds available, the grantee's satisfactory performance in achieving the project objectives for which the grant was awarded, and the grantee's continued assurance of supporting the priorities of the Model Systems program.

D. PROJECT OBJECTIVES AND FUNDING PRIORITIES

In awarding three grants, priority for funding in fiscal year 1978 will be given to one approvable application, which best meets review criteria, from the DHEW Region VII, where previous Model System designation has not been made.

Projects and demonstrations providing services to individuals with spinal cord injuries shall include provisions to:

1. Establish within a catchment area or region of natural patient flow, a multidisciplinary system of providing comprehensive rehabilitation services to meet the wide range needs of persons disabled by spinal cord injury—from point of injury requiring emergency treatment and transportation, through acute care, rehabilitation services, including vocational and educational preparation, community and job placement and long-term community follow-up and health maintenance;

2. Demonstrate and evaluate the benefits for persons that have become spinal cord injured served in, and the degree of cost effectiveness of, such a regional system;

3. Establish, within the system, a rehabilitation research environment for the achievement of new knowledge leading to the reduction and treatment of complications arising from SCI and the development of new techniques of medical management and rehabilitation;

4. Demonstrate and evaluate the development and application of improved methods and equipment essential to the care, management and rehabilitation of individuals with SCI;

5. Demonstrate methods of community outreach and eduction for the SCI in areas such as housing, transportation, recreation, employment, and other community activities.

E. THE APPLICATION PROCESS

Application Submission. In order to be considered for a grant under the Model Spinal Cord Injury System Program, all applications must be submitted on standard forms available from the Division of Grants and Contract Management, Office of Human Development Services. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for projects on Rehabilitation Research and Demonstrations.

One signed original and three copies of the grant application, including all attachments, are required. The original and two copies, which are for review purposes, are to be submitted to the central receiving office of the Office of Human Development Services. The other copy is to be submitted concurrently to the cognizant State vocational rehabilitation agency. This agency reviews the applications and forwards its comments to the Commissioner.

A-95 Clearinghouse Notice. In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of the intent to apply for Federal Assistance. If the application is for a statewide project which does not affect area wide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application Consideration. The Commissioner determines the final action to be taken with respect to each grant application.

All accepted applications are subjected to a competitive review and evaluation conducted by qualified persons outside of Federal employment. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner's consideration also takes into account the comments of the State agencies of vocational rehabilitation, the HEW Regional Offices and the headquarters program office. Comments on the aplications may also be requested from appropriate specialists and consultants inside and outside of the Government.

When the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

Grant Awards. The Commissioner makes grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available for the purpose of supporting the Model Spinal Cord Injury Systems. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation, if any. The initial award also specifies the total project period for which support is contemplated.

F. Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated by persons outside of the Rehabilitation Research and Demonstration Office. To be considered for funding, applicants must demonstrate that they meet the following requirements: (1) provide clear evidence of reasonable project costs, (2) have recognized expertise and competence in spinal cord injury services; (3) have available staff; (4) have the essential medical, rehabilitation and other service facilities as required without project cost for alteration, expansion or renovation; (5) have effective interagency relationships and communication within the patient flow area; (6) have the ability to meet the 5 project objectives listed in Section D above.

Beyond meeting the basic criteria above, all applications will be reviewed based on the following 12 specific criteria:

1. To spinal cord injured persons, regardless of source of economic sponsorship, a comprehensive, multidisciplinary, balanced continuum of services covering all phases of care and rehabilitation from the point of injury or disability through successful long-term community adjustment. The following range of services must be included:

(a) Acute care:

(1) Evacuation and transportation;

(2) Emergency and early acute care (1-10 days post onset);

(b) Rehabilitation services:

(1) Physical restoration (10-120 days post onset);

(2) Vocational-educational preparation (should be initiated during care);

(3) Community placement and adjustment;

(c) Long-term, comprehensive follow-up (includes medical, social, psychological, and vocational).

2. The accessibility of care, including the identification of persons with recently incurred spinal cord injury, through a well-developed, emergency evacuation and transportation subsystem. Such a system must include a communications network from transportation units in the field through a coordinating focal point to the designated emergency and acute medical facility or facilities.

(a) Personnel should be trained in proper handling and evacuation of SCI and severely traumatized persons.

(b) Evacuation personnel must be under medical supervision. Facilities for emergency and acute care that possess the necessary environment, equipped and staffed by specialists in all aspects of spinal injury care, for maximal stabilization and maintenance of vital bodily functions. Emphasis must be paced upon all measures which may alleviate or eliminate the impairments imposed by spinal cord injury including the application of immediate treatment techniques for spinal shock and other traumatic mechanisms of the cord.

3. A program of physical restoration and rehabilitation services that assures the opportunity for improving functional capacity and potential in all areas, including activities of daily living, bowel and bladder care and training, fitting of rehabilitation equipment, vocational evaluation and early training services, psychological assessment and support, family and social evaluation, etc. The availability of multispecialty medical consultation must be assured, i.e., urology, plastic surgery, orthopaedics, etc.

4. A vocational rehabilitation program through which effective coordination and communication assures maximal use of all necessary agencies, institutions, and private enterprises within the region to meet the individualized vocational or educational needs of SCI persons. This requires established working relationships via cooperative agreements with each VR agency in the patient flow area which is expected to have a formalized relationship to the project, with emphasis upon case services. Also, written cooperative agreements between all service components of the system should assure proper patient flow and momentum of rehabilitation. Such cooperative agreements should specifically describe referral procedures, cost reimbursements, scope of services to be provided, staff sharing programs and other information as might be necessary to constitute an adequate subcontractual arrangement for grants management purposes.

5. A comprehensive, long-term followup program emphasizing community placement, health maintenance, and vocational and social adjustment and assuring that each is evaluated and monitored regularly through direct contact by trained followup personnel. Such a followup system should provide an up-to-date registry including a dynamic, current status evaluation of all SCI persons discharged from the various subsystems.

6. A program of communty outreach and community education in connection with the problems of housing, transportation, recreation, employment, and community activities.

7. Coordination of services, and appropriate program and advocacy administered and guided by a physician who has specialized training and experience in rehabilitating the SCI during the early care phase of rehabilitation, and an allied rehabilitation professional as coordinator during the vocational and placement phases.

8. An adequate and substantial volume of patients to support such a demonstration project. For a 30-40 dedicated bed spinal cord injury service, a minimum of 70-100 new cases a year must be available, not including a census of 100-300 previously disabled persons. Prior rates of case identification, admissions, readmissions, and discharges will be used to evaluate this requirement.

9. Opportunities and the environment for clinical research and evaluation of program effectiveness. This requires a sophisticated data collection, retrieval, and analysis capability for each subsystem and the total system collectively. cost effectiveness and systems analysis studies will evaluate the benefits of the various subsystems and the total system in light of regional variations and differences in project structure and design.

10. For the sharing of medical and allied rehabilitation staff by the acute medical care and rehabilitation services components, for rehabilitation plan development, treatment, research collaboration, and training.

11. Training opportunities for specialists in the various disciplines involved in the rehabilitation of persons with SCI.

12. Appropriate agency liaison, public and community education programs to decrease the incidence of traumatic spinal cord injury (prevention).

G. Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is June 20, 1978. Applications may be mailed or hand delivered to: Receiving Office; Division of Grants and Contracts Management; Office of Human Development Services, DHEW; Room 1427, Mary E. Switzer Building; 330 C Street SW., Washington, D.C. 20201 (Attention: 13626-782). Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

An application will be considered to have arrived by the closing date if:

1. The application was sent by registered or certified mail no later than June 20 as evidenced by the U.S. Postal Service postmark or original receipt from the U.S. Postal Service;

2. The application is sent by mail and received on or before the closing date in the Department of Health, Education, and Welfare, and Office of Human Development Services, or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mailroom; or

3. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than C.O.B. June 20, in any case.

H. LATE APPLICATIONS

Late applications will not be accepted and applicants will be notified accordingly.

I. AVAILABILITY OF APPLICATION FORMS

Application kits which contain the prescribed application forms, the project description, and information for the application may be obtained by making a request to: Division of Grants and Contract Management, Office of Human Development Services, Room 1427, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, (Attention: 13626-782).

J. NATIONAL SPINAL CORD INJURY MODEL SYSTEMS' CONFERENCE

The Rehabilitation Services Administration announces intention to convene the National Spinal Cord Injury Model Systems Conference on April 20-21, 1978, at Del Webb's Town House Hotel, Phoenix, Ariz. The conference will be hosted by the originally designated Model System and the National Spinal Cord Injury Data Research Center, Good Samaritan Hospital, Phoenix, Ariz. Participants will be expected to defray travel and other costs associated with conference attendance.

The purpose of this conference is to share with interested potential applicants, rehabilitation institutions, State vocational rehabilitiation agencies, Federal program representatives, and medical and health care insurers the results from the first five years' experience of the eleven designated Model Systems. The Model Systems concept, rehabilitation and patient care benefits, and Systems cost effectiveness will be thoroughtly discussed. Workshop sessions will be held on all five components of the System, i.e., emergency medical services, medical care and restoration of function, psychosocial and vocational services, and long-term community followup.

Those institutions desiring to send representatives to the conference should contact directly the Conference Secretary, John S. Young, M.D., Director, National Spinal Cord Injury Data Research Center, Good Samaritan Hospital, 1130 E. McDowell Road, Suite A-6, Phoenix, Ariz. 85006. Questions pertaining to the Model Systems programs and conference agenda should be addressed to the Conference Coordinator, J. Paul Thomas, Project Manager, Medical Research Studies, Rehabilitation Services Administration, Room 2328, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201.

The conference will be limited to 200 registrants. Applications will be accepted by the Conference Secretary through March 15, 1978.

(Catalog of Federal Domestic Assistance Program Number: 13626, Special Projects and Demonstrations.)

Dated: March 7, 1978.

ROBERT R. HUMPHREYS,
Commissioner of Rehabilitation Services.

Approved: April 5, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

[FR Doc. 78-9546 Filed 4-10-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Birds of a Feather, Owner: Larry D. Kramer, Box 182, Dorset, Vt. 05251.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2327. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before May 10, 1978. Please refer to the file number when submitting comments.

Dated: April 6, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-9526 Filed 4-10-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Boiling Springs Zoo Parks and Nature Center, Jack and Viola Kiracofe, Owners, R.D. No. 1, Boiling Springs, Pa. 17007.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, the following species: tiger (*Panthera tigris*), jaguar (*Panthera onca*), and leopard (*Panthera pardus*) listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2322. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before May 10, 1978. Please refer to the file number when submitting comments.

Dated: April 6, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-9525 Filed 4-10-78; 8:45 am]

[4310-03]

HERITAGE CONSERVATION AND RECREATION SERVICE

National Register of Historic Places

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 31, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for ad-

ditional time to prepare comments should be submitted by April 20, 1978.

RONALD M. GREENBERG,
Acting Keeper of the National Register.

ALABAMA

Baldwin County

Gasque vicinity, *Mobile Point Light Station Keeper's Quarters*, 12 mi. (19.2 km) W of Gasque on AL 180.

Madison County

Huntsville, *Dallas Mill*, 701 Dallas Ave.

Walker County

Oakman, *Stephenson House*, Cobb St.

ALASKA

Anchorage Division

Girdwood vicinity, *Crow Creek Consolidated Gold Mining Company*, NE of Girdwood on Crow Creek Rd.

Seaward Division

Seward, *Ballaine House*, 437 3rd Ave.

Upper Yukon Division

Central, *Central House*, Mile 128, Steese Hwy.

Yukon-Koyukuk Division

Fort Yukon, *Old Mission House.*

CALIFORNIA

Alameda County

Alameda, *St. Joseph's Basilica*, 1109 Chestnut St.
Dublin, *Dublin Village Historic Settlement*, 6506-6600 Donlon Way; 11873 Dublin Blvd.

Los Angeles County

Claremont,
Russian Village, 290-370 S. Mills Ave. and 480 Cuycamonga Ave. (also in San Bernardino County)
Los Angeles, *Bullock's Wilshire Building*, 3050 Wilshire Blvd.
Los Angeles, *Pan-Pacific Auditorium*, 7600 Beverly Blvd.
Pomona, *Greenwood, Barbara, Kindergarten*, Hacienda Pl. and McKinley Ave.
Torrance, *Belvidere Substation*, 4558 W. 182nd St.

Marin County

Inverness, *Schreiber, Brock, Boathouse and Beach*, 12830 Sir Francis Drake Blvd.

Riverside County

Riverside, *Administration Building, Sherman Institute*, 9010 Magnolia Ave.
Riverside, *All Souls Universalist Church*, 3657 Lemon St.

Sacramento County

Galt, *Utah Condensed Milk Company Plant*, 621 3rd St.
Sacramento, *Coolot Company Building*, 812 J St.

San Francisco County

San Francisco, *Calvary Presbyterian Church*, 2501 and 2515 Fillmore St.

San Joaquin County

Stockton, *Gew, Wongh K., Mansion*, 345 W. Clay St.
Stockton, *Nippon Hospital*, 25 S. Commerce St.
Stockton, *Stockton Savings and Loan Society Bank*, 301 E. Main St.

San Mateo County

Millbrae, *Southern Pacific Depot*, 21 E. Millbrae Ave.

Santa Clara County

Los Gatos, *Forbes Mill Annex*, CA 17.
Saratoga vicinity, *Welch-hurst*, 15800 Sanborn Rd.

Solano County

Vacaville, *Vacaville Town Hall*, 620 E. Main St.

Sonoma County

Bodega vicinity, *Watson School*, 15000 Bodega Hwy.

Ventura County

Simi vicinity, *Colony House*, 137 Strathearn Pl.
Simi vicinity, *Simi Adobe-Strathearn House*, 137 Strathearn Pl.

COLORADO

Denver County

Denver, *Bailey House*, 1600 Ogden St.
Denver, *Boston Building*, 828 17th St.

Saguache County

Saguache vicinity, *Saguache Flour Mill*, W of Saguache.

CONNECTICUT

Hartford County

Hartford, *Sigourney Square District*, Sargeant, Ashley, and May Sts.

INDIANA

Hamilton County

Nobelsville, *Hamilton County Courthouse Square*, Public Sq.

LOUISIANA

West Feliciana Parish

Laurel Hill vicinity, *Hazelwood Plantation*, SE of Laurel Hill on Hazelwood Rd.

MARYLAND

Baltimore County

Lutherville vicinity, *Western Runn-Belfast Road Historic District*, NW of Lutherville

Carrol County

Sykesville vicinity, *Branton Manor*, 2819 Old Liberty Rd.

Frederick County

Woodsboro vicinity, *LeGore Bridge*, N of Woodsboro over Monacacy River

Kent County

Stillpond vicinity, *Hebron*, SE of Stillpond off MD 292

MICHIGAN

Ottawa County

Holland vicinity, *Holland Harbor Lighthouse*, South Pier, Holland Harbor

MINNESOTA

Hennepin County

Greenwood, *Old Log Theater*, 5175 Meadville Rd.
Robbinsdale, *Hennepin County Library*, 4915 42nd Ave. N.

LeSueur County

St. Peter vicinity, *Andrews House, SE of St. Peter*

Ramsey County

St. Paul, *Dahl, William, House*, 136 13th St.

Yellow Medicine County

Canby, *Lund, John G., House*, 101 4th St. W.

MISSOURI

Jackson County

Grandview, *Young, Solomon, Farm*, 12121 and 12301 Blue Ridge Extension

PENNSYLVANIA

Philadelphia County

Philadelphia, *Ringgold Place*, 1900 block Waverly St.
Philadelphia, *Thirtieth Street Station*, W. River Dr., Market, 30th and Arch Sts.

TENNESSEE

Greene County

Afton vicinity, *Ripley Stone House*, E of Afton off U.S. 11

TEXAS

Brewster County

Alpine, *Brewster County Courthouse and Jail*, Courthouse Sq.

Deaf Smith County

Hereford, *Black, E. B., House*, 508 W. 3rd St.

Fayette County

LaGrange vicinity, *Mount Eliza*, 3 mi. (4.8 Km) S of LaGrange on U.S. 77

Taylor County

Buffalo Gap, *Old Taylor County Courthouse and Jail*, William St. between North and Elm Sts.

VERMONT

Orange County

Newbury vicinity, *Wildwood Hall*, SW of Newbury off U.S. 5

WASHINGTON

San Juan County

Friday Harbor Vicinity, *Lime Kiln Light Station*, W of Friday Harbor on SR 1

[4310-70]

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held at 10:30 a.m., e.s.t., on April 26, 1978, in Room 4417, Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the meeting is to provide an opportunity for a steering committee of the full Council to advise representatives of the Secretary of the Interior on implementation of a recently-enacted Appalachian Trail bill. The steering committee will review plans to establish a new legislatively-mandated Advisory Council, to implement a 2-year comprehensive planning requirement and to carry out a 3-year Federal land acquisition program.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, National Park Service, Harpers Ferry, W. Va. 25425; telephone 304-535-6371, ext. 278.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Appalachian Trail Project Office, 596 Fillmore Street, Harpers Ferry. Copies of the Minutes may also be obtained by writing to the Appalachian Trail Project Office, National Park Service, Harpers Ferry Center, Harpers Ferry, W. Va. 25425.

Dated: April 3, 1978.

DAVID A. RICHIE,
Project Manager.

[FR Doc. 78-9524 Filed 4-10-78; 8:45 am]

[4310-70]

[Order No. 1]

CUYAHOGA VALLEY NATIONAL RECREATION AREA, OHIO

Delegation of Authority Regarding Purchasing Authority

SEC. 1. *Administrative Officer.* The Administrative Officer may issue Purchase Orders not in excess of $10,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77, 38 FR 7478 published March 22, 1973, as amended.)

Dated: December 12, 1977.

WILLIAM C. BIRDSELL,
Superintendent, Cuyahoga Valley National Recreation Area.

[FR Doc. 78-9523 Filed 4-10-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-36]

CERTAIN PLASTIC FASTENER ASSEMBLIES

Resumption of Investigation

Notice is hereby given that the U.S. International Trade Commission on April 5, 1978, ordered the termination of the suspension of Commission investigation No. 337-TA-36 of Certain Plastic Fastener Assemblies effective April 28, 1978. The investigation was suspended because of litigation involving common parties and issues in the U.S. District Court for the Southern District of New York, *Dennison Manufacturing Co.* v. *Ben Clements & Sons, Inc.*, 74 Civ. 979 (CES).

Notice of institution of the investigation was published in the FEDERAL REGISTER on August 11, 1977 (42 FR 40786); notice of suspension of the investigation was published in the FEDERAL REGISTER on October 18, 1977 (42 FR 55654); notice of date of resumption of the investigation was published in the FEDERAL REGISTER on November 10, 1977 (42 FR 58581); and notice of extention of suspension of investigation was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 800).

Issued: April 6, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-9581 Filed 4-10-78; 8:45 am]

[4410-18]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant program to conduct a national evaluation of the Integrated Criminal Apprehension Program. This study is being conducted in order to ascertain the extent and nature to which the basic components of the ICAP efforts have been implemented and integrated in a number of selected sites, and the impact this has had on the improved delivery of police field services.

The solicitation asks for the submission of draft proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than May 31, 1978. A grant is planned for award in September 1978 with funding support not to exceed $400,000 or 24 months in duration. Because this is a research grant program, profit making organizations are prohibited by LEAA policy from receiving funding support.

Further information and copies of the solicitation can be obtained by contacting Rosemary Murphy or Frank Vaccarella, Office of Program Evaluation, NILECJ, 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3824.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-9211 Filed 4-10-78; 8:45 am]

[4410-18]

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant program to conduct a national assessment of Adult Restitution Programs. This study is part of the National Evaluation Program (NEP) Phase I assessments which are designed to specify more accurately what is known; to identify information needs and associated costs for obtaining additional information; and to develop and refine an evaluation design(s) for obtaining additional information about the topic area.

The solicitation asks for the submission of draft proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than May 31, 1978. All grants are planned for award in September 1978 with funding support not to exceed $250,000 or 18 months in duration for individual grants. Because this is a research grant program profit making organizations are prohibited by LEAA policy from receiving funding support.

Further information and copies of the solicitation can be obtained by contacting Rosemary Murphy or Frank Vaccarella, Office of Program Evaluation, NILECJ, 633 Indiana

Avenue NW., Washington, D.C. 20531, 202-376-3824.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-9212 Filed 4-10-78; 8:45 am]

[4410-18]

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant program to evaluate the discretionary grant program, Treatment and Rehabilitation for Addicted Prisoners in Connecticut, Maryland and Washington. The purpose of this evalution grant is to determine the extent to which the TRAP Program attained its objectives:

1. To develop voluntary institutional and community based treatment program for all drug abusing inmates.

2. To develop a coordinated approach to the treatment of drug abusing inmates which provides that they be properly identified, evaluated, monitored and treated, and can also serve as a model for other states.

3. To reduce the recidivism rates and improve the social adjustment of program clients through the treatment and elimination of their drug problem.

The solicitation asks for the submission of draft proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than May 31, 1978. This grant is planned for award in September 1978 with funding support not to exceed $250,000 or 24 months in duration for individual grants. Because this is a research grant program, profit making organizations are prohibited by LEAA policy from receiving funding support.

Further information and copies of the solicitation can be obtained by contacting Rosemary Murphy or Jay Merrill, Office of Program Evaluation, NILECJ 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3824.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-9213 Filed 4-10-78; 8:45 am]

[4410-18]

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant program to conduct a national assessment of police command and control systems. This study is part of the National Evaluation Program (NEP) Phase I assessments which are designed to specify more accurately what is known; to identify information needs and associated costs for obtaining additional information; and to develop and refine an evaluation design(s) for obtaining additional information about the topic area.

The solicitation asks for the submission of draft proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than May 31, 1978. All grants are planned for award in September 1978 with funding support not to exceed $250,000 or 18 months in duration for individual grants. Because this is a research grant program, profit making organizations are prohibited by LEAA policy from receiving funding support.

Further information and copies of the solicitation can be obtained by contacting Rosemary Murphy or Phillip Travers, Office of Program Evaluation, NILECJ, 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3824.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-9214 Filed 4-10-78; 8:45 am]

[4410-18]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE; MODEL PRE-RELEASE PROGRAM

Solicitation

NOTE.—This document is reprinted here without change from the issue of Thursday April 6, 1978.

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant to conduct an evaluation of a model pre-release program in selected communities. This experimental study will be a coordinated effort within the National Institute, with the basic program's design and management conducted under its Office of Development Testing and Dissemination, and the evaluation's design and management conducted under its Office of Program Evaluation.

The major objectives of the experiment are to: (a) Test the implementation of a county-based, full-service, correctional pre-release program, (b) determine its cost-effectiveness, and (c) explore the model program's impacts on its clients, communities, and State and local criminal justice systems.

The solicitation asks for the submission of draft proposals. A formal application will be requested, following a peer review of the proposals as indicated in the solicitation. The total cost of the evaluation must not exceed $300,000; based on an estimated maximum number of three (3) test-sites, and a study duration of twenty-four (24) months. In order to be considered, all papers must be postmarked no later than June 10, 1978. The evaluation grant is expected to be awarded in September 1978, with actual startup date based on optimal phasing with the test projects. Because this is a research grant, agency policy prohibits profit-making organizations from receiving funding support for this evaluation.

Further information and copies of the full solicitation can be obtained by contacting Rosemary Murphy or Dr. Bernard A. Gropper, Office of Program Evaluation, NILECJ, 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3824.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-9079 Filed 4-5-78; 8:45 am]

[4510-23]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

ADVISORY COMMITTEE TO REVIEW MINE HEALTH AND SAFETY TRAINING PROGRAM REGULATIONS

Meeting

Pursuant to sections 101(a) and 102(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. No. 91-173, as amended by Pub. L. No. 95-164, notice is hereby given that the Advisory Committee to Review Mine Health and Safety Training Program Regulations, which met in Arlington, Va., March 28-31, 1978, will continue its meeting beginning Thursday, April 27, 1978, through Sunday, April 30, 1978.

Meetings will be held starting Thursday, April 27, at 1 p.m. until 5 p.m., and continue on April 28, 29, and 30 from 8:30 a.m. until 5 p.m. (local time), at the New Labor Department Building, 200 Constitution Avenue NW., Washington, D.C. 20210, Room N 3437 (A, B, C and D). The meetings of the Advisory Committee are open to the public and approximately 50 seats will be available on a first-come first-served basis. Any member of the public may file a written statement with the Advisory Committee before and during the public meetings. If deemed appropriate by the Chairperson, members of the public may be permitted to present oral statements at the meeting.

Copies of the proposed training regulations are available to the public at the office of Harry Schell, Acting As-

sistant Administrator, Education and Training, Room 516, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203. Telephone: 703-235-1400. All written statements, comments and inquiries should be addressed to Mr. Schell at the above address.

Dated: April 6, 1978.

ECKEHARD MUESSIG,
Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-9585 Filed 4-10-78; 8:45 am]

[4510-23]

Office of the Secretary

A & A MANUFACTURING ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are indentified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 17, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 17, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of March 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
A&A Manufacturing (workers).	Aurora, Mo	Mar. 10, 1978	Mar. 6, 1978	TA-W-3,406	Men's jeans.
The Anaconda Co. refining division (USWA).	Great Falls, Mont	Jan. 25, 1978	Jan. 20, 1978	TA-W-3,407	Mining, refining and smeltering of copper ore.
Artex Industries (workers)	Jersey City, N.J	Mar. 10, 1978	Mar. 7, 1978	TA-W-3,408	Cuts, polishes, and finishes slabs of marble.
Columbia Iron & Metal Co. (USWA).	Girard, Ohio	do	do	TA-W-3,409	Processing scrap iron and metal for steel mills and foundries.
Dayton Malleable, Inc., Ohio malleable division (USWA).	Columbus, Ohio	Mar. 9, 1978	do	TA-W-3,410	Malleable castings.
Eagle-Picher Industries, Inc. (USWA).	Shullsburg, Wis	Mar. 10, 1978	do	TA-W-3,411	Mining and concentrating of zinc ore.
Do	Bear Hole, Wis	do	do	TA-W-3,412	Do.
General Electric Co., Youngstown Lamp Plant (IUE).	Youngstown, Ohio	Mar. 9, 1978	Mar. 4, 1978	TA-W-3,413	Incandescent lamps (light bulbs) for home and commercial use.
Milco Industries, Inc. (workers).	Bloomsburg, Pa	Mar. 17, 1978	Mar. 14, 1978	TA-W-3,414	Ladies' undergarments and sleepwear.
Rogers Peet Co. (workers)	Paramus, N.J	Mar. 9, 1978	Feb. 28, 1978	TA-W-3,415	The selling of men's and women's ready-to-wear apparel.
Frank M. Sheesley Co. (International Union of Operating Engineers).	Johnstown, Pa	Mar. 13, 1978	Mar. 8, 1978	TA-W-3,416	Renting of hoisting equipment.
U.S. Steel Corp., wheel and axle division (USWA).	McKees Rock, Pa	Nov. 17, 1977	Nov. 10, 1977	TA-W-3,417	Wheels and axles (heavy duty and railroad).
Wakefield Engineering, Inc.	Imperial Beach, Calif	Mar. 20, 1978	Mar. 9, 1978	TA-W-3,418	The buying, finishing and shipping of aluminum extrusions to the customers.
Wean United, Inc., Crescent Street, Plant 16 (International Association of Machinists & Aerospace Workers).	Youngstown, Ohio	Mar. 8, 1978	Mar. 1, 1978	TA-W-3,419	Iron rolls.
Wilkinson Sword (workers)	Berkeley Heights, N.J	Mar. 10, 1978	Feb. 22, 1978	TA-W-3,420	Bonded assembly razor blades and packaging.

[FR Doc. 78-9317 Filed 4-10-78; 8:45 am]

[4510-28]

AILEEN, INC. ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 17, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 17, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of March 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Dated received	Date of petition	Petition No.	Articles produced
Aileen, Inc.	Abilene, Tex	Mar. 20, 1978	Mar. 15, 1978	TA-W-3,421	Women's, misses' and children's sportswear.
Do.	Strasberg, Va	do	do	TA-W-3,422	Do.
Do.	Brookneal, Va	do	do	TA-W-423	Do.
Do.	Culpepper, Va	do	do	TA-W-3,424	Do.
Do.	Edinburgh, Va	do	do	TA-W-3,425	Do.
Do.	Flint Hill, Va	do	do	TA-W-3,426	Do.
Do.	New Market, Va	do	do	TA-W-3,427	Do.
Do.	Victoria, Va	do	do	TA-W-3,428	Do.
Aileen, Inc., cutting department, (company).	Woodstock, Va	do	do	TA-W-3,429	Do.
Aileen, Inc., shipping department, (company) Do..	Woodstock, Va[1]	do	do	TA-W-3,430	Shipping of women's, misses' and children's sportswear to the customers.
Alto Products Corp. (UTWA).	Wilkes-Barre, Pa.	Mar. 17, 1978	Mar. 14, 1978	TA-W-3,431	Casual shoes and slippers.
Beiers Dorf, Inc. (workers)	Paterson, N.J.	Mar. 20, 1978	Mar. 15, 1978	TA-W-3,432	Material used as bandage cloth.
Bestform Foundations of Pennsylvania, Inc. (company).	Johnstown, Pa.	Mar. 13, 1978	Mar. 10, 1978	TA-W-3,433	Ladies' undergarments, sleepwear and loungewear.
Dayton Malleable, Inc., Ironton Division (USWA).	Ironton, Ohio	Mar. 10, 1978	Mar. 7, 1978	TA-W-3,434	Malleable castings.
Duvall Center (workers)	Wheeling, W. Va	Mar. 1, 1978	Feb. 23, 1978	TA-W-3,435	Programers and data interpreters.
Ethel Manufacturing (workers).	Lindenhurst, N.Y	Mar. 13, 1978	Mar. 11, 1978	TA-W-3,436	Ladies' coats.
Fairfoot Shoe Co. (Retail Clerks International Union).	Johnstown, Pa	do	Mar. 10, 1978	TA-W-3,437	Stitched shoe uppers.
Flair Footwear (Boot & Shoe Workers Union).	Wilkes-Barre, Pa.	Mar. 10, 1978	Mar. 6, 1978	TA-W-3,438	Women's shoes.
Large Power Transformer Plant (International Union of Electrical, Radio & Machine Workers).	Muncie, Ind	Mar. 15, 1978	Mar. 2, 1978	TA-W-3,439	Produces and sells power transformers.
Maurice II Knitting Mills (workers).	Red Springs, N.C.	Mar. 13, 1978	Mar. 9, 1978	TA-W-3,4440	Men's, women's, and children's knitted outerwear.
Rocco Handbags (ILGPNWU).	Newburgh, N.Y	do	do	TA-W-3,441	Ladies' vinyl handbags.
Signalite (workers)	Neptune, N.J.	do	Mar. 10, 1978	TA-W-3,442	Neon indicator lamps and lighted devices.
Silver King Mining & Milling Co., (USWA).	Usk, Wash	do	Mar. 6, 1978	TA-W-3,443	The mining and transporting of zinc ore.
Valley Mold & Iron Co. (USWA).	Hubbard, Ohio	Mar. 10, 1978	Mar. 7, 1978	TA-W-3,444	Ingot moulds.

[FR Doc. 78-9318 Filed 4-10-78; 8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of March 29, 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles Produced
Composite Electrical Assemblies, Inc. (company).	Buffalo, N.Y.	Mar. 16, 1978	Mar. 10, 1978	TA-W-3,390	Electrical cable assembly.
Do	Longwood, Fla	do	do	TA-W-3,391	Do.
Fashion Prints LVIP No. 2 (company).	Allentown, Pa	Mar. 20 1978	Mar. 16, 1978	TA-W-3,392	Printing service for textile and apparel companies.
Fashion Prints (company)	New York, N.Y	do	do	TA-W-3,393	Do.
Mighty Mac, Inc. (company).	Gloucester, Mass	Mar. 13, 1978	Mar. 1, 1978	TA-W-3,394	Men's & boys' outerwear, coats, jackets, ski parkas.
Mighty Mac of Manchester (company).	Manchester, N.H	do	do	TA-W-3,395	Do.
Paragon Wire and Cable Corp. (company).	Buffalo, N.Y	Mar. 16, 1978	Mar. 10, 1978	TA-W-3,396	Wire & cable for radio, TV, stereo, C.B.'s, etc.
Do	Longwood, Fla	do	do	TA-W-3,397	Do.

[FR Doc. 78-9586 Filed 4-10-78; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

APRIL 5, 1978.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (Dec. 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corp. hereby announces publicly that it is considering the grant application submitted by: Legal Action of Wisconsin in Milwaukee, Wisconsin to serve LaCrosse, Jefferson and Dodge counties.

Interested persons are hereby invited to submit written comments or recommendations conerning the above application to the Regional Office of the Legal Services Corp. at:

Legal Services Corp., Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill. 60604.

THOMAS EHRLICH,
President.

[FR Doc. 78-9518 Filed 4-10-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

APRIL 5, 1978.

The Legal Services Corp, was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961, as amended, Pub. L. 95-222 (Dec. 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corp. hereby announces publicly that it is considering the grant applications submitted by:

1. Legal Services Corporation of Alabama in Montgomery, Ala. to serve Baldwin and Clarke counties.
2. Southwest Mississippi Legal Services in McComb, Mississippi to serve Amite and Franklin counties.
3. East Mississippi Legal Services in Meridan, Mississippi to serve Neshoba and Newton counties.
4. Southeast Mississippi Legal Services in Hattiesburg, Mississippi to serve Jones and Marion counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corp. at:

Legal Services Corp., Atlanta Regional Office, 615 Peachtree Street NE., 9th Floor, Atlanta, Ga. 30308.

THOMAS EHRLICH,
President.

[FR Doc. 78-9515 Filed 4-10-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

FLORIDA POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-72, issued to the Florida Power Corp., city of Alachua, city of Bushnell, city of Gainesville, city of Kissimmee, city of Leesburg, city of New Smyrna Beach and Utilities Commission, city of New Smyrna Beach, city of Ocala, Orlando Utilities Commission and city of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the city of Tallahassee (the licensees) which revised Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant located in Citrus County, Fla. The amendment is effective as of the date of issuance.

This amendment modifies the Techncial Specifications to revise reactor internals vent valve surveillance requirements and to indicate a plant staff reorganization.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license 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 applications for amendment dated November 8 and December 14, 1977, (2) Amendment No. 14 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at he Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Crystal River Public Library, Crystal River, Fla. 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 3rd day of April 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-9513 Filed 4-11-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel—Energy Task Force.

Place: Room 3104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

Date: Wednesday, April 26, 1978, 9 a.m.-12 noon.

Contact Person: Mr. Louis Blair, Office of Science and Technology Policy, Executive Office of the President; telephone: 202-395-4596. Anyone who plans to attend should contact Mr. Blair by April 24, 1978.

The purpose of the meeting is to review energy problems, set priorities for future Task Force efforts and to discuss programs of interest to state and local governments with the Department of Energy.

Minutes of the meeting: Summary minutes of the meeting will be available from Mr. Blair.

TENTATIVE AGENDA

Wednesday, April 26, 1978

Energy problems facing state and local governments.
Establish Task Force priorities.
Discuss relationship with Department of Energy.
Develop task force work plans.

Dated: April 5, 1978.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

[FR Doc. 78-9509 Filed 4-10-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14825; File No. SR-Amex-78-8]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 21, 1978 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE BY THE AMERICAN STOCK EXCHANGE, INC. ("AMEX")

The Amex proposes to amend section 104 of the American Stock Exchange Company Guide to eliminate the listing guideline for bonds and debentures relating to the minimum number of holders a debt issue must have to qualify for listing status. This distribution guideline currently is three hundred (300) holders.

AMEX'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to revise the Exchange's policy on listing debt securities by eliminating any reference to a minimum number of holders.

Amex has determined that its minimum holder listing guideline is unnecessarily restrictive and does not serve a useful purpose in evaluating the suitability of a debt security for exchange trading. Many high-quality issues fall below the 300-holder guideline only because underwriters frequently place such issues with their institutional clients, and it is precisely these issues which have the investment quality necessary to attract the participation of individual investors in the secondary market. In fact, the New York Stock Exhange does not prescribe minimum holder requirements for listing debt securities.

Furthermore, a minimum number of holders is not essential for the maintenance of an orderly exchange market. Unlike prices for equity securities, which are primarily influenced by supply and demand, prices for debt securities are more directly influenced by prevailing interest rates.

Section 104 of the Amex Company Guide is proposed to be amended pursuant to sections 6(b) (5) and (8) and section 12(d) under the Act. Sections 6 (b) (5) and (8) respectively require

that the rules of a national securities exchange "remove impediments to and perfect the mechanism of a free and open market and a national market system" and not impose any unnecessary or inappropriate burdens on competition. Section 12 (d) authorizes an exchange to establish listing guidelines.

The proposed rule change would enable the Exchange to list quality debt issues which would presently be ineligible because of the minimum holder requirement, thereby providing the holders of these issues with the benefits of exchange auction market trading and last sale reporting. In addition, trading of debt issues is governed by Amex Rule 6, which permits Exchange members to execute transactions in listed debt issues off the Floor of the Exchange without any prior Exchange approval or any requirement to report such off-board trading to the Exchange.

The Amex states that no comments were solicited or received with respect to the proposed rule change.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before May 16, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submission should refer to the file number referenced in the caption above and should be submitted on or before May 2, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 3, 1978.

[FR Doc.78-9538 Filed 4-10-78; 8:45 am]

[8010-01]

[Rel. No. 10187; 812-4203]

LEXINGTON RESEARCH FUND, INC., ET AL.

Filing of Application To Permit an Offer of Exchange and for an Exemption

APRIL 4, 1978.

Notice is hereby given that Lexington Research Fund, Inc. ("Research Fund"), Lexington Growth Fund, Inc. ("Growth Fund"), Lexington Income Fund, Inc. ("Income Fund"), and Lexington Tax Free Income Fund, Inc. ("Tax Free Fund"), (collectively, "Funds"), 476 Hudson Terrace, Englewood Cliffs, N.J. 07632, open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act") and Piedmont Capital Corp. ("Piedmont Capital"), 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067, principal underwriter for the Funds (collectively with the Funds, "Applicants"), filed an application on October 7, 1977 and amendments thereto on February 10, 1978 and March 27, 1978, for an order of the Commission (1) pursuant to Section 11(a) of the Act to permit Piedmont Capital to offer to exchange shares of Tax Free Fund for shares of the other Funds at other than relative net asset value and (2) pursuant to section 6(c) of the Act to exempt the Applicants from section 22(d) of the Act and the rules thereunder in connection with such exchange offer. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Research Fund is a New Jersey corporation. Growth Fund, Income Fund, and Tax Free Fund are Maryland corporations. Shares of each of the Funds are offered for sale to the public at the respective net asset value per share at the time of purchase plus sales charges expressed as a percentage of the public offering price of the Funds. Sales charges for the Funds range from 8.5 percent to 1 percent of the public offering price for Research, Growth and Income Funds and from 4.7 percent to 1 percent for Tax Free Fund.

Applicants state that Piedmont Capital proposes to offer shares of Research, Growth and Income Funds to shareholders of Tax Free Fund on the basis of their relative net asset values at the time of exchange plus the applicable sales load described in the prospectus of the Fund being acquired, less the sales charge paid on such Tax Free Fund shares at the time that they were originally purchased. An investor acquiring shares of Research, Growth, or Income Fund through such an exchange would, therefore, pay approximately the same overall sales charge that he would have paid had he purchased the same number of shares of one of these Funds directly.

Shareholders of Research, Growth, and Income Funds may exchange shares of such Funds into shares of Tax Free Fund at net asset value without payment of sales charges, pursuant to section 11(a) of the Act. The application states that the availability of such exchanges has always been a feature offered by distributors of such funds, and the purpose of the application is to continue the availability of such exchanges with respect to the newest Lexington Fund.

The offers of exchange among the Funds will be described in the respective prospectus for each Fund and may be withdrawn or modified without prior notice by amendment or supplements to such prospectuses or by other communications to shareholders. Applicants represent that there is no maximum limit to the number of shares that may be exchanged, but shares of a value in excess of $250 is the minimum exchange that is offered. Shareholders who have paid the full sales charge applicable to shares of Research, Growth, or Income Fund, either as a result of their initial purchase of shares of these three Funds at the full sales charge or as a result of an initial purchase of shares of Tax Free Fund and a subsequent exchange, accompanied by payment of the remaining portion of the sales load, into shares of one of the other three Funds, are thereafter entitled to exchange shares so purchased freely among the Funds without payment of further sales charges.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants state that Tax Free Fund shares are offered to the public at a lower sales charge than shares of Research, Growth or Income Fund to allow Tax Free Fund to compete effectively with other tax free income funds. Applicants maintain that the purpose of the proposed exchange offer is to permit a shareholder of Tax Free Fund who changes his invest-

ment objective to switch his investment to a different Fund without paying the full sales charge otherwise applicable and to permit such an exchange without adversely affecting the sales charge structure applicable to such other Funds. Applicants further content that such exchange offer to shareholders of Tax Free Fund cannot fairly be made at the relative net asset value of the Fund to be acquired since the shareholder of Tax Free Fund may have paid a substantially smaller sales load on his investment than similarly situated investors of the Fund to be acquired. If shares of the other Funds are acquired at net asset value in an exchange, the Applicants state that the purpose and spirit of section 22(d) of the Act would be violated since an investor in Tax Free Fund, merely by purchasing shares of that Fund, would thereby be able to obtain shares of the other three Funds at a price other than that described in their respective prospectuses. Applicants represent that while this application technically seeks, in part, an exemption from section 22(d) of the Act, its purpose is to achieve effective uniformity in rates of sales charges paid for shares of the same Fund, as mandated by that section. As a result, no unfair discrimination or disruption of the orderly distribution of the securities of the Funds would result from reduction of the sales charges under the foregoing circumstances.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 28, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-9535 Filed 4-10-78; 8:45 am]

[8010-01]

[File No. 81-323]

MIDWEST CORP.

Application and Opportunity for Hearing

APRIL 4, 1978.

Notice is hereby given, that Midwest Corp. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") that Applicant be granted an exemption from the reporting provisions of Sections 13 and 15(d) of that Act.

The Applicant states, in part:

1. Applicant is incorporated under the laws of the State of West Virginia.

2. As the result of a merger on February 6, 1978, the Applicant became a wholly-owned subsidiary of Unarco Industries, Inc.

3. Prior to the merger, Applicant was subject to the provisions of Section 15(d) of the 1934 Act, and its common stock was registered pursuant to Section 12(g) of the 1934 Act.

4. At this time the Applicant has only one shareholder, Unarco.

In the absence of an exemption, Applicant is required to file reports pursuant to Sections 13 and 15(d) of the 1934 Act. Applicant believes that its request for an order exempting it from the provisions of Section 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant is a wholly owned subsidiary with only one stockholder. Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given, that any interested person not later than May 1, 1978 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-9536 Filed 4-10-78; 8:45 am]

[8010-01]

[Release No. 14630; File No. SR-NYSE-76-34]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Withdrawal of NYSE's Proposed Changes to Rule 405, Its "Know Your Customer" Rule, and Termination of Proceedings Instituted With Respect to Those Changes

APRIL 3, 1978.

On June 14, 1976 the New York Stock Exchange, Inc. (the "NYSE"), 55 Water Street, New York, N.Y. 10051, filed with the Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78s(b)(1)), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975), and rule 19b-4 thereunder (17 CFR 240.19b-4) proposed rule changes to NYSE Rule 405, its "Know Your Customer" rule. Notices of the proposal and Amendment No. 1 thereto were provided in Securities Exchange Act Release No. 13821 (Aug. 2, 1976), 41 FR 34136 (Aug. 12, 1976) and Securities Exchange Act Release No. 13821 (Aug. 2, 1977), 42 FR 40290 (Aug. 9, 1977).

On November 7, 1977, in Securities Exchange Act Release No. 14143, 42 FR 59148 (Nov. 15, 1977), the Commission instituted proceedings to determine whether to disapprove the proposed rule changes and identified the potential grounds for disapproval. By letter dated February 10, 1978 the NYSE requested permission to withdraw the proposed changes based on the necessity for the staff to seek the approval of the Board of Directors prior to proposing rule amendments which would be responsive to the Commission's concerns.

The Commission has considered this request and, in order to facilitate the preparation of a revised rule that

would appropriately delineate the responsibility of a member or member organization to its customers, hereby approves the withdrwal of these proposed rule changes and terminates the proceedings instituted pursuant to Section 19(b)(2) of the Act with respect to these changes.

In conjunction with this, however, the Commission wishes to reiterate its concern that Rule 405 as presently in effect and the comparable rules of the other exchanges do not clearly delineate the responsibilities of clearing and introducing firms with respect to introduced accounts. The Commission is confident that the NYSE and other national securities exchanges will act promptly to reformulate these rules based on a thorough analysis of, among other things, the agreements executed between clearing and introducing firms and the diversity of functional inter-relationships between them, the records made available by clearing firms to introducing firms and by service bureaus to clearing firms, the nature of the review performed by clearing firms for both their own accounts and their introduced accounts, the nature of the communications between clearing firms and the customers whose accounts are introduced, the prevalence and type of grievances alleged by customers against clearing firms, and the circumstances under which a clearing firm ought to be required to make inquiry and the scope of that inquiry. Such a study should assist the self-regulators and the Commission in evaluating the proper role of the clearing firm in the review of introduced accounts and in formulating appropraite guidelines for the execution of this responsibility.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary

[FR 78-9537 Filed 4-10-78; 8:45 am]

[8015-01]

SELECTIVE SERVICE SYSTEM

DRAFT REPORT

Pursuant to Executive Order 12044, Section 5(a)

Regulations issued by the Selective Service System may be divided into five groups.

Group 1 consists of 32 CFR Part 1700—Reconciliation Service. These regulations were issued by the Director of Selective Service pursuant to Executive Order 11804 to provide a program of reconciliation service in accord with Proclamation 4313. They will be terminated when persons now in the program complete their service which is estimated to be December 1978.

Group 2 consists of 32 CFR Part 1690—Determination of Availability of Members of the Standby Reserve of the Armed Forces for Order to Active Duty. These regulations were issued by the Director pursuant to 10 U.S.C. 672(a), and were issued without opportunity for public comment. They are exempt from the provisions of Executive Order 12044 by section 6(b)(2) thereof.

Group 3 consists of 32 CFR Part 1660—Alternate Service. These regulations are issued by the Director pursuant to section 6(j) of the Military Selective Service Act (50 App. U.S.C. 456(j)). These regulations are issued in accord with procedures prescribed in section 13(b) of the Military Selective Service Act (50 App. U.S.C. 463(b)). Not less than 30 days are allowed for public comment on proposed changes to these regulations.

Group 4 consists of 32 CFR sections 1604.23, .25-28, .53, .55-59, .81; Parts 1608, 1613, 1617, 1619; and sections 1621 .2 and .3. These regulations are issued by the Director pursuant to Executive Order 9979 (32 CFR 1604.1) in accord with procedures prescribed in section 13(b) of the Military Selective Service Act (50 App. U.S.C. 463(b)). Not less than 30 days are allowed for public coment on proposed changes to these regulations.

Group 4 consists of 32 CFR Chapter XVI other than sections and parts thereof identified above. These regulations are issued by the Director in accord with procedures prescribed in Executive Order 11623 and section 13(b) of the Military Selective Service Act (50 App. U.S.C. 463(b)). Not less than 30 days are allowed for public comment on proposed changes to these regulations.

All regulations issued by the Director are considered "significant agency regulations" for the purposes of section 2, Executive Order 12044.

The Director only issues regulations necessary to implement the Military Selective Service Act (50 App. U.S.C. 451 et seq.), 10 U.S.C. 672(a) and Executive Order 11804.

In accord with Executive Order 12044, at least 60 days will be allowed for comment on proposed regulations in the future.

The Selective Service System currently is neither registering nor otherwise processing persons for induction. Regulations other than 32 CFR Parts 1700 and 1608 are essentially in a standby status that do not require reexamination pending statutory enactment or Presidential Proclamation directing the resumption of registration. 32 CFR Part 1700, Group 1, above, will probably be terminated in December 1978. Prior change is not indicated.

32 CFR Part 1608—Public Information has daily application. It was last amended on October 7, 1976. Experience in the administration of this part does not indicate the desirability of further revision within the foreseeable future.

Written comments on the foregoing draft report should be addressed to the Director of Selective Service, 600 E Street NW., Washington, D.C. 20435, Attention: General Counsel.

ROBERT E. SHUCK,
Acting Director.

APRIL 6, 1978.

[FR Doc. 78-9555 Filed 4-10-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 15]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Change in State of Incorporation

On January 1, 1978, American Re-Insurance Company, New York, New York changed its State of incorporation from New York to Delaware. The company was last listed as an acceptable surety on Federal bonds at 42 FR 34069, July 1, 1977.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued by the Secretary of the Treasury, under Sections 6 to 13 of Title 6 of the United States Code, to American Re-Insurance Company, incorporated in the State of Delaware. This new certificate replaces the company's former Treasury certificate, effective January 1, 1978, An underwriting limitation of $7,634,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1977, under the certificate issued to the company in its previous State of incorporation.

Certificates of authority expire on June 30, each year, unless sooner revoked, and new certificates are issued on July 1, so long as the companies remained qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 5, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc. 78-9562 Filed 4-10-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 631]

ASSIGNMENT OF HEARINGS

APRIL 6, 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 114132 (Sub-No. 4), Churns Truck Lines, Inc., is assigned for hearing May 1, 1978, at Norfolk, Va., and will be held at the Grand Jury Room, U.S.P.O. and Courthouse, 600 Grandy St.

MC 143450 (Sub 1), Ambassador Coach Lines, Inc., is now assigned for hearing June 5, 1978, at Parsons, Kans., at a location to be later designated.

No. MC-C-9761, Carolina Coach Co., et al., V. Mandrell Motor Coach, Inc., now assigned April 26, 1978, at Dover, Del., is postponed to June 7, 1978 (2 days), at Dover, Del.; in a hearing room to be later designated.

MC-F-13434, Central Transfer Co.—Purchase (Portion)—Robert Emanuel and Margaret Emanuel, d.b.a. Emanuel's Express and MC 1403 (Sub 4), Central Transfer Co., now assigned May 8, 1978, at Philadelphia, Pa., are postponed to September 11, 1978 (1 week) at Philadelphia, Pa., at a hearing room to be later designated.

No. F.D. 28697, Southern Railway Co. discontinuance of trains nos. 1 and 2 between Washington, D.C. and Atlanta, Ga., now being assigned May 12, 1978 (3 days), at the offices of the Interstate Commerce Commission, Washington, D.C., and continued to May 19, 1978 (1 day), at Charlottesville, Va., May 20, 1978 (1 day), at Lynchburg, Va., May 22, 1978 (1 day), at Danville, Va., May 23, 1978 (1 day), at Greensboro, N.C., May 24, 1978 (1 day), at Salisbury, N.C., May 25, 1978 (1 day), at Charlotte, N.C., May 26, 1978 (1 day), at Spartanburg, S.C., May 27, 1978 (1 day), at Greenville, S.C., May 30, 1978 (1 day), at Clemson, S.C., May 31, 1978 (1 day), at Toccoa, Ga., June 1, 1978 (1 day), at Gainesville, Ga., June 2, 1978 (1 day), at Atlanta, Ga., June 5, 1978 (1 day), at Anniston, Ga., June 6, 1978 (1 day), at Birmingham, Ala., June 7, 1978 (1 day), at Livingston, Ala., June 8, 1978 (1 day), at Meridian, Miss., June 9, 1978 (1 day), at Laurel, Miss., June 12, 1978 (1 day), at Hattiesburg, Miss., June 13, 1978 (1 day), at Poplarville, Miss., and June 14, 1978 (1 day), at New Orleans, La., in hearing rooms to be later designated.

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

[FR Doc. 78-9571 Filed 4-10-78; 8:45 am]

[7035-01]

[Amendment No. 2]

BULK CARRIERS—AGREEMENT (FORMERLY EASTERN TANK CARRIERS)

APRIL 5, 1978.

Notice

Section 5a application No. 63.

The Commission is in receipt of a further supplemental application in the above proceeding for approval of amendments to an approved agreement.

Filed March 8, 1978 by: Joseph M. Harrison, General Manager, Bulk Carrier Conference, Inc., P.O. Box 2566, Arlington, Va. 22202. Leonard A. Jaskiewicz, Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, D.C. 20036, attorneys for applicant.

The further supplemental application involves: Changes to comply with finding 11 of Ex Parte No. 297, 349 I.C.C., and 351 I.C.C., 437 relating to Shipper-Affiliated Carriers.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days' from the date of publication of this notice in the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-9572 Filed 4-10-78; 8:45 am]

[7035-01]

[Twenty-Ninth Revised Exemption No. 12]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

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 & Western Railway. Reporting Marks: ATW.
Chicago & Illinois Midland Railway Co. Reporting Marks: CIM.
Fonda, Johnstown & Gloversville Railroad Co. Reporting Marks: FJG.
Hartford & Slocomb Railroad Co. Reporting Marks: HS.
Lackawaxen & Stourbridge Railroad Corp. Reporting Marks: LASB.
Louisiana Midland Railway Co. Reporting Marks: LOAM.
Manufacturers Railway Co.[1]
Maryland & Pennsylvania Railroad Co. Reporting Marks: MPA.
Pickens Railroad Co. Reporting Marks: PICK.
Roscoe, Snyder & Pacific Railway Co. Reporting Marks: RSP.
Wellsville, Addison & Galeton Railroad Corp. Reporting Marks: WAG.

Effective March 15, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 13, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-9574 Filed 4-10-78; 8:45 am]

[7035-01]

[AB 43 (SDM)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Amended System Diagram Map

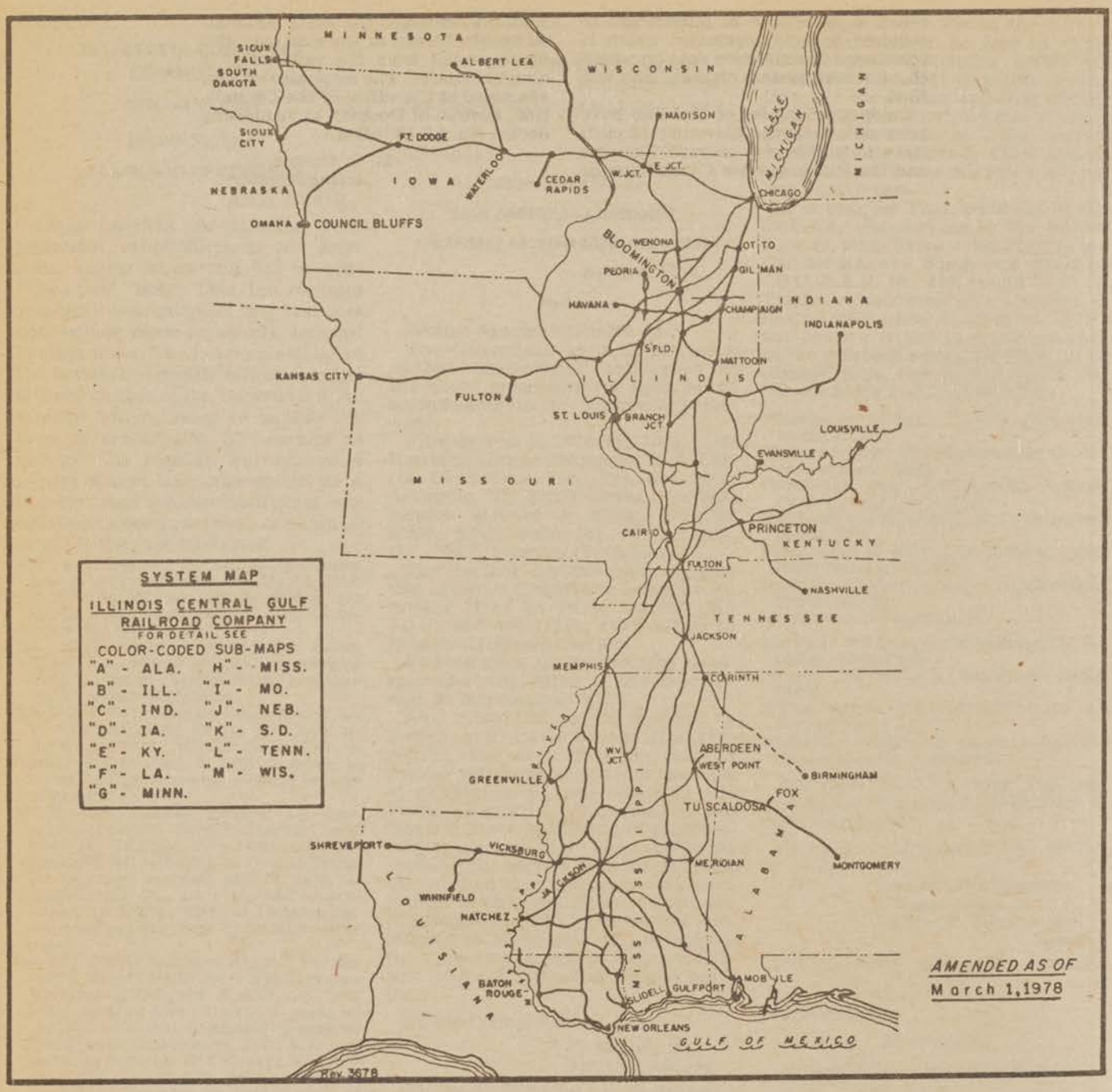
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Illinois Central Gulf Railroad Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 43 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 31, 1978, re-

[1]Deleted.

ceived a certificate of publication as required by said regulation which is considered the effective date on which the amended 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 43 (SDM).

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



SYSTEM MAP

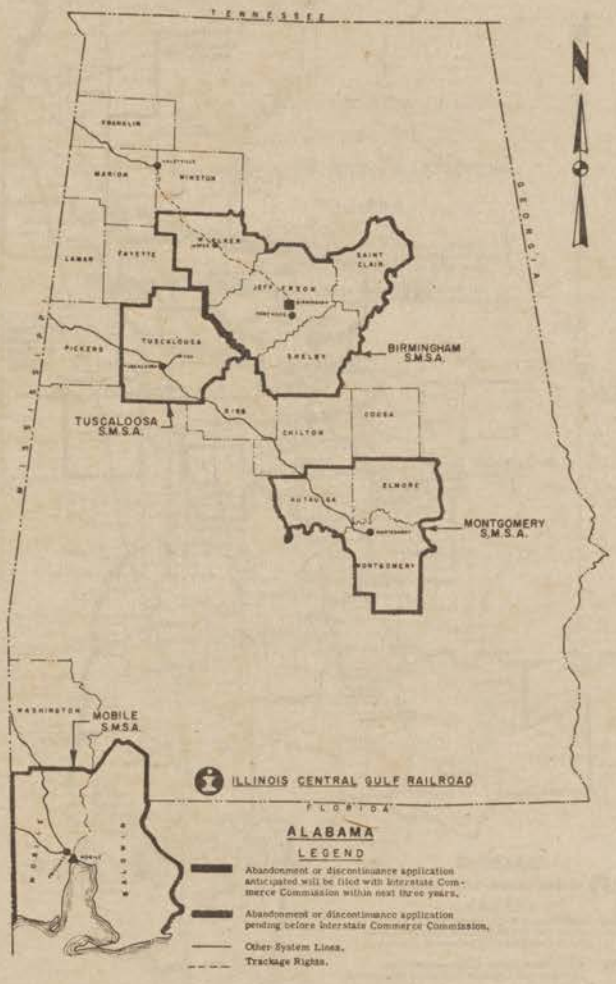
ILLINOIS CENTRAL GULF RAILROAD COMPANY

FOR DETAIL SEE COLOR-CODED SUB-MAPS

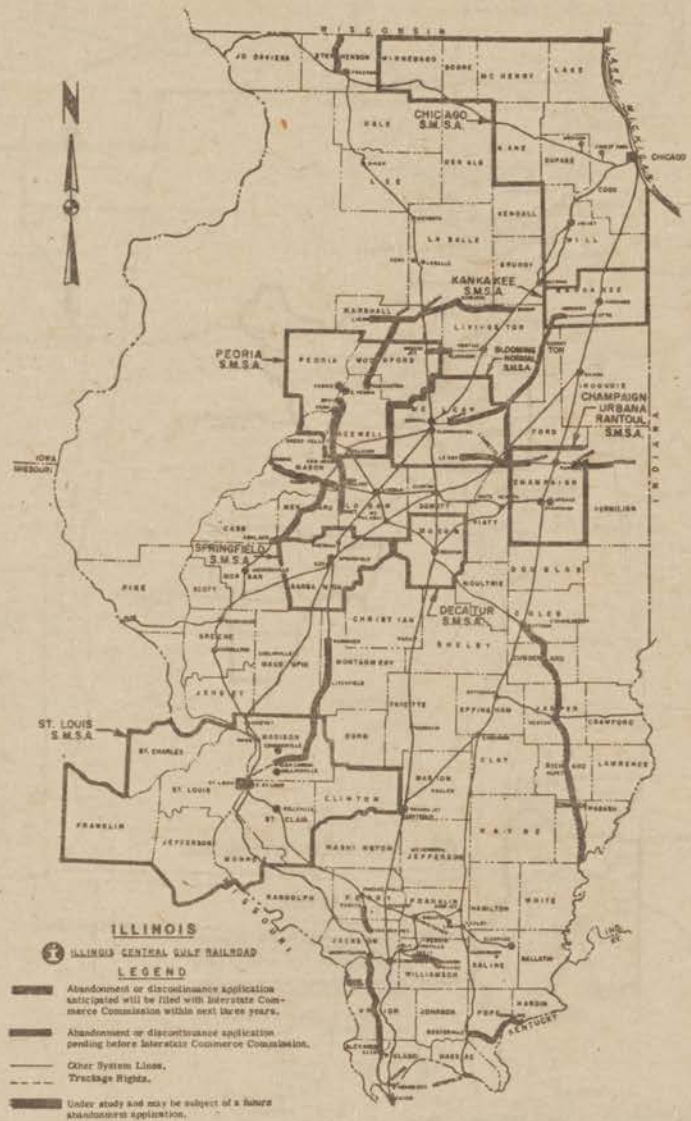
"A" - ALA.	"H" - MISS.
"B" - ILL.	"I" - MO.
"C" - IND.	"J" - NEB.
"D" - IA.	"K" - S.D.
"E" - KY.	"L" - TENN.
"F" - LA.	"M" - WIS.
"G" - MINN.	

AMENDED AS OF March 1, 1978

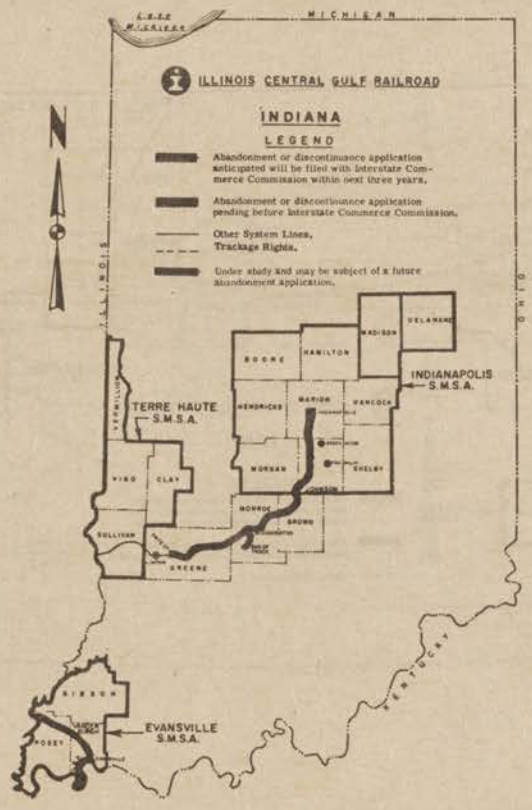
SUB-MAP "A"


TENNESSEE
GEORGIA
FLORIDA
MISSISSIPPI
FRANKLIN
MARION
WINSTON
LAMAR
FAYETTE
WALKER
SAINT CLAIR
JEFFERSON
PICKENS
TUSCALOOSA
SHELBY
BIRMINGHAM S.M.S.A.
TUSCALOOSA S.M.S.A.
COOSA
CHILTON
ELMORE
MONTGOMERY
MONTGOMERY S.M.S.A.
WASHINGTON
MOBILE S.M.S.A.
ILLINOIS CENTRAL GULF RAILROAD
ALABAMA
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
Trackage Rights.

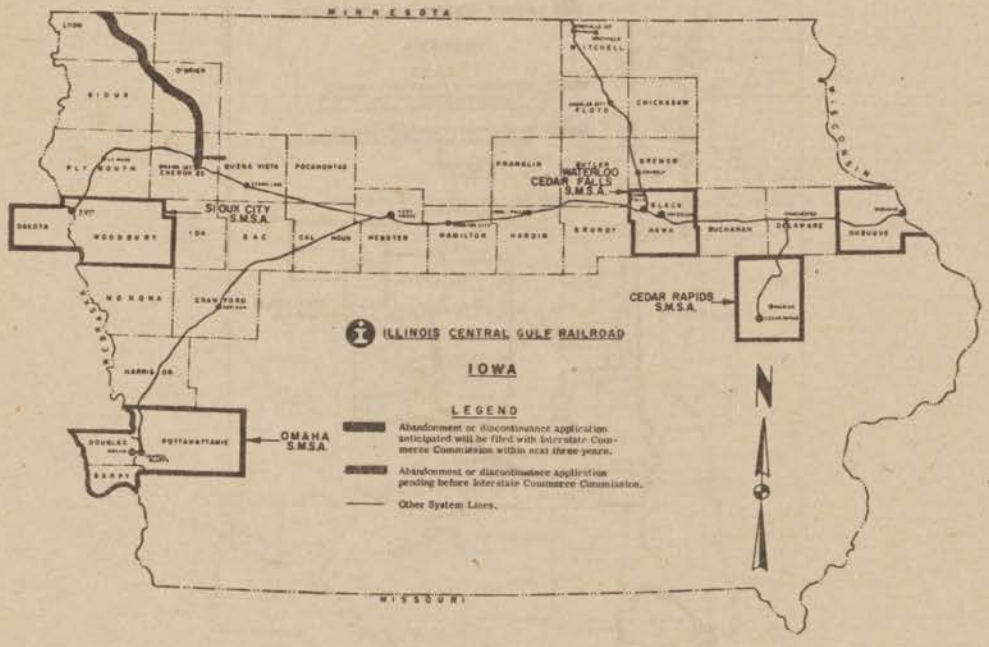
SUB-MAP "B"

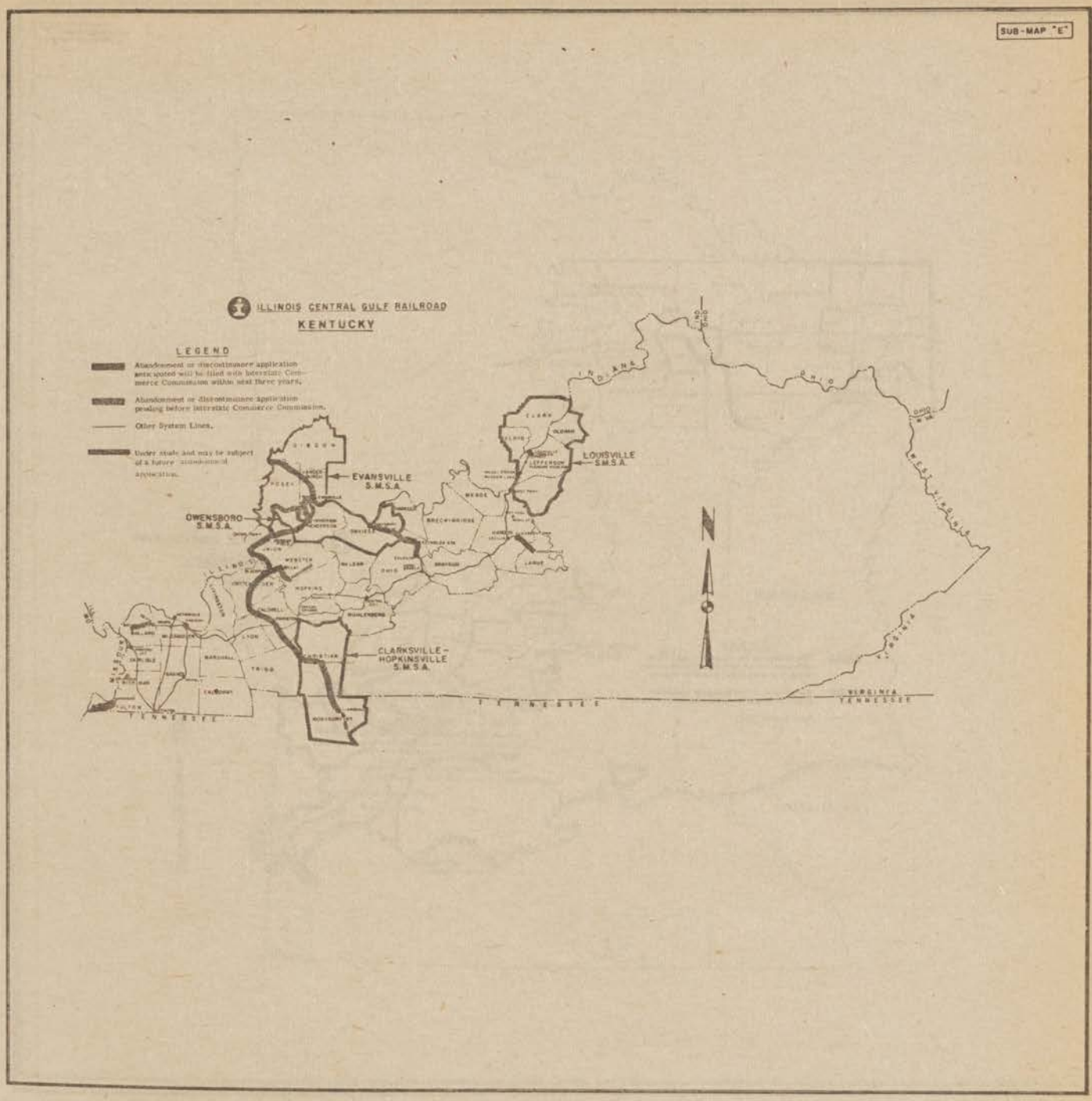

WISCONSIN
CHICAGO S.M.S.A.
KANKAKEE S.M.S.A.
PEORIA S.M.S.A.
CHAMPAIGN URBANA RANTOUL S.M.S.A.
SPRINGFIELD S.M.S.A.
DECATUR S.M.S.A.
ST. LOUIS S.M.S.A.
IOWA
MISSOURI
INDIANA
KENTUCKY
ILLINOIS
ILLINOIS CENTRAL GULF RAILROAD
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
Trackage Rights.
Under study and may be subject of a future abandonment application.

SUB-MAP "C"

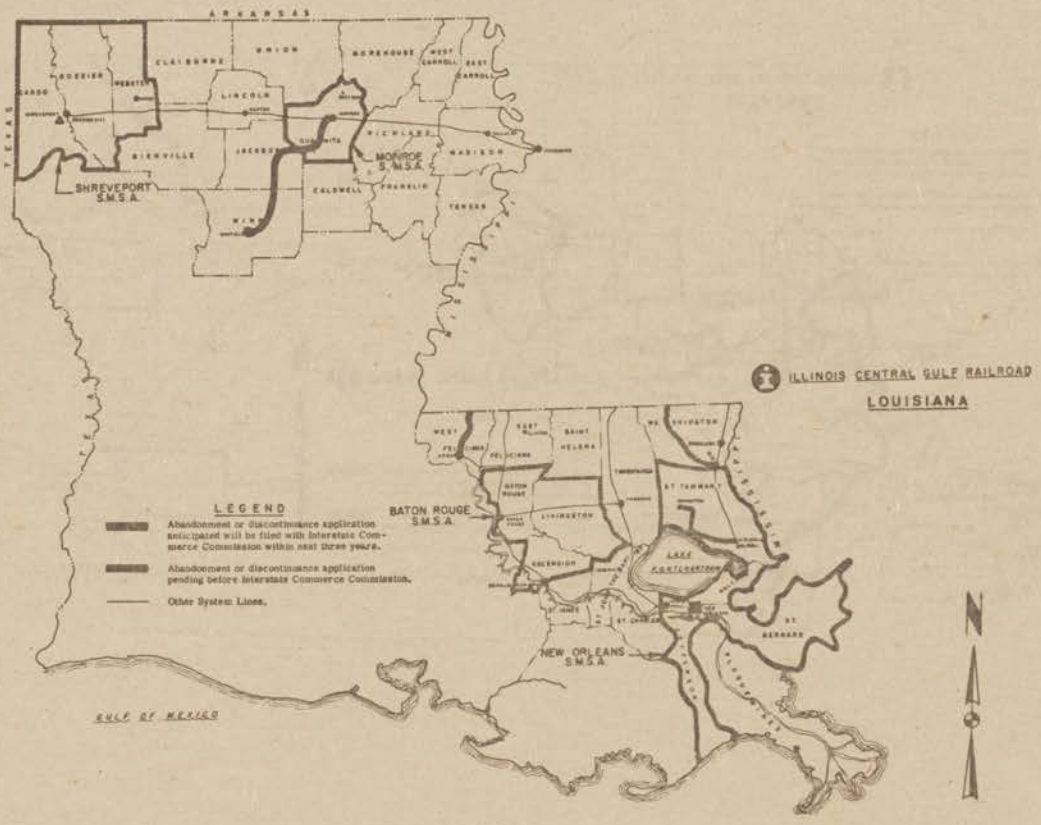

LAKE MICHIGAN
MICHIGAN
ILLINOIS CENTRAL GULF RAILROAD
INDIANA
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines, Trackage Rights.
Under study and may be subject of a future abandonment application.
N
ILLINOIS
OHIO
KENTUCKY
TERRE HAUTE S.M.S.A.
INDIANAPOLIS S.M.S.A.
EVANSVILLE S.M.S.A.
VIGO
CLAY
PARKE
PUTNAM
HENDRICKS
MARION
HANCOCK
MORGAN
SHELBY
JOHNSON
MONROE
BROWN
SULLIVAN
GREENE
GIBSON
POSEY
BOONE
HAMILTON
MADISON
DELAWARE

SUB-MAP "D"

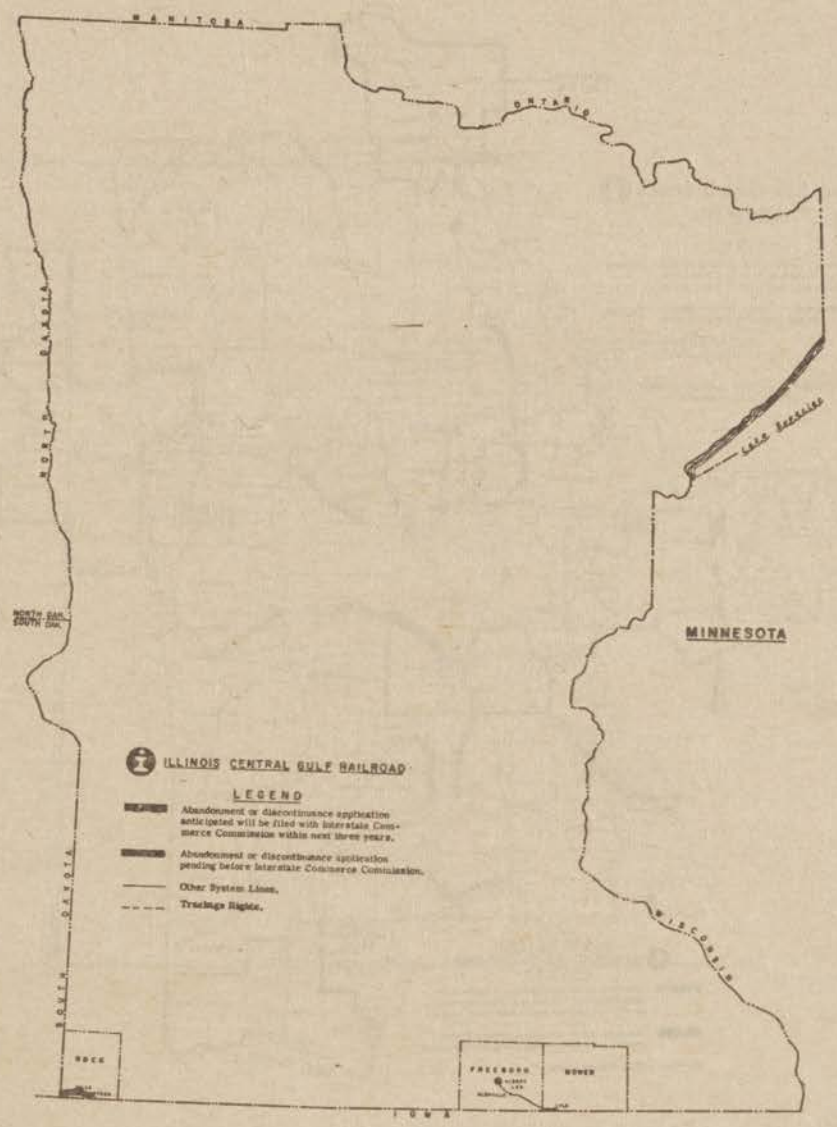

MINNESOTA
SIOUX CITY S.M.S.A.
WATERLOO CEDAR FALLS S.M.S.A.
CEDAR RAPIDS S.M.S.A.
OMAHA S.M.S.A.
ILLINOIS CENTRAL GULF RAILROAD
IOWA
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
MISSOURI


SUB-MAP "E"
ILLINOIS CENTRAL GULF RAILROAD
KENTUCKY
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
Under study and may be subject of a future abandonment application.
EVANSVILLE S.M.S.A.
LOUISVILLE S.M.S.A.
OWENSBORO S.M.S.A.
CLARKSVILLE - HOPKINSVILLE S.M.S.A.
INDIANA
OHIO
ILLINOIS
KENTUCKY
TENNESSEE
VIRGINIA
TENNESSEE

SUB-MAP "F"


ARKANSAS
TEXAS
SHREVEPORT S.M.S.A.
MONROE S.M.S.A.
BATON ROUGE S.M.S.A.
NEW ORLEANS S.M.S.A.
GULF OF MEXICO
ILLINOIS CENTRAL GULF RAILROAD
LOUISIANA
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
N

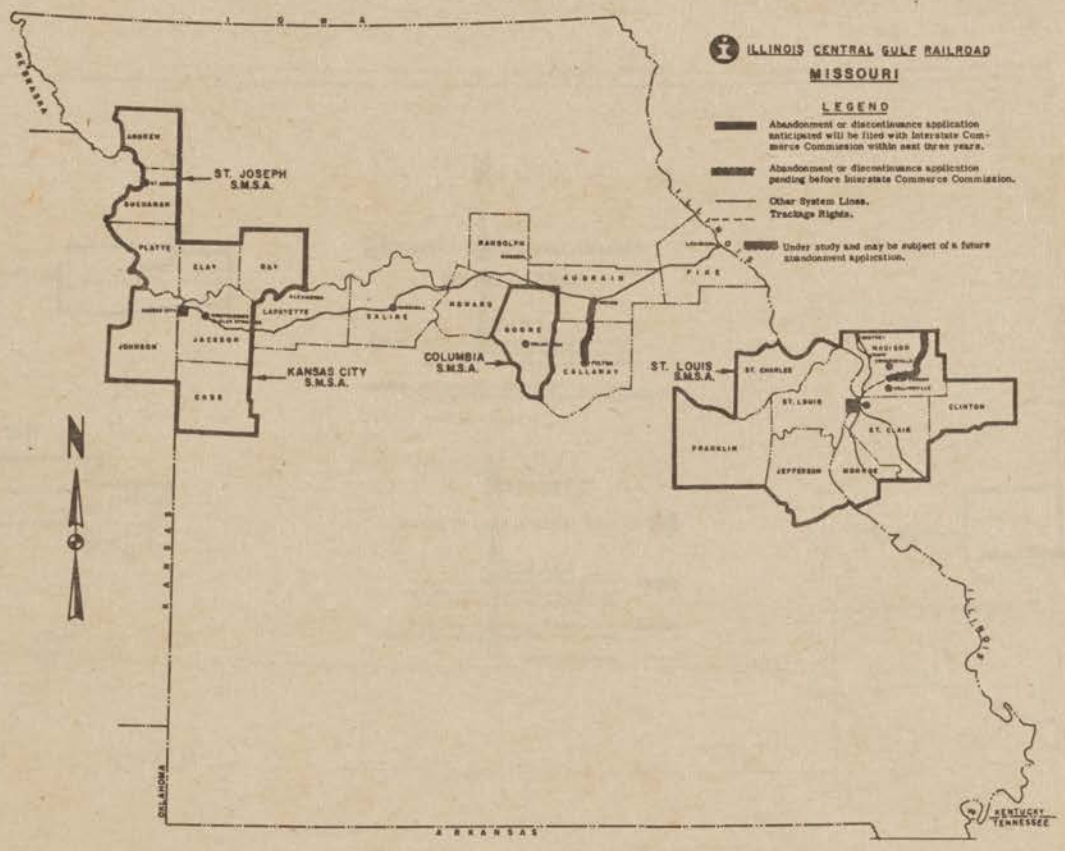
SUB-MAP "G"

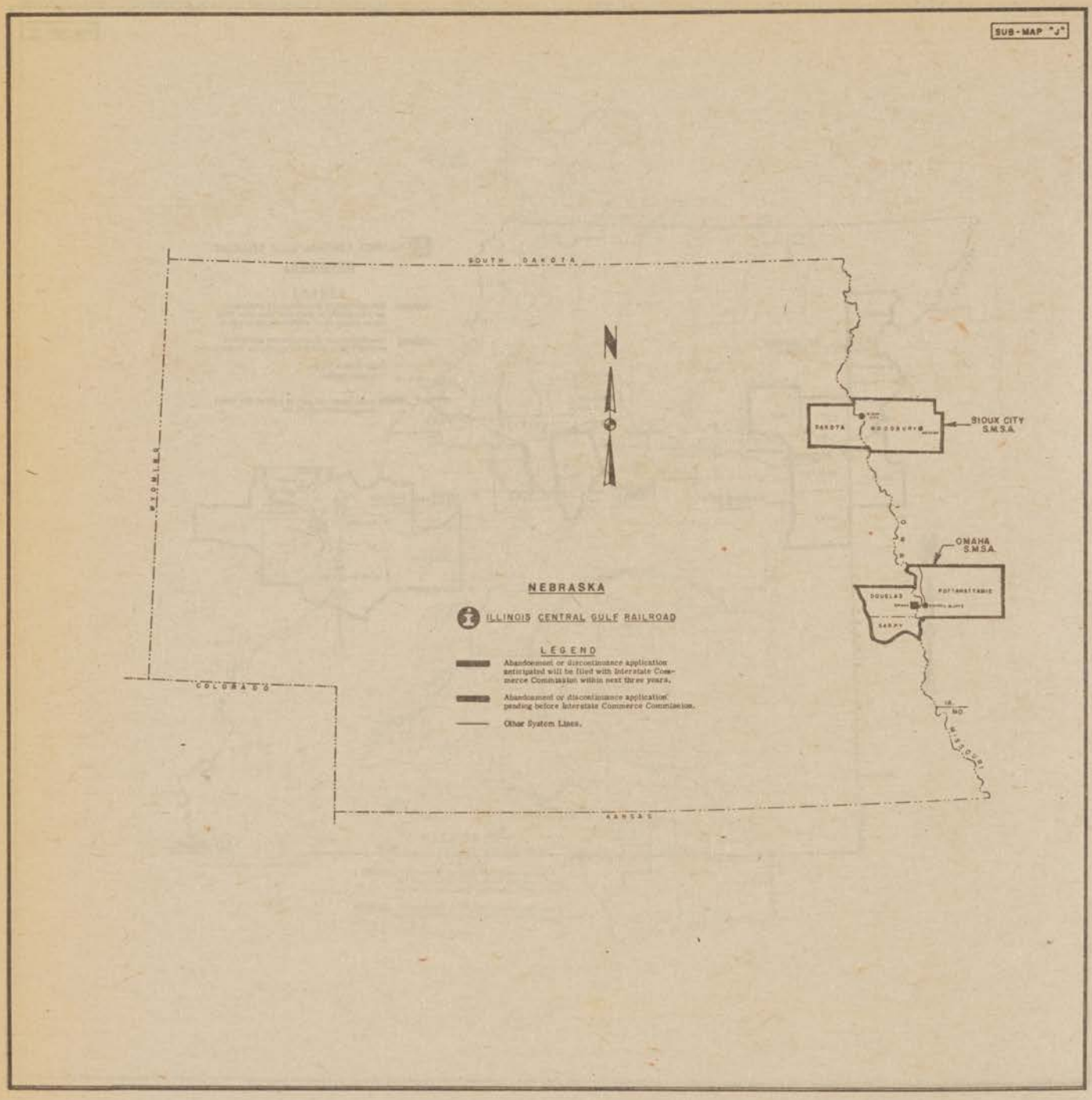

MANITOBA
ONTARIO
NORTH DAKOTA
LAKE SUPERIOR
NORTH DAK.
SOUTH DAK.
MINNESOTA
ILLINOIS CENTRAL GULF RAILROAD
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
Trackage Rights.
SOUTH DAKOTA
WISCONSIN
ROCK
FREEBORN
MOWER
IOWA

SUB-MAP "N"

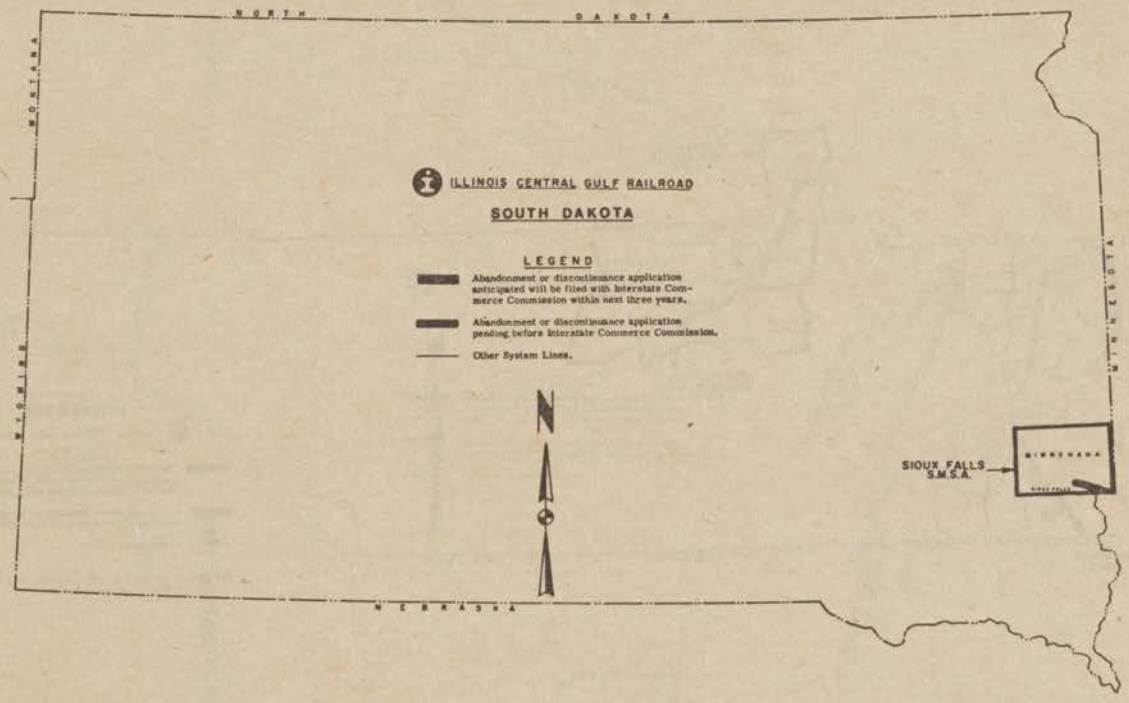

MEMPHIS S.M.S.A.
TENNESSEE
ARKANSAS/ LOUISIANA
JACKSON S.M.S.A.
BILOXI GULFPORT S.M.S.A.
LOUISIANA
GULF OF MEXICO
N
MISSISSIPPI
ILLINOIS CENTRAL GULF RAILROAD
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.

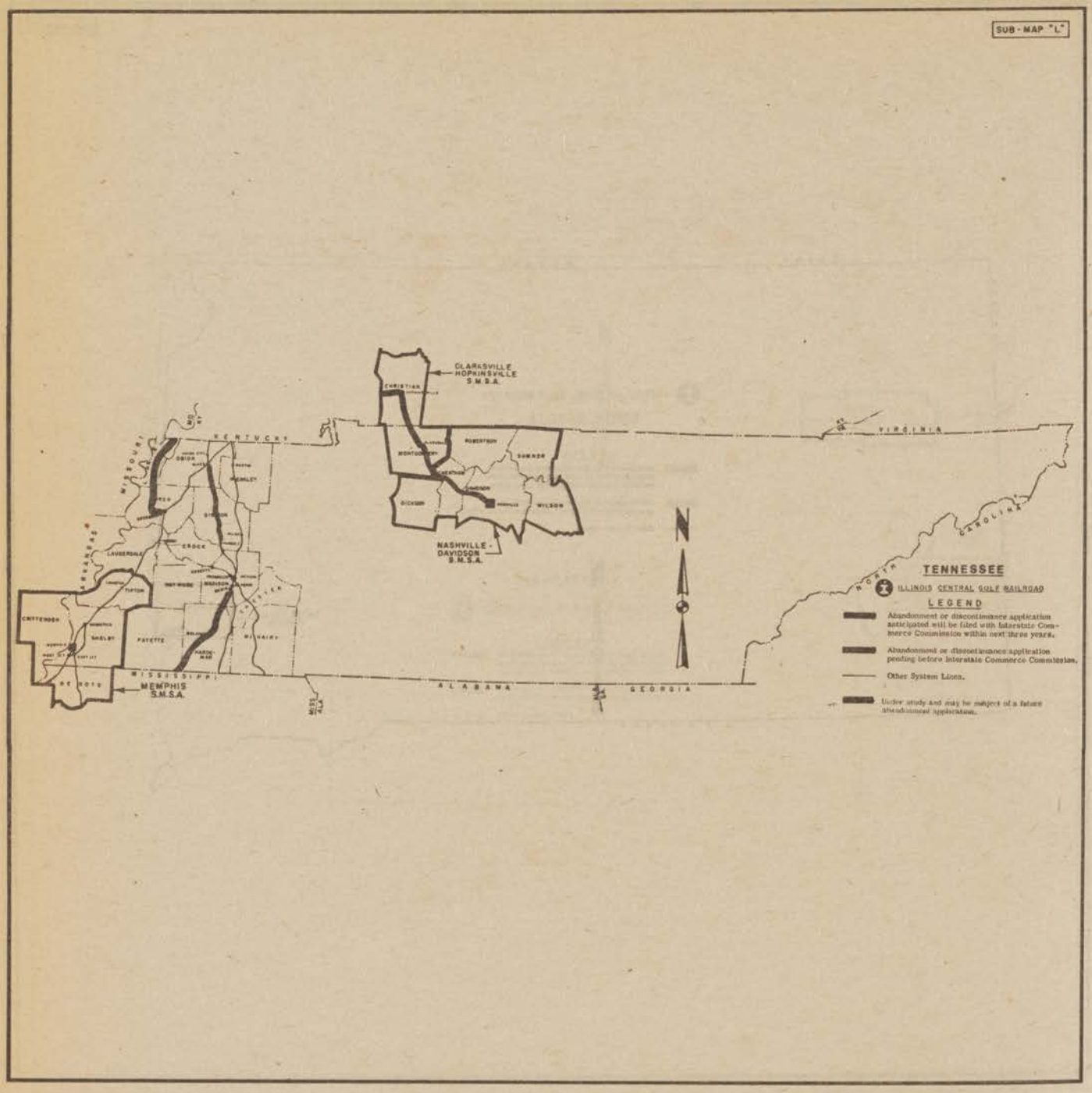
SUB-MAP "I"

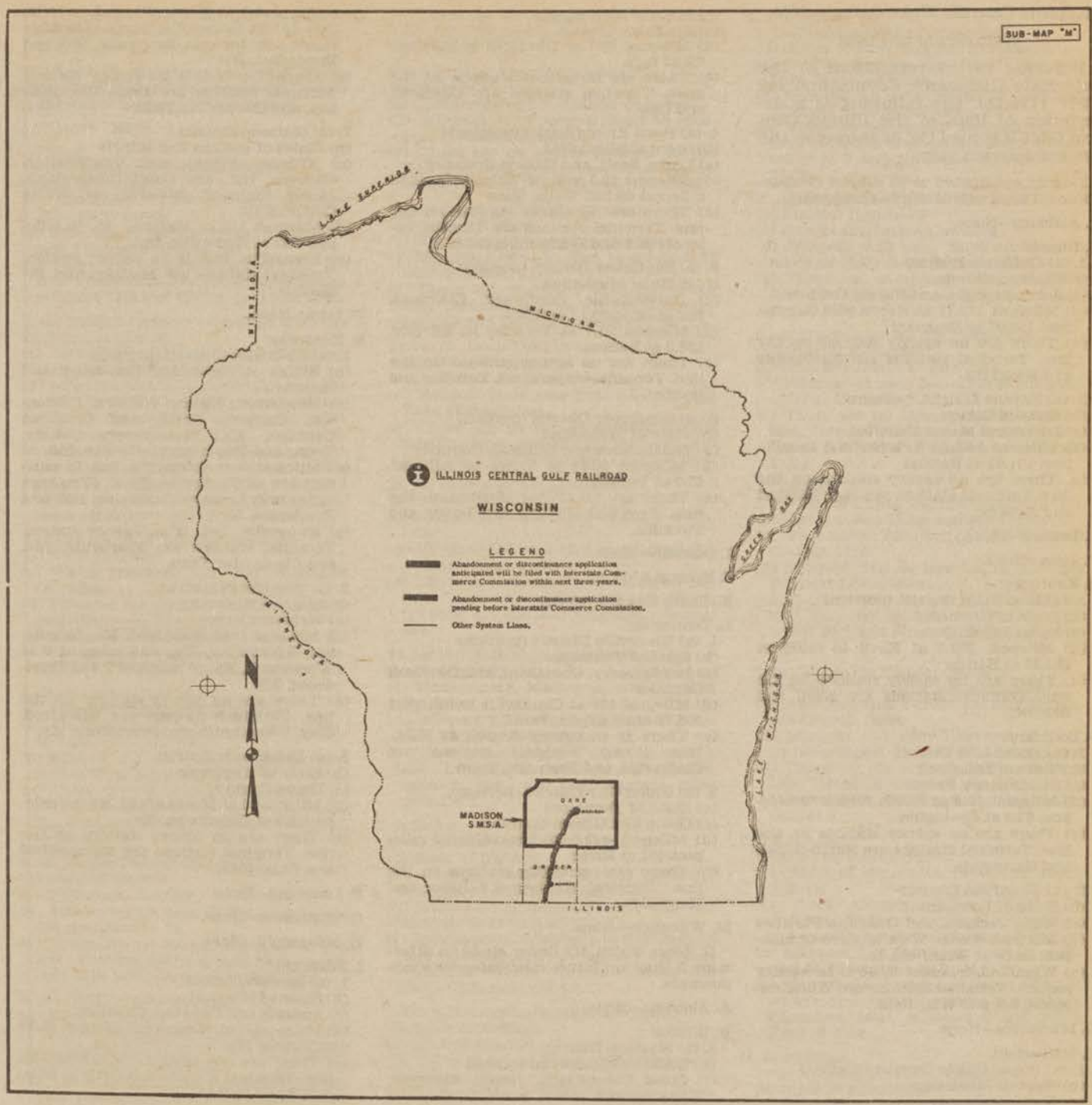

ILLINOIS CENTRAL GULF RAILROAD
MISSOURI
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
Trackage Rights.
Under study and may be subject of a future abandonment application.
ST. JOSEPH S.M.S.A.
KANSAS CITY S.M.S.A.
COLUMBIA S.M.S.A.
ST. LOUIS S.M.S.A.
IOWA
NEBRASKA
KANSAS
OKLAHOMA
ARKANSAS
ILLINOIS
KENTUCKY
TENNESSEE
ANDREW
BUCHANAN
PLATTE
CLAY
RAY
JOHNSON
JACKSON
CASS
LAFAYETTE
SALINE
HOWARD
RANDOLPH
AUDRAIN
BOONE
CALLAWAY
PIKE
ST. CHARLES
ST. LOUIS
FRANKLIN
JEFFERSON
MONROE
CLINTON
ST. CLAIR
N


SUB-MAP "J"
SOUTH DAKOTA
WYOMING
COLORADO
KANSAS
SIOUX CITY S.M.S.A.
DAKOTA
OMAHA S.M.S.A.
DOUGLAS
SARPY
NEBRASKA
ILLINOIS CENTRAL GULF RAILROAD
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.

SUB-MAP "K"


NORTH DAKOTA
MONTANA
WYOMING
MINNESOTA
NEBRASKA
ILLINOIS CENTRAL GULF RAILROAD
SOUTH DAKOTA
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
N
SIOUX FALLS S.M.S.A.


SUB - MAP "L"
CLARKSVILLE HOPKINSVILLE S.M.S.A.
NASHVILLE - DAVIDSON S.M.S.A.
MEMPHIS S.M.S.A.
KENTUCKY
VIRGINIA
MISSISSIPPI
ALABAMA
GEORGIA
TENNESSEE
ILLINOIS CENTRAL GULF RAILROAD
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
Under study and may be subject of a future discontinuance application.


SUB-MAP "M"
LAKE SUPERIOR
MINNESOTA
MICHIGAN
ILLINOIS CENTRAL GULF RAILROAD
WISCONSIN
LEGEND
Abandonment or discontinuance application anticipated will be filed with Interstate Commerce Commission within next three years.
Abandonment or discontinuance application pending before Interstate Commerce Commission.
Other System Lines.
N
MADISON S.M.S.A.
DANE
GREEN
ILLINOIS
LAKE MICHIGAN

ILLINOIS CENTRAL GULF RAILROAD CO.

DESCRIPTION OF LINES

Pursuant to the regulations of the Interstate Commerce Commission (49 CFR 1121.21), the following is a description of lines of the Illinois Central Gulf Railroad Co. as shown on the system diagram map:

I. Lines anticipated to be subject of abandonment applications within three years.

A. Alabama—None.

B. Illinois:
1. (a) Golconda District
(b) State of Illinois
(c) Johnson, Pope, and Hardin Counties
(d) Milepost 138.77 at Reevesville to milepost 165.07 at Rosiclare
(e) There are no agency stations on the line. Terminal stations are Reevesville and Rosiclare.

2. (a) Havana District (portion)
(b) State of Illinois
(c) Logan and Mason Counties
(d) Milepost 74.5 at New Holland to milepost 101.03 at Havana
(e) There are no agency stations on the line. Terminal stations are New Holland and Havana.

C. Indiana—None.

D. Iowa—None.

E. Kentucky:
1. (a) East Cairo District (portion)
(b) State of Kentucky
(c) Ballard County
(d) Milepost 239.5 at Kevil to milepost 251.99 at Barlow
(e) There are no agency stations on the line. Terminal stations are Kevil and Barlow.

F. Louisiana:
1. (a) Shore Line District
(b) State of Louisiana
(c) St. tammany Parish
(d) Milepost 36.5 at North Slidell to milepost 67.3 at Covington
(e) There are no agency stations on the line. Terminal stations are North Slidell and Covington.

2. (a) Winnfield District
(b) State of Louisiana
(c) Winn, Jackson, and Ouachita Parishes
(d) Milepost 4 near West Monroe to milepost 60.56 at Winnfield, La.
(e) Winnfield, milepost 60.56 is an agency station. Terminal stations are Wilds, milepost 5.5, and Winnfield.

G. Minnesota—None.

H. Mississippi:
1. (a) Bogue Chitto District (portion)
(b) State of Mississippi
(c) Walthall County
(d) Milepost 102 at Lexie to milepost 105.8 at Tylertown
(e) There are no agency stations on the line. Terminal stations are Lexie and Tylertown.

2. (a) Fernwood District (portion)
(b) State of Mississippi
(c) Pike, Walthall and Marion Counties
(d) Milepost 0 at Fernwood to milepost 32 at Kokomo
(e) There are no agency stations on the line. Terminal stations are Fernwood and Kokomo.

3. (a) Helena District (portion)
(b) State of Mississippi
(c) Coahoma County
(d) Milepost 6.37 at Danforth to milepost 7.5 at Lula
(e) There are no agency stations on the lines. Terminal stations are Danforth and Lula.

4. (a) Pearl River District (portion)
(b) State of Mississippi
(c) Leake, Scott, and Rankin Counties
(d) Milepost 22.3 west of Walnut Grove to milepost 69.1 at Wells, Miss.
(e) There are no agency stations on the line. Terminal stations are Tuscola, milepost 26.9 and Wells, milepost 69.1.

5. (a) Sunflower District (portion)
(b) State of Mississippi
(c) Tallahatchie, Sunflower, Coahoma, and Humphreys Counties
(d) Milepost 91.7 at Tutwiler to milepost 158.5 at Belzoni
(e) There are no agency stations on the line. Terminal stations are Tutwiler and Belzoni.

6. (a) Sunflower District (portion)
(b) State of Mississippi
(c) Tallahatchie and Quitman Counties
(d) Milepost 80.84 at Vance to milepost 87.2 at Tutwiler
(e) There are no agency stations on the line. Terminal stations are Vance and Tutwiler.

I. Missouri—None.

J. Nebraska—None.

K. South Dakota—None.

L. Tennessee:
1. (a) Evansville District (portion)
(b) State of Tennessee
(c) Montgomery, Cheatham, and Davidson Counties
(d) Milepost 158 at Clarksville to milepost 205.76 at Nashville, Tenn.
(e) There is an agency station at Nashville, Tenn. Terminal stations are Clarksville, and Nashville, Tenn.

2. (a) Union City District (portion)
(b) State of Tennessee
(c) Obion and Gibson Counties
(d) Milepost 403.8 at Humboldt to milepost 441 at Rives
(e) There are no agency stations on the line. Terminal stations are Rives and Humboldt.

M. Wisconsin—None.

II. Lines which are under study to determine if they are future candidates for abandonment.

A. Alabama—None.

B. Illinois:
1. (a) Mattoon District
(b) States of Illinois and Indiana
(c) Coles, Cumberland, Jasper, Richland, Edwards, and White Counties, Ill.; and Gibson, Posey, and Vanderburgh Counties, Ind.
(d) Milepost 119 at Mattoon, Ill. to milepost 247 at Evansville, Ind.
(e) Evansville, Ind. is an agency station. Terminal stations are Mattoon and Evansville.

C. Indiana:
1. (a) Evansville District (portion)
(b) States of Indiana, Kentucky, and Tennessee
(c) Vanderburgh County, Ind.; Henderson, Union, Webster, Crittenden, Caldwell, Trigg, and Christian Counties, Ky.; and Montgomery County, Tenn.
(d) Milepost 0 at Evansville, Ind. to milepost 158 at Clarksville, Tenn. (Trackage rights only between Evansville, Ind. and Henderson, Ky.)
(e) Evansville, Ind. is an agency station. Terminal stations are Evansville, Indiana, and Clarksville, Tenn.

2. (a) Mattoon District
(b) States of Indiana and Illinois
(c) Gibson, Posey, and Vanderburgh Counties, Ind., and Coles, Cumberland, Jasper, Richland, Edwards, and White Counties, Ill.
(d) Milepost 119 at Mattoon, Ill. to milepost 247 at Evansville, Ind.
(e) Evansville, Ind. is an agency station. Terminal stations are Mattoon and Evansville.

D. Iowa—None.

E. Kentucky:
1. (a) Evansville District (portion)
(b) States of Kentucky, Tennessee, and Indiana
(c) Henderson, Union, Webster, Crittenden, Caldwell, Trigg, and Christian Counties, Ky.; Montgomery County, Tenn.; and Vanderburgh County, Ind.
(d) Milepost 0 at Evansville, Ind. to milepost 158 at Clarksville, Tenn. (Trackage rights only between Evansville, Ind. and Henderson, Ky.)
(e) Evansville, Ind. is an agency station. Terminal stations are Evansville, Ind. and Clarksville, Tenn.

2. (a) Providence District
(b) State of Kentucky
(c) Webster County
(d) Milepost 0 at Blackford, Ky. to milepost 8.5 at Clay, Ky., and milepost 0 at Wheatcroft, Ky. to milepost 9.4 at Providence, Ky.
(e) There are no agency stations on the line. Terminal stations are Blackford, Clay, Wheatcroft, and Providence, Ky.

3. (a) Uniontown District
(b) State of Kentucky
(c) Union County
(d) Milepost 0 at Morganfield, Ky. to milepost 6.5 at Uniontown, Ky.
(e) There are no agency stations on the line. Terminal stations are Morganfield and Uniontown.

F. Louisiana—None.

G. Minnesota—None.

H. Mississippi—None.

I. Missouri:
1. (a) Mexico District
(b) State of Missouri
(c) Audrain and Callaway Counties
(d) Milepost 0 at Mexico to milepost 25.39 at Fulton, Mo.
(e) There are not agency stations on the line. Terminal stations are Ortiz at milepost 6 and Fulton.

J. Nebraska—None.

K. South Dakota—None.

L. Tennessee:
1. (a) Evansville District (portion)
(b) States of Tennessee, Kentucky, and Indiana
(c) Montgomery County, Tenn.; Henderson, Union, Webster, Crittenden, Caldwell, Trigg, and Christian Counties, Ky.; and Vanderburgh County, Ind.
(d) Milepost 0 at Evansville, Ind. to milepost 158 at Clarksville, Tenn. (Trackage rights only between Evansville, Ind. and Henderson, Ky.)

(e) Evansville, Ind. is an agency station. Terminal stations are Evansville, Ind., and Clarksville, Tenn.

III. Lines for which abandonment or discontinuance applications are pending before the Interstate Commerce Commission.

A. Alabama—None.

B. Illinois:
1. (a) Bloomington District (portion)
(b) State of Illinois
(c) Kankakee, Ford, Livingston, and McLean Counties
(d) Milepost 72 west of Herscher to milepost 135 east of Barnes, Ill.
(e) There are no agency stations on the line. Terminal stations are Appel Siding, milepost 73.5 and Merna, milepost 131.3.

2. (a) Dwight District including Lacon line
(b) State of Illinois
(c) Livingston, LaSalle, Marshall, Woodford, and Tazewell Counties
(d) Milepost 75.424 near Dwight to milepost 143.837 near Washington, Ill.; and milepost 118 at Varna to milepost 128.31 at Lacon, Ill.
(e) There are no agency stations on the line. Terminal stations are Nevada, milepost 80.3 and Washington, milepost 143.5; and Varna, milepost 118 and Lacon, milepost 128.31.

3. (a) Jacksonville District (portion)
(b) State of Illinois
(c) Mason, Menard, Cass, and Sangamon Counties
(d) Milepost 173 near Mason City to milepost 199.5 near Ashland
(e) There are no agency stations on the line. Terminal stations are Greenview, milepost 179.9 and Tallula, milepost 195.

4. (a) Madison District
(b) States of Illinois and Wisconsin
(c) Stephenson County, Ill.; and Green and Dane Counties, Wis.
(d) Milepost 2.5 near Freeport, Ill. to milepost 61.37 at Madison, Wis.
(e) There are no agency stations on the line. Terminal stations are Scioto Mills, Ill., milepost 5.6 and Madison, Wis., milepost 61.37.

5. (a) Mande District (portion)
(b) State of Illinois
(c) Williamson County
(d) Milepost 93.5 near Seely to milepost 108 near Mande, Ill.
(e) There are no agency stations on the line. Terminal stations are Seely, milepost 93.53 and Mande, milepost 107.5.

6. (a) P&N District (portion)
(b) State of Illinois
(c) Tazewell and Mason Counties
(d) Milepost 159.11 at Grove to milepost 180.78 near San Jose, Ill.
(e) There are no agency stations on the line. Terminal stations are Grove, milepost 159.11 and Winkel, milepost 178.2.

7. (a) P&N District (portion)
(b) State of Illinois
(c) Logan and Menard Counties
(d) Milepost 181.13 near San Jose to milepost 199.30 at Croft, Ill.
(e) There are no agency stations on the line. Terminal stations are Harness, milepost 185.4 and Croft, milepost 199.30.

8. (a) Pontiac District (portion)
(b) State of Illinois
(c) Livingston and Woodford Counties
(d) Milepost 118.8 west of Flanagan to milepost 127 at Minonk Junction, Ill.
(e) There are no agency stations on the line. Spires, milepost 123.4, is the only station.

9. (a) Rantoul District (portion)
(b) State of Illinois
(c) Champaign and Vermilion Counties
(d) Milepost 40.71 near Gifford to milepost 52.36 at Potomac, Ill.
(e) There are no agency stations on the line. Terminal stations are Penfield, milepost 44.3 and Potomac, milepost 52.2.

10. (a) Rantoul District (portion)
(b) State of Illinois
(c) McLean and Champaign Counties
(d) Milepost 0.04 at Le Roy, to milepost 21 west of Fisher, Ill.
(e) There are no agency stations on the line. Terminal stations are Le Roy, milepost 0.2 and Dickerson, milepost 19.

11. (a) St. Louis District (portion)
(b) State of Illinois
(c) Perry and Jackson Counties
(d) Milepost 66.44 near Pyatts to milepost 73.84 at Vergennes
(e) There are no agency stations on the line. Terminal stations are Mathews, milepost 68.7 and Vergennes, milepost 73.6.

12. (a) Sparta District (portion)
(b) State of Illinois
(c) Alexander, Union, and Jackson Counties
(d) Milepost 518 near Elco to milepost 554 at Murphysboro, Ill.
(e) There are no agency stations on the line. Terminal stations are Jonesboro, milepost 528 and Murphysboro, milepost 554.

13. (a) Springfield District (portion)
(b) State of Illinois
(c) Montgomery, Macoupin, and Madison Counties
(d) Milepost 222.5 near Waggoner to milepost 276.42 at Glen Carbon, Ill.
(e) There are no agency stations on the line. Terminal stations are Shop Creek, milepost 228.7 and Glen Carbon, milepost 276.1.

C. Indiana:
1. (a) Indianapolis District (portion)
(b) State of Indiana
(c) Greene, Monroe, Brown, Johnson, Morgan, and Marion Counties
(d) Milepost 1 at Indianapolis to milepost 89 at Switz City, Ind.
(e) Indianapolis, milepost 1 and Bloomington, milepost 55.9 are agency stations. Terminal stations are Indianapolis and Switz City, milepost 89.

2. (a) Bloomington Southern Branch
(b) State of Indiana
(c) Monroe County
(d) Milepost 0.0 at Floyd to milepost 9.26 at end of track
(e) There are no agency stations on the line. The only terminal stations is Floyd, milepost 0.0.

D. Iowa:
1. (a) Sioux Falls District
(b) States of Iowa, Minnesota, and South Dakota
(c) Cherokee, O'Brien, Sioux, and Lyon Counties, Iowa; Rock County, Minn.; and Minnehaha County, S. Dak.
(d) Milepost 0 at Cherokee, Iowa to milepost 96.47 at Sioux Falls, S. Dak.
(e) Sioux Falls, S. Dak., milepost 96.47, is an agency station. Terminal stations are Cherokee, Iowa, milepost 0 and Sioux Falls, S. Dak.

E. Kentucky:
1. (a) Hickman District (portion)
(b) States of Kentucky and Tennessee
(c) Fulton County, Ky.; and Dyer and Lake Counties, Tenn.
(d) Milepost 2.8 near Dyersburg, Tenn. to milepost 51.69 at Hickman, Ky.
(e) There ar no agency stations on the line. Terminal stations are Deer, Tenn., milepost 3 and Hickman, Ky., milepost 51.69.

2. (a) Hodgenville District (portion)
(b) State of Kentucky
(c) Hardin and LaRue Counties
(d) Milepost 8.18 near Elizabethtown to milepost 17.09 at Hodgenville, Ky.
(e) There are no agency stations on the line. The only station is Hodgenville, milepost 16.9.

3. (a) Owensboro District (portion)
(b) State of Kentucky
(c) Ohio and Daviess Counties
(d) Milepost 18 near Reynolds to milepost 41.02 at Owensboro, Ky.
(e) There are no agency stations on the line. Terminal stations are Reynolds, milepost 18.2 and Owensboro, milepost 41.02.

F. Louisiana:
1. (a) Bogue Chitto District (portion)
(b) States of Louisiana and Mississippi
(c) Washington Parish, La.; and Walthall County, Miss.
(d) Milepost 64.8 at Rio, La. to milepost 102 near Lexie, Miss.
(e) There are no agency stations on the line. Terminal stations are Rio, La., milepost 64.8 and Simonds, Miss., milepost 97.4.

2. (a) Woodville District (portion)
(b) States of Louisiana and Mississippi
(c) West Feliciana Parish, La. and Wilkinson County, Miss.
(d) Milepost 19.2 near Harwood (Argue), La. to milepost 41.65 at Woodville, Miss.
(e) There are no agency stations on the line. Terminal stations are Bains, La., milepost 20.6 and Woodville, Miss., milepost 41.5.

G. Minnesota:
1. (a) Sioux Falls District
(b) States of Minnesota, Iowa, and South Dakota
(c) Rock County, Minn.; Cherokee, O'Brien, Sioux, and Lyon Counties, Iowa, and Minnehaha County, S. Dak.
(d) Milepost 0 at Cherokee, Iowa to milepost 96.47 at Sioux Falls, S. Dak.
(e) Sioux Falls, S. Dak., milepost 96.47, is an agency station. Terminal stations are Cherokee, Iowa, milepost 0 and Sioux Falls, S. Dak.

H. Mississippi:
1. (a) Aberdeen District (portion)
(b) State of Mississippi
(c) Attala and Choctaw Counties
(d) Milepost 20.5 north of Kosciusko to milepost 47.5 near Fentress, Miss.
(e) There are no agency stations on the line. Terminal stations are Ethel, milepost 27.1 and Bradley, milepost 63.5.

2. (a) Bogalusa District (portion)
(b) State of Mississippi
(c) Lawrence, Copiah and Hinds Counties
(d) Milepost 137.6 near Wanilla to milepost 176.3 at Byram, Miss.
(e) There are no agency stations on the line. Terminal stations are Wanilla, milepost 137.8 and Byram, milepost 176.3.

3. (a) Bogue Chitto District (portion)

(b) States of Mississippi and Louisiana
(c) Walthall County, Miss. and Washington Parish, La.
(d) Milepost 64.8 at Rio, La. to milepost 102 near Lexie, Miss.
(e) There are no agency stations on the line. Terminal stations are Rio, La., milepost 64.8 and Simonds, Miss., milepost 97.4.

4. (a) Columbia District (portion)
(b) State of Mississippi
(c) Lawrence, Jefferson Davis, and Simpson Counties
(d) Milepost 120.91 near Silver Creek to milepost 148.65 at Mendenhall, Miss.
(e) There are no agency stations on the line. Terminal stations are Grange, milepost 125.9 and Mendenhall, milepost 148.65.

5. (a) Jackson District (portion)
(b) States of Mississippi and Tennessee
(c) Benton and Marshall Counties, Miss.; and Madison, Hardeman, and Fayette Counties, Tenn.
(d) Milepost 474 at Bemis, Tenn. to milepost 541.1 near Holly Springs, Miss.
(e) There are no agency stations on the line. Terminal stations are Bemis, Tenn., milepost 474 and Hudsonville, Miss., milepost 535.1.

6. (a) Laurel District (portion)
(b) State of Mississippi
(c) Jones County
(d) Milepost 141.8 at Soso to milepost 151.1 at Laurel, Miss.
(e) Laurel, milepost 151.1, is an agency station. Terminal stations are Soso, milepost 141.8 and Laurel.

7. (a) Natchez District (portion)
(b) State of Mississippi
(c) Jefferson and Adams Counties
(d) Milepost 74 near Fayette to milepost 91.91 near Foster, Miss.
(e) There are no agency stations on the line. Terminal stations are Stampley, milepost 79.3 and Selma, milepost 88.9.

8. (a) Natchez District (portion)
(b) State of Mississippi
(c) Claiborne and Jefferson Counties
(d) Milepost 50.5 southwest of Hermanville to milepost 70 at Harriston, Miss.
(e) There are no agency stations on the line. Terminal stations are Pattison, milepost 55.3 and Harriston, milepost 70.

9. (a) Pearl River District (portion)
(b) State of Mississippi
(c) Lauderdale and Newton Counties
(d) Milepost 3.3 at Brockton to milepost 32.22 at Union, Miss.
(e) There are no agency stations on the line. Terminal stations are Brockton, milepost 3.3 and Union, milepost 32.22.

10. (a) Riverside District (portion)
(b) State of Mississippi
(c) Washington and Bolivar Counties
(d) Milepost 112.68 at Rosedale to milepost 145.13 north of Greenville Airport switch
(e) There are no agency stations on the line. Terminal stations are Rosedale, milepost 114 and Winterville, milepost 142.

11. (a) Tchula District (portion)
(b) State of Mississippi
(c) Holmes County
(d) Milepost 12.7 near Lexington to milepost 24.2 near Gwin, Miss.
(e) There are no agency stations on the line. The only station on the line is Howard, milepost 21.1.

12. (a) Woodville District (portion)
(b) States of Mississippi and Louisiana
(c) Willkinson County, Miss.; and West Feliciana Parish, La.
(d) Milepost 19.2 near Hardwood (Argue), La. to milepost 41.65 at Woodville, Miss.
(e) There are no agency stations on the line. Terminal stations are Bains, La., milepost 20.6 and Woodville, Miss., milepost 41.5.

I. Missouri—None.

J. Nebraska—None.

K. South Dakota:
1. (a) Sioux Falls District
(b) States of South Dakota, Iowa, and Minnesota
(c) Minnehaha County, S. Dak. Cherokee, O'Brien, Sioux, and Lyon Counties, Iowa; and Rock County, Minn.
(d)— Milepost 0 at Cherokee, Iowa to milepost 96.47 at Sioux Falls, S. Dak.
(e) Sioux Falls, S. Dak., milepost 96.47, is an agency station. Terminal stations are Cherokee, Iowa, milepost 0 and Sioux Falls, S. Dak.

L. Tennessee:
1. (a) Hickman District (portion)
(b) States of Tennessee and Kentucky
(c) Dyer and Lake Counties, Tenn.; and Fulton County, Ky.
(d) Milepost 2.8 near Dyersburg, Tenn. to milepost 51.69 at Hickman, Ky.
(e) There are no agency stations on the line. Terminal stations are Deer, Tenn., milepost 3 and Hickman, Ky., milepost 51.69.

2. (a) Jackson District (portion)
(b) States of Tennessee and Mississippi
(c) Madison, Hardeman, and Fayette Counties, Tenn.; and Benton and Marshall Counties, Miss.
(d) Milepost 474 at Bemis, Tenn. to milepost 541.1 near Holly Springs, Miss.
(e) There are no agency stations on the line. Terminal stations are Bemis, Tenn., milepost 474 and Hudsonville, Miss., milepost 535.1.

M. Wisconsin:
1. (a) Madison District
(b) States of Wisconsin and Illinois
(c) Green and Dane Counties, Wis.; and Stephenson County, Ill.
(d) Milepost 2.5 near Freeport, Ill. to milepost 61.37 at Madison, Wis.
(e) There are no agency stations on the line. Terminal stations are Scioto Mills, Ill., milepost 5.6 and Madison, Wis., milepost 61.37.

[FR Doc. 78-9475 Filed 4-10-78; 8:45 am]

[7035-01]

[Docket No. AB-9 (Sub-No. 11)]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. ABANDONMENT NEAR BROOKS JUNCTION AND VANDUSER IN SCOTT COUNTY, MO.

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 March 27, 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 St. Louis-San Francisco Railway Co. of a line of railroad extending from railroad milepost TA-155.0 near Brooks Junction, Mo., to railroad milepost TA-158.8 near Vanduser, Mo., a distance of approximately 3.8 miles, in Scott County, Mo. A certificate of public convenience and necessity permitting abandonment was issued to the St. Louis-San Francisco Railway 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 45 days from the date of this publication.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-9573 Filed 4-10-78; 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).

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[6210-01]

1

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Friday, April 14, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: This notice supersedes the notice forwarded to the "FEDERAL REGISTER" on April 6, 1978.

Summary Agenda. Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed revisions to the fair housing advertising and poster requirements for State member banks to reflect the current provisions of the Equal Credit Opportunity and Fair Housing Acts.

2. Proposed revision of Interpretation § 226.808 of Regulation 2 (Truth in Lending) that would permit additional methods of disclosing the payments scheduled to repay any indebtedness.

Discussion Agenda: 1. Preliminary discussion of issues related to the Board's proposal to amend Regulation Q (Interest on Deposits) that would permit automatic transfers from savings deposits. (Proposed earlier for public comment; docket No. R—0027).

2. Proposals concerning the Federal Reserve's participation in electronic funds transfer: (a) provision of interregional automatic clearing house services by the Federal Reserve System; (b) request by Bankwire 11, a data communications firm owned by an association of commercial banks, for the Federal Reserve System to provide settlement facilities through reserve account balances (Proposed earlier for public comment; docket No. R-0138).

3. Proposed draft of legislation to be submitted by the Federal Reserve concerning Federal Reserve notes that would (a) remove district designations from notes; (b) eliminate the need to collateralize notes on a district by district basis; (c) add U.S. Agency obligations to the list of assets that can be pledged to secure notes; and (d) authorize the transfer to the Public Debt, for periodic writeoff, of notes that are outstanding after a period of five years.

4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: April 7, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[6210-01]

2

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Friday, April 14, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda.* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed revisions to the fair housing advertising and poster requirements for State member banks to reflect the current provisions of the Equal Credit Opportunity and Fair Housing Acts.

2. Proposed revision of Interpretation § 266.808 of Regulation Z (Truth in Lending) that would permit additional methods of disclosing the payments scheduled to repay an indebtedness.

Discussion Agenda. 1. Proposed procedures for issuance of official staff interpretations of Regulations B (Equal Credit Opportunity) and Z (Truth in Lending).

2. Proposals concerning the Federal Reserve's participation in electronic funds transfer: (a) provision of interregional automatic clearing house services by the Federal Reserve System; (b) request by Bankwire II, a data communications firm owned by an association of commercial banks, for the Federal Reserve System to provide settlement facilities through reserve account balances. (Proposed earlier for public comment; Docket No. R-0138).

3. Proposed draft of legislation to be submitted by the Federal Reserve concerning Federal Reserve notes that would (a) remove district designations from notes; (b) eliminate the need to collateralize notes on a district by district basis; (c) add U.S. Agency obligations to the list of assets that can be pledged to accure notes; and (d) authorize the transfer to the Public Debt, for periodic write off, of notes that are outstanding after a period of five years.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: April 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-749-78 Filed 4-7-78; 8:48 am]

[7020-02]

3

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 3 p.m., Monday, April 10, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Emergency meeting—less than 10 days' prior notice. Open to the public.

MATTERS TO BE CONSIDERED: 1. Sugar (Inv. 22-41)—vote on remedy.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-751-78 Filed 4-7-78; 2:24 pm]

[7600-01]

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., April 13, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: April 7, 1978.

[S-750-78 Filed 4-7-78; 2:24 pm]

[8120-01]

5

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 10:30 a.m., Thursday, April 13, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A. Personnel Actions

1. Salary rate for TVA employees stationed outside of the United States.

B. Consulting and Personal Service Contracts

1. Renewal of consulting contract with KUS Corp., Rockville, Md.—Office of Power.

2. Consulting contract with Gabriel O. Wessenauer, Chattanooga, Tenn.—Office of Power.

3. Consulting contract with Kibbe & Associates, Salt Lake City, Utah—Office of Power.

4. Consulting contract with Roland A. Kampmeier, Chattanooga, Tenn.—Office of Power.

5. Amendment to consulting contract with John B. Glude, Seattle, Wash.—Division of Forestry, Fisheries, and Wildlife Development.

C. Purchase Awards

1. Req. No. 119635—161-kV power transformers for Guntown, Miss., 161-kV substation.

2. Req. No. 559571—Steel sheet piling and accessories for proposed Yellow Creek Nuclear Plant.

3. Req. No. 821488—Centrifugal pumps for Hartsville and Phipps Bend Nuclear Plants.

4. Req. No. 822842—Structural bag houses and auxiliary equipment including installation for Shawnee Steam Plant Units 1-10.

5. Req. No. 823085—Coal handling equipment for Paradise Steam Plant.

6. Req. No. 558660—Indefinite quantity term contract for crushed stone for Phipps Bend Nuclear Plant.

7. Req. No. 823515—Mechanical vacuum pumps for Sequoyah Nuclear Plant, Watts Bar Nuclear Plant, and Cumberland Steam Plant.

8. Req. No. 822331—Heating, ventilating, and air-conditioning systems, including installation, for Bellefonte Nuclear Plant.

9. Req. No. 538055—Indefinite quantity term contract for radiographic services for Hartsville Nuclear Plant.

10. Req. No. 559521—Self-loading tractor-scraper units for construction pool equipment.

11. Req. No. 559532—Tractor-scraper units for construction pool equipment, Muscle Shoals, Alabama.

12. Amendment to Contract 73060-75210 with General Electric Co., Chattanooga, Tenn., for nuclear steam supply systems for Hartsville Nuclear Plant.

13. Req. No. 559574—Towboat for construction pool equipment.

14. Req. No. 823353—PAX telephone and signaling equipment for Hartsville and Phipps Bend Nuclear Plants.

15. Req. No. 119676—161-kV substation capacitor equipment for Weakley and Cordova, Tenn., 500-kV substations.

16. Req. No. 823244—Telephone cable for Hartsville and Phipps Bend Nuclear Plants.

17. Rejection of bids received in response to invitation No. 823194 for structural steel for radwaste building for Hartsville and Phipps Bend Nuclear Plants.

18. Req. No. 119669—500-kV power transformers for Shelby, Tenn., 500-kV substation.

19. Req. No. 559568—Rubber-tired tractor shovel for construction pool equipment.

20. Req. No. 823251—Necessary labor, tools, materials, and equipment to install complete posttensioning syustem at Pickwick Landing Project.

21 Req. No. 823611—Seals and acceessories for Watts Bar and Sequoyah Nuclear Plants.

22. Req. No. 821993—Gate, globe, and check valves for Hartsville and Phipps Bend Nuclear Plants.

23. Req. No. 563403—Indefinite quantity term contract for riprap material for Cedar Creek Dam.

24. Req. No. 560448—Light and medium vehicles for TVA garages.

25. Amendment to Contract 77P70-145939 with Exxon Co., for light distillate oil for Allen, Colbert, Gallatin, and Johnsonville Steam Plants.

D. Project Authorizations

1. No. 3285.1—Amendment to project authorization for new 500-kV interconnection with the Alabama Power Co. at the Mississippi-Alabama State line.

2. No. 3323—Limestone wet scrubber facility for Widows Creek Steam Plant Unit 7.

3. No. 3318—Acquisition of 1.46-acre tract of land for access point on Tuckasegee River in Swain County, N.C.—River Mile 17.6.

4. No. 3327—Expansion of Piney Campground at Land Between The Lakes.

E. Fertilizer Items

None.

F. Power Items

1. Lease and amendatory agreement with city of Bolivar, Tenn.—Bolivar District, Saulsbury, and Toone substations, and a portion of Bolivar District-South Jackson 46-kV line.

2. Lease and amendatory agreement with northeast Mississippi Electric Power Association—TVA's Enterprise Substation and portion of New Albany-Enterprise 46kV line.

3. Lease and amendatory agreement with Alcorn County (Mississippi) Electric Power Association—arrangements of 161-kV deliveries.

4. Lease and amendatory agreement with Middle Tennessee Electric Membership Corp.—161-kV deliveries.

5. Lease and amendatory agreement with Sequachee Valley Electric Cooperative—69-kV deliveries.

6. Lease and amendatory agreement with Weakley County, Tenn.—161-kV delivery at TVA's Martin substation.

7. New power contract with the city of Hartselle, Ala.

8. New power contract with the city of Water Valley, Miss.

9. New power contract with city of Aberdeen, Miss.

10. New power contract with city of Decatur, Ala.

11. New power contract with city of Philadelphia, Miss.

12. New power contract with Meriwether Lewis Electric Cooperative (Centerville, Tenn.).

*13. New power contract with Consolidated Aluminum Corp. (CONALCO). New Johnsonville, Tenn.

*14. Agreements with American Copper & Nickel Co., Inc., and INCO United States, Inc.—uranium exploration program.

15. Deed conveying to city of Tupelo, Miss., a 0.90-acre portion of TVA's South Tupelo Substation site, located in Lee County, Miss.

16. Bill of sale and quitclaim deed to the city of Scottsboro, Ala.—section of TVA's deenergized Huntsville-Scottsboro 46-kV line.

17. Lease agreement with Gibson County electric Membership Corporation—section of TVA's Humboldt District-Alamo 69-kV line.

18. Letter agreement with the Department of Energy (DOE)—temporary reduction in power supply for Oak Ridge and Paducah Projects.

19. Memorandum of Understanding between the U.S. Department of Energy and TVA—Energy research, development, and demonstration.

20. Supplement to contract between TVA and Electric Power Research Institute—waste heat workshop.

G. Real Property Transactions

1. Filing of condemnation suits.

2. Grant of a 50-year easement to the Commonwealth of Kentucky for multipurpose communications tower affecting approximately 8.3 acres of Land Between The Lakes property in Lyon County, Ky.—Tract XTL8L-2CT.

H. Unclassified

1. Payment from nonpower proceeds for fiscal year 1977 to the Treasury of the United States pursuant to section 26 of the TVA Act.

2. Agreement among the State of Tennessee Department of Transportation, the South Central Tennessee Railroad Authority, and TVA—operation of Centerville Branch Line of L&H Railroad.

3. Amendment to trust agreements between TVA Retirement System and American National Bank and Trust Co. of Chicago; and Citibank.

4. Revised policy statement—power system crossing agreements.

5. Supplement to letter agreement with the Knoxville TVA Employees Credit Union for van pool demonstration project.

6. Letter agreement between TVA and the city of Dunlap, Tenn., for ride-sharing transportation demonstration project.

Dated: April 6, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information is also available at TVA's Washington Office, 202-566-1401.

[S-748-78 Filed 4-7-78; 8:48 am]

federal register

TUESDAY, APRIL 11, 1978
PART II



DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

[4710-09]

DEPARTMENT OF STATE

[Public Notice 603]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1978 have been received from the Governments of Japan, Spain and the Union of Soviet Socialist Republics, and are published herewith.

Dated: March 28, 1978.

DONALD J. YELLMAN,
Acting Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0115

1. Name of Vessel SARAPUL 2. Visual Identi-fier (Call Sign) UPGY
3. Type of Vessel SEINER/STERN TRAWLER 4. Length 54
5. Gross Tonnage 710 6. Net Tonnage 207 7. Maximum Speed (knots) 12,6
8. Owner's Name and Address VLADIVOSTOKSKAJA BAZA TRALOVOGO I REFRIZHERATORNOGO FLOTA, VLADIVOSTOK, USSR
9. Types of Processing Equipment ICE PLANT
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
BSA	Pollock	Midwater Trawl	x	x	
		Bottom Trawl			
	Pacific Cod	"	x	x	
	Yellowfin Sole	"	x	x	
	Other Flounders	"	x	x	
	Atka Mackerel	"	x	x	
	Herring	"	x	x	
	Pacific Ocean Perch	"	x	x	
	Other Groundfish	"	x	x	
GOA	Pollock	Midwater Trawl	x	x	
		Bottom Trawl			
	Pacific Cod	"	x	x	
	Flounders	"	x	x	
	Pacific Ocean Perch	"	x	x	
	Other Rockfishes	"	x	x	
	Other Groundfish	"	x	x	
	Atka Mackerel	"	x	x	
WOC	Hake	Midwater Trawl	x	x	
	Jack Mackerel	"	x	x	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0110

1. Name of Vessel UR ETXA 2. Visual Identi-fier (Call Sign) E.H.C.A.
3. Type of Vessel Stern trawler 4. Length 38
5. Gross Tonnage 499 6. Net Tonnage 229 7. Maximum Speed (knots) 12
8. Owner's Name and Address URONDO, S.A. Dársena de Eguidazu, 7.- ONDARROA (Vizcaya)
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0611

1. Name of Vessel SANGAR 2. Visual Identi-fier (Call Sign) UZNU
3. Type of Vessel SEINER/STERN TRAWLER 4. Length 54
5. Gross Tonnage 710 6. Net Tonnage 207 7. Maximum Speed (knots) 12,2
8. Owner's Name and Address VLADIVOSTOKSKAJA BAZA TRALOVOGO I REFRIZHERATORNOGO FLOTA, VLADIVOSTOK, USSR
9. Types of Processing Equipment ICE PLANT
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
BSA	Pollock	Midwater Trawl	x	x	
		Bottom Trawl			
	Pacific Cod	"	x	x	
	Yellowfin Sole	"	x	x	
	Other Flounders	"	x	x	
	Atka Mackerel	"	x	x	
	Herring	"	x	x	
	Pacific Ocean Perch	"	x	x	
	Other Groundfish	"	x	x	
GOA	Pollock	Midwater Trawl	x	x	
		Bottom Trawl			
	Pacific Cod	"	x	x	
	Flounders	"	x	x	
	Pacific Ocean Perch	"	x	x	
	Other Rockfishes	"	x	x	
	Other Groundfish	"	x	x	
	Atka Mackerel	"	x	x	
WOC	Hake	Midwater Trawl	x	x	
	Jack Mackerel	"	x	x	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0013

1. Name of Vessel AREA COVA 2. Visual Identi-fier (Call Sign) E.G.S.P.
3. Type of Vessel Side trawler 4. Length 36
5. Gross Tonnage 307 6. Net Tonnage 108 7. Maximum Speed (knots) 11
8. Owner's Name and Address JESUS VAQUEIRO GANDON.- Cánovas del Castillo, 4 VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0015

1. Name of Vessel CONBAROYA II 2. Visual Identifier (Call Sign) E.G.G.M.
3. Type of Vessel Stern trawler 4. Length 38
5. Gross Tonnage 319 6. Net Tonnage 139 7. Maximum Speed (knots) 10
8. Owner's Name and Address ANTONIO GONZALEZ CONCHEIRO.- San Francisco, 29 VIGO
9. Types of Processing Equipment Flash freezer

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & Off Bottom Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0031

1. Name of Vessel CORBA 2. Visual Identifier (Call Sign) E.G.O.K.
3. Type of Vessel Stern trawler 4. Length 40
5. Gross Tonnage 299 6. Net Tonnage 100 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESQUERA RIAS BAJAS, S.A. Muelle de Bouzas. VIGO
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0025

1. Name of Vessel CHICHA TOUZA 2. Visual Identifier (Call Sign) E.G.Z.V.
3. Type of Vessel Stern trawler 4. Length 40
5. Gross Tonnage 433 6. Net Tonnage 180 7. Maximum Speed (knots) 12
8. Owner's Name and Address ANTONIO TOUZA BLANCO.- Marqués de Valladares, 32 VIGO
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0035

1. Name of Vessel LAXE DOS PICOS 2. Visual Identifier (Call Sign) E.E.S.R.
3. Type of Vessel Stern trawler 4. Length 38
5. Gross Tonnage 365 6. Net Tonnage 143 7. Maximum Speed (knots) 10
8. Owner's Name and Address ANTONIO VAQUEIRO HERMELO Cánovas del Castillo, 4.- VIGO
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0046

1. Name of Vessel FRAGANA 2. Visual Identifier (Call Sign) E.G.Y.I.
3. Type of Vessel Stern trawler 4. Length 40
5. Gross Tonnage 350 6. Net Tonnage 125 7. Maximum Speed (knots) 11
8. Owner's Name and Address JUANA OYA PEREZ.- San Francisco, 29.- VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0051

1. Name of Vessel VILLA DE MARIN 2. Visual Identifier (Call Sign) E.G.S.M.
3. Type of Vessel Stern trawler 4. Length 39
5. Gross Tonnage 300 6. Net Tonnage 121 7. Maximum Speed (knots) 12
8. Owner's Name and Address MANUEL NOPES GONZALEZ.- Calvo Sotelo, 70 MARIN (Pontevedra)
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0047

1. Name of Vessel CONDAPOYA III 2. Visual Identifier (Call Sign) E.G.N.I.
3. Type of Vessel Stern trawler 4. Length 33
5. Gross Tonnage 314 6. Net Tonnage 151 7. Maximum Speed (knots) 12
8. Owner's Name and Address PARCONOYA, S.A. San Francisco, 29.- VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawler & Off Bottom Trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0064

1. Name of Vessel IZARRA 2. Visual Identifier (Call Sign) E.G.S.O.
3. Type of Vessel Stern trawler 4. Length 33
5. Gross Tonnage 284 6. Net Tonnage 110 7. Maximum Speed (knots) 11
8. Owner's Name and Address CONGELADOS JESUS, S.A. Primo de Rivera, 28.- ONDARROA (Vizcaya)
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & Off bottom trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0065

1. Name of Vessel RIO VERDUGO 2. Visual Identifier (Call Sign) E.H.H.P.
3. Type of Vessel Stern trawler 4. Length 40
5. Gross Tonnage 345 6. Net Tonnage 193 7. Maximum Speed (knots) 11
8. Owner's Name and Address BACAMAR, S.A. San Francisco, 33.- VIGO
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & Off Bottom trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0082

1. Name of Vessel ITXAS TXOPI 2. Visual Identifier (Call Sign) E.G.J.U.
3. Type of Vessel Side trawler 4. Length 34
5. Gross Tonnage 324 6. Net Tonnage 126 7. Maximum Speed (knots) 11
8. Owner's Name and Address ONDARRUTARRA, S.A. Apartado 19.- ONDARROA (Vizcaya)
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0066

1. Name of Vessel PIÑEIRO CORREA 2. Visual Identifier (Call Sign) E.H.D.I.
3. Type of Vessel Stern trawler 4. Length 34
5. Gross Tonnage 350 6. Net Tonnage 145 7. Maximum Speed (knots) 11
8. Owner's Name and Address PESQUERA PIÑEIRO, S.L. Cuatro Caminos, 7.- CARBALLINO (Orense)
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0106

1. Name of Vessel FREIRE LOPEZ 2. Visual Identifier (Call Sign)
3. Type of Vessel 4. Length 53.75
5. Gross Tonnage 963 6. Net Tonnage 497.53 7. Maximum Speed (knots) 12.50
8. Owner's Name and Address ANTONIO FREIRE PUTALEE.- Avda. Atlántida, 34 VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0107

1. Name of Vessel MANUEL NORES 2. Visual Identifier (Call Sign) E.H.H.T.
3. Type of Vessel Stern trawler 4. Length 33
5. Gross Tonnage 314 6. Net Tonnage 151 7. Maximum Speed (knots) 12
8. Owner's Name and Address MANUEL NORES GONZALEZ.- Calvo Sotelo, 70 MARIN (Pontevedra)
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & Off Bottom trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0109

1. Name of Vessel PUENTE LOURIDO 2. Visual Identifier (Call Sign) E.H.K.R.
3. Type of Vessel Stern trawler 4. Length 39
5. Gross Tonnage 350 6. Net Tonnage 163 7. Maximum Speed (knots) 12
8. Owner's Name and Address JOSE ENRIQUE PEREIRA MOLARES.- José Antonio, 93 VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0108

1. Name of Vessel PEIXIÑO 2. Visual Identifier (Call Sign) E.F.G.S.
3. Type of Vessel Stern trawler 4. Length 37
5. Gross Tonnage 290 6. Net Tonnage 105 7. Maximum Speed (knots) 11
8. Owner's Name and Address PESCABOA, S.A. Ribera, 35.- VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

Gh.e.M.G.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0008

1. Name of Vessel CAMPA DE TORRES 2. Visual Identifier (Call Sign) E.G.H.G.
3. Type of Vessel Stern trawler 4. Length 47
5. Gross Tonnage 454 6. Net Tonnage 163 7. Maximum Speed (knots) 12
8. Owner's Name and Address COPEMAR, S.A. Gral. Martínez Campos, 42.- MADRID
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0016

1. Name of Vessel TORALLA 2. Visual Identifier (Call Sign) E.E.E.V.
3. Type of Vessel Stern trawler 4. Length 45
5. Gross Tonnage 416 6. Net Tonnage 126 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESQUERA VASCO GALLEGA, S.A. Orillamar, 97.- VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0021

1. Name of Vessel PLAYA DE MOGOR 2. Visual Identifier (Call Sign) E.A.H.Q.
3. Type of Vessel Stern trawl 4. Length 44
5. Gross Tonnage 493 6. Net Tonnage 190 7. Maximum Speed (knots) 10
8. Owner's Name and Address PESQUERIAS MARINENSES, S.A. Avda. Calvo Sotelo, 83.- MARIN (Pontevedra)
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawls OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0020

1. Name of Vessel PESCAPUERTA III 2. Visual Identifier (Call Sign) E.G.A.S.
3. Type of Vessel Stern trawler 4. Length 44
5. Gross Tonnage 442 6. Net Tonnage 203 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESCAPUERTA, S.A. Avda. Orillamar, 2ª Travesía, A-17.- VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0024

1. Name of Vessel MARPOA 2. Visual Identifier (Call Sign) E.G.J.A.
3. Type of Vessel Stern trawler 4. Length 33
5. Gross Tonnage 250 6. Net Tonnage 107 7. Maximum Speed (knots) 11
8. Owner's Name and Address JUAN MANUEL OYA PEREZ.- San Francisco, 29.- VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0030

1. Name of Vessel CANTON DE CORA 2. Visual Identifier (Call Sign) E.G.S.A.
3. Type of Vessel Stern trawler 4. Length 39
5. Gross Tonnage 299 6. Net Tonnage 100 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESQUERA ARCADE, S.L. BOUZAS-VIGO
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0038

1. Name of Vessel TITO MARQUEZ 2. Visual Identifier (Call Sign) E.G.K.I.
3. Type of Vessel Stern trawler 4. Length 47
5. Gross Tonnage 454 6. Net Tonnage 163 7. Maximum Speed (knots) 13
8. Owner's Name and Address MARALGESA.- Dársena Pesquera. Muelle de Levante, 518.- CADIZ
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0036

1. Name of Vessel ORBALLO 2. Visual Identifier (Call Sign) E.G.T.I.
3. Type of Vessel Stern trawler 4. Length 39
5. Gross Tonnage 314 6. Net Tonnage 110 7. Maximum Speed (knots) 12
8. Owner's Name and Address JULIO MOLARES PEREZ.- Puerto Pesquero, puesto 11.- VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOMTRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0040

1. Name of Vessel MOUTA 2. Visual Identifier (Call Sign) E.G.Z.G.
3. Type of Vessel Stern trawler 4. Length 35
5. Gross Tonnage 257 6. Net Tonnage 107 7. Maximum Speed (knots) 12
8. Owner's Name and Address AREAPESCA, S.A. J. Janer, 14.- MARIN (Pontevedra)
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0045

1. Name of Vessel PERCA 2. Visual Identifier (Call Sign) E.A.E.C.
3. Type of Vessel Stern trawler 4. Length 43
5. Gross Tonnage 416 6. Net Tonnage 126 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESQUE A CIES, S.A. BOUZAS-VIGO
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0054

1. Name of Vessel COSTA DE NORMANDIA 2. Visual Identifier (Call Sign) E.A.P.S.
3. Type of Vessel Stern trawler 4. Length 46
5. Gross Tonnage 412 6. Net Tonnage 184 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESQUERA OJEDA, S.A. Pza. R. Alvargonzalez, 5.- GIJON
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0053

1. Name of Vessel ZAMANES 2. Visual Identifier (Call Sign) E.F.N.I.
3. Type of Vessel Side trawler 4. Length 49
5. Gross Tonnage 494 6. Net Tonnage 249 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESQUEROS TABEIRONES, S.A. Orillamar, 1 VIGO
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0057

1. Name of Vessel ANA MARIA GANDON 2. Visual Identifier (Call Sign) E.F.Y.K.
3. Type of Vessel Stern trawler 4. Length 40
5. Gross Tonnage 358 6. Net Tonnage 150 7. Maximum Speed (knots) 11
8. Owner's Name and Address WENCESLAO GANDON CASAL.- Avda. José Graña, 178
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IC[illegible]FICATION FORM (FOREIGN) No. SP-78-0058

1. Name of Vessel FREI FREI 2. Visual Identifier (Call Sign) E.F.O.P.
3. Type of Vessel Stern trawler 4. Length 57
5. Gross Tonnage 1.645 6. Net Tonnage 549 7. Maximum Speed (knots) 13
8. Owner's Name and Address PESCANOVA, S.A. Apartado 424.- VIGO
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	Long finned SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0062

1. Name of Vessel EGUNSENTIA 2. Visual Identifier (Call Sign) E.H.B.P.
3. Type of Vessel Stern trawler 4. Length 47
5. Gross Tonnage 439 6. Net Tonnage 195 7. Maximum Speed (knots) 11
8. Owner's Name and Address ONDARRUTARRA, S.A. Primo de Rivera, 21.- ONDARROA (Vizcaya)
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0059

1. Name of Vessel SUEMAR UNO 2. Visual Identifier (Call Sign) E.G.X.P.
3. Type of Vessel Stern trawler 4. Length 38
5. Gross Tonnage 316 6. Net Tonnage 100 7. Maximum Speed (knots) 12
8. Owner's Name and Address SUEMAR, S.L. Filipinas, 29.- VIGO
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0073

1. Name of Vessel MAYI CUATRO 2. Visual Identifier (Call Sign) E.H.C.F.
3. Type of Vessel Stern trawler 4. Length 40
5. Gross Tonnage 346 6. Net Tonnage 115 7. Maximum Speed (knots) 11
8. Owner's Name and Address NAVALES CERDEIRAS, S.L. Cedeira, 3.- CAMARIÑAS (La Coruna)
9. Types of Processing Equipment Flash freezer
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0077

1. Name of Vessel PUENTE DE GONDOMAR 2. Visual Identifier (Call Sign) E.E.W.S.
3. Type of Vessel Stern trawler 4. Length 36
5. Gross Tonnage 293 6. Net Tonnage 164 7. Maximum Speed (knots) 12
8. Owner's Name and Address JOSE PEREIRA ALVAREZ.- Puerto Pesquero Edif. Vendedores. Puesto 11.- VIGO
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0112

1. Name of Vessel PESCAPUEPTA II 2. Visual Identifier (Call Sign) E.A.T.B.
3. Type of Vessel Stern trawler 4. Length 47
5. Gross Tonnage 471 6. Net Tonnage 235 7. Maximum Speed (knots) 12
8. Owner's Name and Address PESCAPUERTA, S.A. Avda. Orillamar, 2ª Travesía A-17.- VIGO
9. Types of Processing Equipment Flash freezer

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0111

1. Name of Vessel CUDILLERO 2. Visual Identifier (Call Sign) E.E.T.U.
3. Type of Vessel Stern trawler 4. Length 46
5. Gross Tonnage 412 6. Net Tonnage 184 7. Maximum Speed (knots) 12
8. Owner's Name and Address NORPESCA, S.A. Pza. K. Alvargonzalez, 5 GIJON
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0113

1. Name of Vessel PLAYA DE PEDMAR 2. Visual Identifier (Call Sign) E.H.G.V.
3. Type of Vessel Stern trawler 4. Length 37
5. Gross Tonnage 494 6. Net Tonnage 203 7. Maximum Speed (knots) 11
8. Owner's Name and Address PESQUERIAS MARINENSES, S.A. Avda. Calvo Sotelo, 83.- MARIN (Pontevedra)
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	BOTTOM TRAWL & OFF BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0114

1. Name of Vessel TASARTE
2. Visual Identifier (Call Sign) E.G.V.H.
3. Type of Vessel Stern trawler
4. Length 38
5. Gross Tonnage 421
6. Net Tonnage 153
7. Maximum Speed (knots) 11
8. Owner's Name and Address PESQUERA MONTELOR, S.A. Muelle de Bouzas, 56 VIGO
9. Types of Processing Equipment Flash freezer

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SQU	LONG FINNED SHORT FINNED	Bottom trawl & OFF BOTTOMTRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1131

1. Name of Vessel SHINSEI MARU NO.3
2. Visual Identifier (Call Sign) JMAX
3. Type of Vessel STERN TRAWLER
4. Length 75M.
5. Gross Tonnage 1498 M.T.
6. Net Tonnage 652M.T.
7. Maximum Speed (knots) 13.5
8. Owner's Name and Address NIPPON REIZO KABUSHIKI KAISHA 3-5-7 MINATO, CHUO-KU, TOKYO, JAPAN
9. Types of Processing Equipment FLASH FREEZER, HEADER, FILLETER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
GOA	POLLOCK	BOTTOM TRAWL	X	X	
	FLOUNDERS	BOTTOM TRAWL	X	X	
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X	X	
	OTHER ROCKFISHES	BOTTOM TRAWL	X	X	
	SQUID	BOTTOM TRAWL	X	X	
	ATKA MACKEREL	BOTTOM TRAWL	X	X	
	OTHER GROUNDFISHES	BOTTOM TRAWL	X	X	
BSA	POLLOCK	BOTTOM TRAWL	X	X	
	PACIFIC COD	BOTTOM TRAWL	X	X	
	YELLOWFIN SOLE	BOTTOM TRAWL	X	X	
	SABLEFISH	BOTTOM TRAWL	X	X	
	HERRING	BOTTOM TRAWL	X	X	
	OTHER FLOUNDERS	BOTTOM TRAWL	X	X	
	SQUID	BOTTOM TRAWL	X	X	
	OTHER GHOUNDFISHES	BOTTOM TRAWL	X	X	
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0879

1. Name of Vessel TAKIMARU NO.2
2. Visual Identifier (Call Sign) JFIT
3. Type of Vessel LONG LINER /POT
4. Length 45 M
5. Gross Tonnage 312.0
6. Net Tonnage 155.0
7. Maximum Speed (knots) 11.0
8. Owner's Name and Address TAKIMARU SUISAN KABUSHIKI KAISHA 1-6-14 HORAICHO WAKKANAISHI HOKKAIDO JAPAN
9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☐ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1130

1. Name of Vessel DAISHIN MARU NO.11
2. Visual Identifier (Call Sign) 7 L M V
3. Type of Vessel CARGO/TRANSPORT
4. Length 78 M.
5. Gross Tonnage 1494 M.T.
6. Net Tonnage 815 M.T.
7. Maximum Speed (knots) 15
8. Owner's Name and Address KYOKUYO CO., LTD. CHIYODA-BLDG. 2-1-2, MARUNOUCHI, CHIYODA-KU, TOKYO, JAPAN
9. Types of Processing Equipment —

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
GOA	POLLACK				X
	PACIFIC COD				X
	FLOUNDERS				X
	PACIFIC OCEAN PERCH				X
	OTHER ROCK FISHES				X
	SQUID				X
	ATKA MACKEREL				X
	OTHER GROUND FISH				X
BSA	POLLACK				X
	PACIFIC COD				X
	YELLOW FIN SOLE				X
	OTHER FLOUNDERS				X
	HERRING				X
	SQUID				X
	PACIFIC OCEAN PERCH				X
	OTHER GROUND FISH				X
	SABLE FISH				X
SBL	SABLE FISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1132

1. Name of Vessel JINYO-MARU 2. Visual Identifier (Call Sign) JKBM
3. Type of Vessel CARGO/TRANSPORT 4. Length 142 M
5. Gross Tonnage 9024 M.T. 6. Net Tonnage 5009 M.T. 7. Maximum Speed (knots) 14
8. Owner's Name and Address HOKKAIDO FISHERIES CO., LTD.
NO.6-1,4-CHOME, ODORI-NISHI, CHUO-KU, SAPPORO-SHI, HOKKAIDO, JAPAN
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	POLLOCK				X
	PACIFIC OCEAN PERCH				X
	SABLEFISH				X
	YELLOWFIN SOLE				X
	OTHER FLOUNDERS				X
	PACIFIC COD				X
	OTHER GROUNDFISH				X
	HERRING				X
	SQUID				X
CRB	TANNER CRAB				X
GOA	POLLOCK				X
	PACIFIC COD				X
	FLOUNDERS				X
	PACIFIC OCEAN PERCH				X
	OTHER ROCKFISH				X
	OTHER GROUNDFISH				X
	SQUID				X
	ATKA MACKEREL				X
		-TO BE CONTINUED-			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1133

1. Name of Vessel MEIYO-MARU 2. Visual Identifier (Call Sign) JAJC
3. Type of Vessel CARGO/TRANSPORT 4. Length 142 M
5. Gross Tonnage 9138 M.T. 6. Net Tonnage 5669 M.T. 7. Maximum Speed (knots) 14
8. Owner's Name and Address HAKODATE KOKAI GYOGYO CO., LTD.
NO.13-19, OMACHI-HAKODATE, HOKKAIDO, JAPAN
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	POLLOCK				X
	PACIFIC OCEAN PERCH				X
	SABLEFISH				X
	YELLOWFIN SOLE				X
	OTHER FLOUNDERS				X
	PACIFIC COD				X
	OTHER GROUNDFISH				X
	HERRING				X
	SQUID				X
CRB	TANNER CRAB				X
GOA	POLLOCK				X
	PACIFIC COD				X
	FLOUNDERS				X
	PACIFIC OCEAN PERCH				X
	OTHER ROCKFISH				X
	OTHER GROUNDFISH				X
	SQUID				X
	ATKA MACKEREL				X
		-TO BE CONTINUED-			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1132

1. Name of Vessel 2. Visual Identifier (Call Sign)
3. Type of Vessel 4. Length
5. Gross Tonnage 6. Net Tonnage 7. Maximum Speed (knots)
8. Owner's Name and Address
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SBL	SABLEFISH				X
SNA	SNAILS				X
NWA	LONG FINNED SQUID				X
	SHORT FINNED SQUID				X
	BUTTER FISH				X
	OTHER FINFISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☐ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1133

1. Name of Vessel 2. Visual Identifier (Call Sign)
3. Type of Vessel 4. Length
5. Gross Tonnage 6. Net Tonnage 7. Maximum Speed (knots)
8. Owner's Name and Address
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SBL	SABLEFISH				X
SNA	SNAILS				X
NWA	LONG FINNED SQUID				X
	SHORT FINNED SQUID				X
	BUTTER FISH				X
	OTHER FINFISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☐ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1134

1. Name of Vessel CHIYO-MARU
2. Visual Identifier (Call Sign) JHKF
3. Type of Vessel CARGO/TRANSPORT
4. Length 143 M
5. Gross Tonnage 9053 M.T.
6. Net Tonnage 4622 M.T.
7. Maximum Speed (knots) 14
8. Owner's Name and Address TAIYO FISHERY CO., LTD.
1-5-1, MARUNOUCHI, CHIYODA-KU, TOKYO, 100, JAPAN
9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	POLLOCK				X
	PACIFIC OCEAN PERCH				X
	SABLEFISH				X
	YELLOWFIN SOLE				X
	OTHER FLOUNDERS				X
	PACIFIC COD				X
	OTHER GROUNDFISH				X
	HERRING				X
	SQUID				X
CRB	TANNER CRAB				X
GOA	POLLOCK				X
	PACIFIC COD				X
	FLOUNDERS				X
	PACIFIC OCEAN PERCH				X
	OTHER ROCKFISH				X
	OTHER GROUNDFISH				X
	SQUID				X
	ATKA MACKEREL				X
		-TO BE CONTINUED-			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1135

1. Name of Vessel TOKYO REEFER
2. Visual Identifier (Call Sign) J Q L S
3. Type of Vessel CARGO/TRANSPORT
4. Length 145 M
5. Gross Tonnage 7191 M.T.
6. Net Tonnage 4010 M.T.
7. Maximum Speed (knots) 23
8. Owner's Name and Address TOKYO REEFERS INC.,
3-29, KONAN 2 CHOME, MINATO-KU, TOKYO, 108, JAPAN,
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	LONG-FINED SQUID				X
	SHORT-FINED SQUID				X
	BUTTER FISH				X
	OTHER FINFISH				X
CRB	TANNER CRAB				X
GOA	FLOUNDERS				X
	PACIFIC OCEAN PEARCH				X
	PACIFIC COD				X
	POLLOCK				X
	SQUID				X
	OTHER GROUND FISH				X
	OTHER ROCK FISHES				X
	ATKA MACKEREL				X
BSA	YELLOWFIN SOLE				X
	OTHER FLOUNDERS (Continued for the	attached paper)			

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1134

1. Name of Vessel
2. Visual Identifier (Call Sign)
3. Type of Vessel
4. Length
5. Gross Tonnage
6. Net Tonnage
7. Maximum Speed (knots)
8. Owner's Name and Address
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
SBL	SABLEFISH				X
SNA	SNAILS				X
NWA	LONG FINNED SQUID				X
	SHORT FINNED SQUID				X
	BUTTER FISH				X
	OTHER FINFISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☐ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, datas, locations and specific activities requested.)

Attached Paper JA-78-1135

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	PACIFIC OCEAN PEARCH				X
	HERRING				X
	PACIFIC COD				X
	SABLEFISH				X
	POLLOCK				X
	SQUID				X
	OTHER GROUND FISH				X
SNA	SNAILS (KEATS)				X
SBL	SABLEFISH				X

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-1136

1. Name of Vessel AKASHI MARU No. 19 2. Visual Identifier (Call Sign) JRKD
3. Type of Vessel PAIR TRAWLER 4. Length 38 M. Maximum
5. Gross Tonnage 206 M.T. 6. Net Tonnage 72 M.T. 7. Speed (knots) 11
8. Owner's Name and Address TAIYO FISHERY CO., LTD.
1-5-1, MARUNOUCHI, CHIYODA-KU, TOKYO, 100, JAPAN.
9. Types of Processing Equipment

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	POLLOCK	BOTTOM TRAWL	X		
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X		
	SABLEFISH	BOTTOM TRAWL	X		
	YELLWFIN SOLE	BOTTOM TRAWL	X		
	OTHER FLOUNDERS	BOTTOM TRAWL	X		
	PACIFIC COD	BOTTOM TRAWL	X		
	OTHER GROUNDFISH	BOTTOM TRAWL	X		
	HERRING	BOTTOM TRAWL	X		
	SQUID	BOTTOM TRAWL	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1200

1. Name of Vessel TAISEI MARU NO.1 2. Vessel Identifier (Call Sign) JEKM
3. Type of Vessel Longliner 4. Length 50 Maximum
5. Gross Tonnage 314 6. Net Tonnage 156 7. Speed (knots) 12.35
8. Owner's Name and Address TAISEI SUISAN CO., LTD.
13-22, 2-CHOME, MISAKI, MIURA-SHI, KANAGAWA-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES

No.

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of Japan hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1978.

Fishing Vessel Identification Forms will be submitted in support of this application. The fishery plans, species, and catch contemplated for vessels of the Government of Japan flag are as follows:

Fishery Plans	Target Species	Total Tonnage Requested For Each Species (MT)
Atlantic Billfishes and Sharks	Billfish Sharks	-0-

Submitted: March 17, 1978
Date

Kenichi Umo
Signature of Authorized Official

Counselor
Title

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1201

1. Name of Vessel Zenco Maru No.38 2. Vessel Identifier (Call Sign) JBZM
3. Type of Vessel Longliner 4. Length 55 M. Maximum
5. Gross Tonnage 332 6. Net Tonnage 195 7. Speed (knots) 13.4
8. Owner's Name and Address Ocutsu Suisan Co.,Ltd.
12-14, Misaki 3-chome, Miura-shi, Kanagawa-ken, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1202

1. Name of Vessel Yusho maru No. 3 2. Vessel Identifier (Call Sign) JDNU
3. Type of Vessel Longliner 4. Length 49 Maximum
5. Gross Tonnage 374 6. Net Tonnage 199 7. Speed (knots) 11
8. Owner's Name and Address Tago Suisan Enyo Gyogyo Kyodo Kumiai
1118-2 Tago Nishi Izu-cho, Kamo-gun, Shizuoka-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1203

1. Name of Vessel Yusho maru No.5 2. Vessel Identifier (Call Sign) JKWA
3. Type of Vessel Longliner 4. Length 48 Maximum
5. Gross Tonnage 344 6. Net Tonnage 178 7. Speed (knots) 11
8. Owner's Name and Address Tago Suisan Enyo Gyogyo Kyodo Kumiai
1118-2 Tago Nishi Izu-cho Kamo-gun Shizuoka-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1204

1. Name of Vessel TAIYO MARU NO. 1 2. Vessel Identifier (Call Sign) JHEE
3. Type of Vessel Longliner 4. Length 55 Maximum
5. Gross Tonnage 374 6. Net Tonnage 192 7. Speed (knots) 11.4
8. Owner's Name and Address TAKIGUCHI GYOGYO CO., LTD
16 KITAHAMA DOORI YAIZU-SHI SHIZUOKA-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1205

1. Name of Vessel Showa maru No.23 2. Vessel Identifier (Call Sign) JDSM
3. Type of Vessel Longliner 4. Length 54 Maximum
5. Gross Tonnage 374 6. Net Tonnage 197 7. Speed (knots) 13
8. Owner's Name and Address Showa Gyogyo Co., Ltd
2-4-18 Nakaminato Yaizu-shi Shizuoka-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1206

1. Name of Vessel Kyowa maru No. 27 2. Vessel Identifier (Call Sign) JMAK
3. Type of Vessel Longliner 4. Length 51 Maximum
5. Gross Tonnage 434 6. Net Tonnage 222 7. Speed (knots) 13.2
8. Owner's Name and Address Kyowa Gyogyo Co., Ltd
Shukuura Nansei-cho Mie-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1208

1. Name of Vessel Chosho maru No. 17 2. Vessel Identifier (Call Sign) JNGC
3. Type of Vessel Longliner 4. Length 50 Maximum
5. Gross Tonnage 404 6. Net Tonnage 211 7. Speed (knots) 14.16
8. Owner's Name and Address Choshomaru Gyogyo Co., Ltd
Tasoura Nansei-cho Mie-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1207

1. Name of Vessel Chosho maru No. 21 2. Vessel Identifier (Call Sign) JNRT
3. Type of Vessel Longliner 4. Length 46 Maximum
5. Gross Tonnage 313 6. Net Tonnage 160 7. Speed (knots) 13.19
8. Owner's Name and Address Choshomaru Gyogyo Co., Ltd
Tasoura Nansei-cho Mie-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1210

1. Name of Vessel ŌTORI MARU NO.38 2. Vessel Identifier (Call Sign) JMCJ
3. Type of Vessel Longliner 4. Length 53 Maximum
5. Gross Tonnage 405 6. Net Tonnage 208 7. Speed (knots) 13.5
8. Owner's Name and Address ŌTORI MARU GYOGYO CO., LTD.
4292, MUROTOMISAKI-CHO, MUROTO-SHI, KOCHI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☑ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1209

1. Name of Vessel Otoshiro maru No.15 2. Vessel Identifier (Call Sign) JCSW
3. Type of Vessel Longliner 4. Length 49 Maximum
5. Gross Tonnage 375 6. Net Tonnage 195 7. Speed (knots) 10.5
8. Owner's Name and Address Otoshiro Gyogyo Co., Ltd
Tasoura Nansei-cho Mie-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1212

1. Name of Vessel KATSU MARU NO.33 2. Vessel Identifier (Call Sign) JMDG
3. Type of Vessel Longliner 4. Length 54 Maximum
5. Gross Tonnage 344 6. Net Tonnage 177 7. Speed (knots) 11.8
8. Owner's Name and Address MAEKATSU GYOGYO CO., LTD.
5031, MUROTOMISAKI-CHO, MUROTO-SHI, KOCHI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1211

1. Name of Vessel KOKEI MARU NO.8 2. Vessel Identifier (Call Sign) JMBV
3. Type of Vessel Longliner 4. Length 54 Maximum
5. Gross Tonnage 344 6. Net Tonnage 173 7. Speed (knots) 12.0
8. Owner's Name and Address HIDENORI OONISHI
4830, MUROTOMISAKI-CHO, MUROTO-SHI, KOCHI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1213

1. Name of Vessel SHINYO MARU NO.11 2. Vessel Identifier (Call Sign) JNNH
3. Type of Vessel Longliner 4. Length 54 Maximum
5. Gross Tonnage 345 6. Net Tonnage 173 7. Speed (knots) 13.8
8. Owner's Name and Address KAZUYUKI MATSUMOTO
5012, MUROTOMISAKI-CHO, MUROTO-SHI, KOCHI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1214

1. Name of Vessel MATSUEI MARU NO.11 2. Vessel Identifier (Call Sign) JIPD
3. Type of Vessel Longliner 4. Length 53 Maximum
5. Gross Tonnage 344 6. Net Tonnage 177 7. Speed (knots) 13.4
8. Owner's Name and Address MATSUEI SUISAN CO., LTD.
5012, MUROTOMISAKI-CHO, MUROTO-SHI, KOCHI-KEN
9. Types of Processing Equipment Flash Freezer
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1216

1. Name of Vessel MASA MARU NO. 28 2. Vessel Identifier (Call Sign) JMKC
3. Type of Vessel Longliner 4. Length 55 Maximum
5. Gross Tonnage 374 6. Net Tonnage 193 7. Speed (knots) 13.2
8. Owner's Name and Address TAKEI GYOGYO CO., LTD
452 UKITSU MUROTO-SHI KOCHI-KEN
9. Types of Processing Equipment Flash Freezer
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1215

1. Name of Vessel MATSUEI MARU NO.38 2. Vessel Identifier (Call Sign) JNZR
3. Type of Vessel Longliner 4. Length 49 Maximum
5. Gross Tonnage 300 6. Net Tonnage 148 7. Speed (knots) 13.0
8. Owner's Name and Address MATSUEI SUISAN CO., LTD.
5012, MUROTOMISAKI-CHO, MUROTO-SHI, KOCHI-KEN
9. Types of Processing Equipment Flash Freezer
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1217

1. Name of Vessel KOSHIN MARU NO.28 2. Vessel Identifier (Call Sign) JPSG
3. Type of Vessel Longliner 4. Length 49 Maximum
5. Gross Tonnage 299 6. Net Tonnage 152 7. Speed (knots) 13.0
8. Owner's Name and Address TAKEZUMI KAWAKAMI
10-2, 1-CHOME, TSUKUDA, CHUO-KU, TOKYO
9. Types of Processing Equipment Flash Freezer
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1218

1. Name of Vessel KOSHIN MARU NO.8 2. Vessel Identifier (Call Sign) JGOH
3. Type of Vessel Longliner 4. Length 48 Maximum
5. Gross Tonnage 284 6. Net Tonnage 145 7. Speed (knots) 12.9
8. Owner's Name and Address TAKEZUMI KAWAKAMI
10-2, 1-CHOME, TSUKUDA, CHUO-KU, TOKYO
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1219

1. Name of Vessel Dai maru No.35 2. Vessel Identifier (Call Sign) JITB
3. Type of Vessel Longliner 4. Length 49m Maximum
5. Gross Tonnage 299 6. Net Tonnage 150 7. Speed (knots) 12.34
8. Owner's Name and Address Kenkichi Moori
2825, Murotsu, Muroto-shi, Kochi-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	x		
		Pelagic Longline	x		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1220

1. Name of Vessel Dai maru No.37 2. Vessel Identifier (Call Sign) JNVB
3. Type of Vessel Longliner 4. Length 51m Maximum
5. Gross Tonnage 300 6. Net Tonnage 152 7. Speed (knots) 12.55
8. Owner's Name and Address Kenkichi Moori
2825, Murotsu, Muroto-shi, Kochi-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	x		
		Pelagic Longline	x		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1221

1. Name of Vessel Katsu maru No.25 2. Vessel Identifier (Call Sign) JPPN
3. Type of Vessel Longliner 4. Length 50m Maximum
5. Gross Tonnage 300 6. Net Tonnage 150 7. Speed (knots) 12.0
8. Owner's Name and Address Maekatsu Gyogyo Co., Ltd.
5031, Murotomisaki-cho, Muroto-shi, Kochi-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	x		
		Pelagic Longline	x		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1222

1. Name of Vessel Fuku maru No.5 2. Vessel Identifier (Call Sign) JRPT
3. Type of Vessel Longliner 4. Length 52
5. Gross Tonnage 344 6. Net Tonnage 154 7. Maximum Speed (knots) 12.5
8. Owner's Name and Address Fuku maru Gyogyo Co., Ltd.
4861, Murotomisaki-cho, Muroto-shi, Kochi-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1223

1. Name of Vessel Wakashio maru No. 58 2. Vessel Identifier (Call Sign) JRMI
3. Type of Vessel Longliner 4. Length 48
5. Gross Tonnage 345 6. Net Tonnage 175 7. Maximum Speed (knots) 13
8. Owner's Name and Address Wakashio Suisan Co., Ltd
237 Motoha-cho Kushikino-shi Kagoshima-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1224

1. Name of Vessel Nankai maru No.18 2. Vessel Identifier (Call Sign) JJCF
3. Type of Vessel Longliner 4. Length 49
5. Gross Tonnage 409 6. Net Tonnage 212 7. Maximum Speed (knots) 11
8. Owner's Name and Address Nankai Gyogyo Co., Ltd.
8073, Shimomyo, Kushikino-shi, Kagoshima-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1225

1. Name of Vessel Nankai maru No.118 2. Vessel Identifier (Call Sign) JRIZ
3. Type of Vessel Longliner 4. Length 49
5. Gross Tonnage 404 6. Net Tonnage 209 7. Maximum Speed (knots) 11
8. Owner's Name and Address Nankai Gyogyo Co., Ltd.
8073, Shimomyo, Kushikino-shi, Kagoshima-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1226

1. Name of Vessel Shinei maru No.7 2. Vessel Identifier (Call Sign) JECB
3. Type of Vessel Longliner 4. Length 50 Maximum
5. Gross Tonnage 299 6. Net Tonnage 153 7. Speed (knots) 11
8. Owner's Name and Address Hokkaido Fisheries Co., Ltd.
3-9, 1-chome, Higashi Shinbashi, Minato-ku, Tokyo
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1227

1. Name of Vessel Daito Maru No.18 2. Vessel Identifier (Call Sign) JPRC
3. Type of Vessel Longliner 4. Length 48 M. Maximum
5. Gross Tonnage 373 6. Net Tonnage 194 7. Speed (knots) 13.1
8. Owner's Name and Address Daito Enyo Gyogyo Co.,Ltd.
4-22, 6 chome Tsukiji, Chuo-ku, Tokyo, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1228

1. Name of Vessel Daito Maru No.8 2. Vessel Identifier (Call Sign) JB8O
3. Type of Vessel Longliner 4. Length 43 M. Maximum
5. Gross Tonnage 285 6. Net Tonnage 150 7. Speed (knots) 13
8. Owner's Name and Address Daito Enyo Gyogyo Co.,Ltd.
4-22, 6 chome Tsuciji, Chuo-ku, Tokyo, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1229

1. Name of Vessel Daito Maru No.5 2. Vessel Identifier (Call Sign) JEDK
3. Type of Vessel Longliner 4. Length 45 M. Maximum
5. Gross Tonnage 315 6. Net Tonnage 164 7. Speed (knots) 12.7
8. Owner's Name and Address Daito Enyo Gyogyo Co.,Ltd.
4-22, 6 chome Tsukiji, Chuo-ku, Tokyo, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1230

1. Name of Vessel Daito Maru No.3 2. Vessel Identifier (Call Sign) J D N O
3. Type of Vessel Longliner 4. Length 45 M. Maximum
5. Gross Tonnage 314 6. Net Tonnage 162 7. Speed (knots) 13.2
8. Owner's Name and Address Daito Enyo Gyogyo Co.,Ltd.
4-22 6 chome Tsukiji, Chuo-ku, Tokyo, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1231

1. Name of Vessel Daito maru No.2 2. Vessel Identifier (Call Sign) JCYU
3. Type of Vessel Longliner 4. Length 43 m Maximum
5. Gross Tonnage 285 6. Net Tonnage 149 7. Speed (knots) 12.0
8. Owner's Name and Address Daito Enyo Gyogyo Co., Ltd.
4-22, 6-chome, Tsukiji Chuō-ku, Tokyo
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	x		
		Pelagic Longline	x		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1232

1. Name of Vessel Azuma Maru No.37 2. Vessel Identifier (Call Sign) J E T G
3. Type of Vessel Longliner 4. Length 44 M. Maximum
5. Gross Tonnage 314 6. Net Tonnage 166 7. Speed (knots) 12
8. Owner's Name and Address Taiyo Gyogyo Co.,Ltd.
1-5-1, Marunouchi, Chiyoda-ku, Tokyo, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1233

1. Name of Vessel Azuma Maru No.35 2. Vessel Identifier (Call Sign) J E H E
3. Type of Vessel Longliner 4. Length 44 M. Maximum
5. Gross Tonnage 315 6. Net Tonnage 166 7. Speed (knots) 12
8. Owner's Name and Address Taiyo Gyogyo Co.,Ltd.
1-5-1 Marunouchi, Chiyoda-ku, Tokyo, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1234

1. Name of Vessel KORYO MARU NO.5 2. Vessel Identifier (Call Sign) J S X J
3. Type of Vessel Longliner 4. Length 50 Maximum
5. Gross Tonnage 404 6. Net Tonnage 211 7. Speed (knots) 12.5
8. Owner's Name and Address SADAO OGINO.
17-14 SUEHIROCHO TAKAOKA-SHI,TOYAMA-KEN,JAPAN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1235

1. Name of Vessel KORYO MARU NO.51 2. Vessel Identifier (Call Sign) J D K V
3. Type of Vessel Longliner 4. Length 49 Maximum
5. Gross Tonnage 374 6. Net Tonnage 193 7. Speed (knots) 12.2
8. Owner's Name and Address SADAO OGINO
17-14 SUEHIROCHO TAKAOKA-SHI,TOYAMA-KEN,JAPAN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1236

1. Name of Vessel Sumiyoshi Maru No.86 2. Vessel Identifier (Call Sign) JEPR
3. Type of Vessel Longliner 4. Length 56 M. Maximum
5. Gross Tonnage 404 6. Net Tonnage 212 7. Speed (knots) 14.9
8. Owner's Name and Address Sumiyoshi Gyogyo Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken, 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1237

1. Name of Vessel Sumiyoshi Maru No.52 2. Vessel Identifier (Call Sign) J6MH
3. Type of Vessel Longliner 4. Length 56 M. Maximum
5. Gross Tonnage 374 6. Net Tonnage 168 7. Speed (knots) 13.7
8. Owner's Name and Address Sumiyoshi Gyogyo Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken, 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1238

1. Name of Vessel Sumiyoshi maru No.73 2. Vessel Identifier (Call Sign) JDYE
3. Type of Vessel Longliner 4. Length 56 Maximum
5. Gross Tonnage 404 6. Net Tonnage 208 7. Speed (knots) 13.2
8. Owner's Name and Address Sumiyoshi Gyogyo Co., Ltd.
7-8 Misaki 3-chome Miura-shi, Kanagawa-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1239

1. Name of Vessel Sumiyoshi maru No.68 2. Vessel Identifier (Call Sign) JEMA
3. Type of Vessel Longliner 4. Length 54 Maximum
5. Gross Tonnage 374 6. Net Tonnage 179 7. Speed (knots) 13.6
8. Owner's Name and Address Sumiyoshi Gyogyo Co., Ltd.
7-8 Misaki 3-chome, Miura-shi, Kanagawa-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1240

1. Name of Vessel SUMIYOSHI MARU NO.55 2. Vessel Identifier (Call Sign) J L J P
3. Type of Vessel Longliner 4. Length 58 Maximum
5. Gross Tonnage 499 6. Net Tonnage 251 7. Speed (knots) 14.9
8. Owner's Name and Address SUMIYOSHI GYOGYO CO.,LTD.
7-8 3 CHOME MISAKI MIURA-SHI,KANAGAWA-KEN,JAPAN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1241

1. Name of Vessel KORYO MARU NO.6 2. Vessel Identifier (Call Sign) J S Y P
3. Type of Vessel Longliner 4. Length 50 Maximum
5. Gross Tonnage 405 6. Net Tonnage 210 7. Speed (knots) 12.5
8. Owner's Name and Address OGINO GYOGYO SEISAN KUKIAI
17-14 SUEHIROCHO TAKAOKA-SHI,TOYAMA-KEN,JAPAN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1242

1. Name of Vessel Sumiyoshi Maru No.71 2. Vessel Identifier (Call Sign) JDYD
3. Type of Vessel Longliner 4. Length 56 M. (Maximum)
5. Gross Tonnage 404 6. Net Tonnage 208 7. Speed (knots) 13.8
8. Owner's Name and Address Sumiyoshi Gyogyo Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken. 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1243

1 Name of Vessel Sumiyoshi Maru No.75 2. Vessel Identifier (Call Sign) JCPP
3. Type of Vessel Longliner 4. Length 59 M. (Maximum)
5. Gross Tonnage 499 6. Net Tonnage 252 7. Speed (knots) 15.0
8. Owner's Name and Address Sumiyoshi Gyogyo Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken. 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1244

1. Name of Vessel SUMIYOSHI MARU NO.16 2. Vessel Identifier (Call Sign) J P B A
3. Type of Vessel Longliner 4. Length 56 (Maximum)
5. Gross Tonnage 403 6. Net Tonnage 208 7. Speed (knots) 14.1
8. Owner's Name and Address SUMIYOSHI GYOGYO CO.,LTD.
7-8 MISAKI 3 CHOME MIURA-SHI KANAGAWA-KEN JAPAN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1245

1. Name of Vessel Sumiyoshi Maru No.81 2. Vessel Identifier (Call Sign) JCPB
3. Type of Vessel Longliner 4. Length 56 M. (Maximum)
5. Gross Tonnage 405 6. Net Tonnage 212 7. Speed (knots) 14.7
8. Owner's Name and Address Sumiyoshi Gyogyo Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken. 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1246

1. Name of Vessel Sumiyoshi maru No.65 2. Vessel Identifier (Call Sign) JELL
3. Type of Vessel Longliner 4. Length 54 Maximum
5. Gross Tonnage 374 6. Net Tonnage 179 7. Speed (knots) 13.6
8. Owner's Name and Address Sumiyoshi Gyogyo Co., Ltd.
7-8 Misaki 3-chome Miura-shi, Kanagawa-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1247

1. Name of Vessel Sumiyoshi maru No. 18 2. Vessel Identifier (Call Sign) JFIQ
3. Type of Vessel Longliner 4. Length 53 Maximum
5. Gross Tonnage 344 6. Net Tonnage 176 7. Speed (knots) 13.3
8. Owner's Name and Address Sumiyoshi Gyogyo Co., Ltd
7-8 3-chome Misaki Miura-shi Kanagawa-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1248

1. Name of Vessel Sumiyoshi Maru No.3 2. Vessel Identifier (Call Sign) JCCU
3. Type of Vessel Longliner 4. Length 59 M. Maximum
5. Gross Tonnage 499 6. Net Tonnage 255 7. Speed (knots) 14.9
8. Owner's Name and Address Taikyu Suisan Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken. 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1249

1. Name of Vessel Sumiyoshi Maru No.58 2. Vessel Identifier (Call Sign) JMJC
3. Type of Vessel Longliner 4. Length 52 M. Maximum
5. Gross Tonnage 344 6. Net Tonnage 163 7. Speed (knots) 12.7
8. Owner's Name and Address Taikyu Suisan Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken. 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1250

1. Name of Vessel Koyo Maru No.65 2. Vessel Identifier (Call Sign) JMJJ
3. Type of Vessel Longliner 4. Length 52 M. Maximum
5. Gross Tonnage 344 6. Net Tonnage 163 7. Speed (knots) 12.9
8. Owner's Name and Address Koyo Suisan Co.,Ltd.
7-8, Misaki 3-chome, Miura-shi, Kanagawa-ken, 238-02 Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1252

1. Name of Vessel Marukyoboshi maru No.58 2. Vessel Identifier (Call Sign) JCUK
3. Type of Vessel Longliner 4. Length 56 Maximum
5. Gross Tonnage 433 6. Net Tonnage 225 7. Speed (knots) 12.4
8. Owner's Name and Address Marukyoboshi Suisan Co., Ltd.
29-5, Suwa-cho Miura-shi, Kanagawa-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1257

1. Name of Vessel KOYO MARU NO.6 2. Vessel Identifier (Call Sign) J F E G
3. Type of Vessel Longliner 4. Length 56 Maximum
5. Gross Tonnage 405 6. Net Tonnage 208 7. Speed (knots) 13.7
8. Owner's Name and Address KOYO SUISAN CO.,LTD.
7-8 MISAKI 3 CHOME MIURA-SHI KANAGAWA-KEN JAPAN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1253

1. Name of Vessel Tateyama maru no.28 2. Vessel Identifier (Call Sign) JDKD
3. Type of Vessel Longliner 4. Length 45 Maximum
5. Gross Tonnage 315 6. Net Tonnage 165 7. Speed (knots) 11.5
8. Owner's Name and Address Toyamaken Hokuyo Gyogyo Kyodo Kumiai
19-4, Kitamachi Funabashi Toyama-shi, Toyama-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1254

1. Name of Vessel Daiei maru No. 12 2. Vessel Identifier (Call Sign) JIVE
3. Type of Vessel Longliner 4. Length 46
5. Gross Tonnage 313 6. Net Tonnage 161 7. Maximum Speed (knots) 12
8. Owner's Name and Address Daiei Gyogyo Co., Ltd
TA-29 Aza Imahama Oshimizu-machi Hakui-gun Ishikawa-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1255

1. Name of Vessel Koryo maru No.11 2. Vessel Identifier (Call Sign) JUEG
3. Type of Vessel Longliner 4. Length 50m
5. Gross Tonnage 375 6. Net Tonnage 221 7. Maximum Speed (knots) 13.5
8. Owner's Name and Address Sadao Ogino
17-14, Suehiro-cho, Takaoka-shi, Toyama-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	x		
		Pelagic Longline	x		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1256

1. Name of Vessel Koyo maru No.15 2. Vessel Identifier (Call Sign) JCJR
3. Type of Vessel Longliner 4. Length 48m
5. Gross Tonnage 375 6. Net Tonnage 194 7. Maximum Speed (knots) 12.0
8. Owner's Name and Address Daikyu Suisan Co., Ltd.
7-8, 3-chome, Misaki, Miura-shi, Kanagawa-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	x		
		Pelagic Longline	x		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1257

1. Name of Vessel KINEI MARU NO. 85 2. Vessel Identifier (Call Sign) JQZB
3. Type of Vessel Longliner 4. Length 44
5. Gross Tonnage 300 6. Net Tonnage 149 7. Maximum Speed (knots) 12
8. Owner's Name and Address HAMAKO SUISAN CO., LTD
2-11 3-CHOME HAMA-CHO KAMAISHI-SHI IWATE-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1258

1. Name of Vessel KINEI MARU NO. 18 2. Vessel Identifier (Call Sign) JMNI
3. Type of Vessel Longliner 4. Length 43 Maximum
5. Gross Tonnage 300 6. Net Tonnage 152 7. Speed (knots) 12
8. Owner's Name and Address HAMAKO SUISAN CO., LTD
2-11 3-CHOME HAMA-CHO KAMAISHI-SHI IWATE-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1259

1. Name of Vessel KINSEI MARU NO. 88 2. Vessel Identifier (Call Sign) JMNO
3. Type of Vessel Longliner 4. Length 43 Maximum
5. Gross Tonnage 300 6. Net Tonnage 144 7. Speed (knots) 12
8. Owner's Name and Address HATSUE TERADA, TERADA GYOGYO CO., LTD
11-3 HIGASHIMAE-CHO KAMAISHI-SHI IWATE-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1260

1. Name of Vessel SHIMZAN MARU NO. 3 2. Vessel Identifier (Call Sign) JRWV
3. Type of Vessel Longliner 4. Length 47 Maximum
5. Gross Tonnage 344 6. Net Tonnage 176 7. Speed (knots) 13
8. Owner's Name and Address SADAI SHOTEN CO., LTD
1-75 AZA TOMARI HIROTA-MACHI RIKUZENTAKATA-SHI IWATE-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1261

1. Name of Vessel CHOKO MARU NO.68 2. Vessel Identifier (Call Sign) JRZK
3. Type of Vessel Longliner 4. Length 52 Maximum
5. Gross Tonnage 344 6. Net Tonnage 173 7. Speed (knots) 12.5
8. Owner's Name and Address SUGACHO SUISAN CO., LTD
17-5-2 SAKANA-MACHI KESENNUMA-SHI MIYAGI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1262

1. Name of Vessel TAIKO MARU NO.8 2. Vessel Identifier (Call Sign) 7MEI
3. Type of Vessel Longliner 4. Length 49
5. Gross Tonnage 375 6. Net Tonnage 191 7. Speed (knots) Maximum 12.5
8. Owner's Name and Address MURATA GYOGYO CO., LTD
2-3-15 SAKANA-MACHI KESENNUMA-SHI MIYAGI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1263

1. Name of Vessel TAIKO MARU NO.68 2. Vessel Identifier (Call Sign) JDBE
3. Type of Vessel Longliner 4. Length 49
5. Gross Tonnage 375 6. Net Tonnage 197 7. Speed (knots) Maximum 12.5
8. Owner's Name and Address MURATA GYOGYO CO., LTD
2-3-15 SAKANA-MACHI KESENNUMA-SHI MIYAGI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1264

1. Name of Vessel SHINMEI MARU NO. 58 2. Vessel Identifier (Call Sign) 7KQN
3. Type of Vessel Longliner 4. Length 52
5. Gross Tonnage 344 6. Net Tonnage 178 7. Speed (knots) Maximum 14.1
8. Owner's Name and Address SHINMEI SUISAN CO.,LTD
24-25 OJIMA- CHO SHIOGAMA-SHI MIYAGI-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1265

1. Name of Vessel ZENSEI MARU NO. 11 2. Vessel Identifier (Call Sign) JEIJ
3. Type of Vessel Longliner 4. Length 47
5. Gross Tonnage 344 6. Net Tonnage 173 7. Speed (knots) Maximum 11.25
8. Owner's Name and Address ZENSEI GYOGYO CO., LTD
1014 Ooaraimachi Isohama Higashi, Ibaragigun, Ibaragi-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1266

1. Name of Vessel Zensei maru NO.23 2. Vessel Identifier (Call Sign) JRTU
3. Type of Vessel Longliner 4. Length 45 Maximum
5. Gross Tonnage 315 6. Net Tonnage 155 7. Speed (knots) 10.75
8. Owner's Name and Address Zensei Gyogyo Co., Ltd
1014 Ooaraimachi Isohama Higashi Ibaragigum Ibaragi-ken
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1268

1. Name of Vessel Daiei Maru No.32 2. Vessel Identifier (Call Sign) JENG
3. Type of Vessel Longliner 4. Length 59 M. Maximum
5. Gross Tonnage 496 6. Net Tonnage 253 7. Speed (knots) 11.5
8. Owner's Name and Address Daiei Gyogyo Co.,Ltd.
297a Imahama Oshinizu-cho, Hakui-Gun, Ishikawa-ken, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1267

1. Name of Vessel Junko Maru No.8 2. Vessel Identifier (Call Sign) JPSX
3. Type of Vessel Longliner 4. Length 50 Maximum
5. Gross Tonnage 486 6. Net Tonnage 247 7. Speed (knots) 11
8. Owner's Name and Address Junko Gyogyo Co.,Ltd.
10-5, Misaki 3chome, Miura-shi, Kanagawa-ken, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-1269

1. Name of Vessel Kaisei Maru No.18 2. Vessel Identifier (Call Sign) JCDG
3. Type of Vessel Longliner 4. Length 42 M. Maximum
5. Gross Tonnage 284 6. Net Tonnage 145 7. Speed (knots) 13
8. Owner's Name and Address Kaisei Suisan Co.,Ltd.
22-13, Misaki 2 chome, Miura-shi, Kanagawa-ken, Japan
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) NO. JA-78-12.70

1. Name of Vessel WAKASHIO MARU NO. 38 2. Vessel Identifier (Call Sign) JRIU
3. Type of Vessel Longliner 4. Length 43 Maximum
5. Gross Tonnage 285 6. Net Tonnage 142 7. Speed (knots) 13
8. Owner's Name and Address WAKASHIO SUISAN CO., LTD
237 MOTOHAMA-CHO KUSHIKINO-SHI KAGOSHIMA-KEN
9. Types of Processing Equipment Flash Freezer

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
ABS		Pelagic longline	X		
		Pelagic Longline	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc. 78-9444 Filed 4-10-78; 8:45 am]

federal register

TUESDAY, APRIL 11, 1978
PART III



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

NATIONAL SEA GRANT PROGRAM

Funding Regulations

[3510-12]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 917—NATIONAL SEA GRANT PROGRAM FUNDING REGULATIONS

Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: These final regulations set forth explanations of the several Sea Grant funding programs established by the Sea Grant Program Improvement Act of 1976, eligibility requirements for these programs, terms and conditions for funding under these programs, and other general conditions pertaining to Sea Grant funding.

EFFECTIVE DATE: April 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Ned A. Ostenso, Director, Office of Sea Grant, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202-634-4120.

SUPPLEMENTAL INFORMATION: Pub. L. 94-461, the Sea Grant Program Improvement Act of 1976, (33 U.S.C. 1121, et seq.) superseded the National Sea Grant College and Program Act of 1966, Pub. L. 89-688. The 1976 Act retained the matched funding part of the National Sea Grant Program that was set forth in the 1966 Act, and added three new areas of program emphasis: Sea Grant Fellowships, National Projects, and International Cooperation Assistance. The 1976 Act called for Sea Grant funding regulations and for Sea Grant Fellowship guidelines to be issued; this final rule responds to these requirements to the legislation.

On December 30, 1977, NOAA published proposed regulations (42 FR 65218) under a new Part 917, setting forth the funding regulations for the National Sea Grant Program. Written comments were requested by January 31, 1978. As of that date, substantive comments had been received from three reviewers. One of the reviewers commented on the National Projects subpart (referred to as the Sea Grant National Program in the proposed regulations). The second reviewer commented on National Projects subpart and the regulation subpart titles. The third reviewer commented on the Sea Grant Fellowships section. These comments have been considered in preparing these final regulations. Major comments and NOAA responses are discussed below:

Discussion of Major Comments and NOAA Responses

National Projects

(a) *Intent of program.* One commentator wrote that the designation of only one national need/problem in the proposed regulations implied that the Administrator of NOAA should identify a national need or problem only if the Office of Sea Grant could respond to it with project funding, rather than identifying these needs and problems apart from considerations of Sea Grant funding.

NOAA response: NOAA agrees that the regulations were not clear in this respect and has rewritten the National Projects part of the regulations to show that determination of the national needs and problems by the Administrator is to be done completely apart from any considerations of Sea Grant funding. The National Projects section is designed to:

(1) Identify for the Nation those areas that have been determined by the Administrator to be national needs and problems relative to ocean and coastal resources;

(2) Allow for the funding of projects that respond to these national needs and problems. The final regulations have been revised to reflect these points. The Administrator identified a national need/problem in the proposed regulations, and it has been included in the final regulations. However, other national needs and problems, as determined by the Administrator, will soon be added and published in the Federal Register as an amendment to Subpart C of these regulations. NOAA's Office of Policy and Planning, the Sea Grant Review Panel, and the Sea Grant Program Directors have been requested to assist in the identification of national needs and problems.

(b) *Identification of the national needs and problems.* One commentator expressed concern about the manner in which these national needs and problems would be identified because there was no mention of the involvement of Sea Grant Program Directors in the process of identification of national needs and problems.

NOAA response: The Sea Grant Program Improvement Act of 1976 calls upon the Secretary of Commerce to identify these national needs and problems. This authority has been delegated by the Secretary to the Administrator of NOAA.

The proposed regulations stated that the public could submit suggestions for national needs and problems at any time, and that these suggestions would be considered and evaluated. The final rules also contain this provision.

As mentioned above, the Sea Grant Program Directors have been asked to assist in the identification of the national needs and problems and the continued involvement of the Directors in the process of identification is assured by the final regulations.

(c) *Inability to attract matching funds as a criterion for national project funding.* One commentator suggested that the proposed regulations made it appear that only those projects unable to attract matching funds could receive National Project funding.

NOAA response: NOAA agrees that the proposed regulations were not completely clear in this regard.

The National Projects section of the Sea Grant Program Improvement Act of 1976 provides that projects responsive to the national needs and problems may be funded at 100 percent, or any lesser percent, of the total cost of the project involved. Inability to attract matching funds is not a prerequisite for National Project funding. The principal requirement is that National Projects must respond to national needs and problems as determined by the Administrator.

The final regulations are consistent with these points.

(d) *Duration of National Projects.* One commentator mentioned that the proposed regulations excluded the possibility of a National Project being a multiyear effort.

NOAA response: NOAA agrees that the regulations were not clear on this point. The final regulations do not exclude multiyear efforts from consideration for National Project funding.

Subpart Titles

(a) *Titles of Subpart C and Subpart D of the proposed regulations.* One commentator suggested that the headings of Subparts C and D of the proposed regulations should be changed to conform to the titles that are used in the Sea Grant Program Improvement Act of 1976 for these respective funding programs.

NOAA response: NOAA agrees, and in the final regulations, the titles of Subparts C and D have been changed to conform to the titles used in the Act.

Fellowships

(a) *Disallowance of indirect costs for Fellowships.* One commentator felt that the proposed regulations were not clear as to whether the Office of Sea Grant would allow any indirect costs in fellowship funding or whether it would pay indirect costs on administrative expenses but not on the stipends themselves.

NOAA response: NOAA agrees, and in the final regulations, the language

has been clarified. After discussion with the NOAA Grants Officer, the final regulations make clear that Sea Grant will not allow indirect costs for either the fellowships or for any costs associated with the fellowships.

GENERAL BACKGROUND ON PART 917

The regulations contained in this part are for funding made by the Office of Sea Grant, pursuant to the provisions of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1121, et seq.), to support programs and projects of marine research, marine education and training, and marine advisory services that deal with state, regional, and national needs relative to ocean and coastal resources or that involve programs of international cooperation with respect to these resources.

Sea Grant Matched Funding Program monies (33 U.S.C. 1124(a)) may be used for Sea Grant programs and projects that implement the objectives of the Act and that generally respond to the needs of individual states or regions. This includes the funding of the Sea Grant Fellowship Program established by 33 U.S.C. 1127, which is specifically designed to provide education and training and assistance to qualified individuals at the undergraduate and graduate levels of education in fields related to ocean and coastal resources.

Sea Grant National Projects' funding (33 U.S.C. 1125) may be used for projects that respond to specific national needs and problems relative to ocean and coastal resources that are identified by the Administrator of the National Oceanic and Atmospheric Administration. It is designed to utilize the capabilities developed within Sea Grant funded institutions (since the inception of the Sea Grant Program in 1966) and to utilize capabilities existing outside of these Sea Grant institutions.

The Administrator will, periodically, publish in the FEDERAL REGISTER what he/she has identified as national needs and problems with respect to ocean and coastal resources, pursuant to the terms of the Act.

Sea Grant International Cooperation Assistance (33 U.S.C. 1124a) funding may be used for projects designed to enhance the research and technical capability of developing foreign nations with respect to ocean and coastal resources and to promote the international exchange of information and data with respect to the assessment, development, utilization, and conservation of such resources. This program is also intended to utilize the capabilities developed in Sea Grant funded institutions (since the inception of the Sea Grant Program in 1966) and to utilize capabilities existing outside of these institutions.

Subpart A of Part 917, entitled "General," discusses the basic purposes for which Sea Grant funding may be awarded, pursuant to the provisions of the Act. It also defines major terms used in the regulations: "Act", "Secretary", "Administrator", "Office of Sea Grant", "Objective of the Act", "ocean and coastal resources", "marine environment", "person", "Sea Grant College", "Sea Grant Program", "Sea Grant Program Directors", "Sea Grant Regional Consortium", "state", and "developing foreign nations". Qualifications for the achievement of Sea Grant College and Sea Grant Regional Consortia status will be promulgated in a new part 918 at a later date.

Subpart B, entitled "Sea Grant Matched Funding Program" discusses the funding program set forth at 33 U.S.C. 1124(a) and sets forth the guidelines for the awarding of Sea Grant Fellowships (provided for in 33 U.S.C. 1127), which are part of the Matched Program. Matched Programs projects are subject to a requirement of matching funds from non-Federal sources in the amount of at least 33⅓ percent of the total cost of the project.

Subpart C entitled "National Projects" discusses the identification of national needs and problems and the funding of national projects, as provided by 33 U.S.C. 1125. Sea Grant funding for projects under this section may be up to 100 percent of the cost of the project.

Subpart D, entitled "International Cooperation Assistance," discusses the scope of the funding program set forth in 33 U.S.C. 1124A. Sea Grant funding for projects under this section may be up to 100 percent of the cost of the project.

Subpart E, entitled "General Considerations Pertaining to Sea Grant Funding", discusses: guidance for applying for Sea Grant funding; categories of support available for the conducting of Sea Grant activities; and terms and conditions of Sea Grant funding.

NOAA has reviewed these regulations pursuant to the National Environment Policy Act of 1969 and has determined that promulgation of these regulations will not have a significant impact on the human environment.

NOAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Following consideration of comments received and other relevant information, there are adopted below final revised regulations for National Sea Grant Program Funding.

Dated: April 5, 1978.

T. P. GLEITER,
Assistant Administrator for Administration.

Subpart A—General

Sec.
917.1 Basic provisions.
917.2 Definitions.

Subpart B—Sea Grant Matched Funding Program

917.10 General.
917.11 Guidelines for Sea Grant Fellowships.
917.12 Eligibility.

Subpart C—National Projects

917.20 General.
917.21 National needs and problems.
917.22 National projects funding.

Subpart D—International Cooperation Assistance

917.30 General.

Subpart E—General Considerations Pertaining to Sea Grant Funding

917.40 General.
917.41 Application guidance for Sea Grant funding.
917.42 Categories of support available for the conducting of Sea Grant activities.
917.43 Terms and conditions of Sea Grant funding.

AUTHORITY: Pub. L. 94-461, 90 Stat. 1961 (33 U.S.C. 1121 et seq.).

Subpart A—General

§ 917.1 Basic provisions.

(a) This section sets forth the basic purposes for which Sea Grant funding may be made pursuant to the following sections of the Act: 33 U.S.C. 1124, 1127, 1125 and 1124a. These sections provide for the funding of programs and projects in fields related to ocean and coastal resources that involve marine research, marine education and training, and marine advisory services. However, there is a significant difference in focus among these sections since Section 1124(a) is concerned chiefly with regional and state needs relative to ocean and coastal resources (including the funding of Sea Grant Fellowships under section 1127) while Section 1125 is concerned with national needs and problems relative to ocean and coastal resources, and Section 1124a is concerned with programs of international cooperation assistance with respect to those resources.

(b) *Comment:* Statutory citation 33 U.S.C. 1124(a):

In General.—The Secretary may make grants and enter into contracts under this subsection to assist any Sea Grant program or project if the Secretary finds that such program or project will—

(1) Implement the objective set forth in Section 202(b); and

(2) Be responsive to the needs or problems of individual states or regions.

The total amount paid pursuant to any such grant or contract may equal 66⅔ percent, or any lesser percent, of the total cost of the Sea Grant program or project involved.

(c) *Comment:* Statutory citation 33 U.S.C. 1127(a):

In General—The Secretary may enter into contracts and make grants under this section to—

(1) Enhance the research and development capability of developing foreign nations with respect to ocean and coastal resources.

(2) Promote the international exchange of information and data with respect to the assessment, development, utilization, and conservation of such resources.

§ 917.2 Definitions.

(a) The term "Act" means the Sea Grant Program Improvement Act of 1976, as amended (33 U.S.C. 1121 et seq.).

(b) The term "Secretary" means the Secretary of Commerce.

(c) The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(d) The term "Office of Sea Grant" means the National Oceanic and Atmospheric Administration's Office of Sea Grant, which administers the National Sea Grant Program provided for in the Act.

(e) The term "objective of the Act" means the objective set forth at 33 U.S.C. 1121(b) and is "is to increase the understanding, assessment, development, utilization, and conservation of the Nation's ocean and coastal resources by providing assistance to promote a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques."

(f) The term "ocean and coastal resource(s)" is as defined at 33 U.S.C. 1122(7) and means:

any resource (whether living, nonliving, manmade, tangible, intangible, actual, or potential) which is located in, derived from, or traceable to, the marine environment.

Such term includes the habitat of any such living resource, the coastal space, the ecosystems, the nutrient rich areas, and the other components of the marine environment which contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values. Living resources include natural and cultured plant life, fish, shellfish, marine mammals, and wildlife. Nonliving resources include energy sources, minerals, and chemical substances.

(g) The term "marine environment" used in the definition for "ocean and coastal resources" in 917.2(e) and used elsewhere in these regulations is as defined at 33 U.S.C. 1122(6) and means:

the coastal zone, as defined in Section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)); the seabed, subsoil, and waters of the territorial sea of the United States; the waters of any zone over which the United States asserts exclusive fishery management authority; the waters of the high seas; and the seabed and subsoil of and beyond the outer Continental Shelf.

(h) The term "person" is as defined at 33 U.S.C. 1122(9) and means: "any individual; any public or private corporation, partnership, or other association or entity (including any Sea Grant College, Sea Grant Regional Consortium, education, institute, or laboratory); or any state, political subdivision of a state, or agency or officer thereof."

(i) The term "Sea Grant College" is as defined at 33 U.S.C. 1122(10) and means: "any public or private institution of higher education which is designated as such by the Secretary . . ." pursuant to regulations promulgated at 15 CFR, Part 918.

(j) The term "Sea Grant Program" is as defined at 33 U.S.C. 1122(11) and means: "any program which" (A) is administered by a Sea Grant College, Sea Grant Regional Consortium, institution of higher education, institute, laboratory, or state or local agency; and (B) includes two or more projects involving one or more of the following activities in fields related to ocean and coastal resources:

(1) Research,
(2) Education,
(3) Training, or
(4) Advisory services.

(k) The term "Sea Grant Program Directors" means the local Directors of the Sea Grant coherent area programs, insititutional programs, Sea Grant Colleges, and Sea Grant Regional Consortia.

(l) The term "Sea Grant Regional Consortium" is as defined at 33 U.S.C. 1122(12) and means: "any association or alliance which is designated as such by the Secretary . . ." pursuant to regulations promulgated at 15 CFR Part 918.

(m) The term "state" is as defined at 33 U.S.C. 1122 (14) and means: "any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Amercian Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States."

(n) The term "developing foreign nations" includes any foreign nation other than a foreign nation that is ineligible for designation under Section 502(b) of the Trade Act of 1974, (19 U.S.C. 2462(b)) as a benificiary developing country under Title of that Act.

Subpart B—Sea Grant Matched Funding Program

§ 917.10 General.

(a) 33 U.S.C. 1124(a) establishes a program for the funding of Sea Grant Programs and projects dealing with marine research, marine education and training, and/or marine advisory services, that are designed to achieve the objective of the Act and that generally respond to the needs of individual states or regions. Included as a part of this program is the Sea Grant Fellowship Program, established by 33 U.S.C. 1127. Any person may apply to the Office of Sea Grant for Sea Grant Matched Funding Program Monies, except for Sea Grant Fellowship funding. Sea Grant Fellowship funding may be granted only to Sea Grant Colleges, Sea Grant Regional Consortia, institutions of higher education, and professional associations and institutions.

(b) Federal Sea Grant funding for the Section 1124(a) Matched Funding Program cannot exceed 66⅔ percent of the total cost of the project involved.

§ 917.11 Guidelines for Sea Grant Fellowships.

(a) Sea Grant Fellowships are designed to provide educational and training assistance to qualified individuals at the undergraduate and graduate levels of education in fields related to ocean and coastal resources. The objective of the program is to increase the national supply of individuals educated and trained in the assessment, development, utilization, and conservation of ocean and coastal resources. The purpose of this section is to provide guidelines regarding the content of applications for Sea Grant Fellowship funding.

(b) Funding will be made to eligible entities (see 917.10 supra) that are selected to award and administer Sea Grant Fellowships. Fellowships will not be awarded directly to students by the Office of Sea Grant. The entity receiving Fellowship funding will select the students to be awarded the Fellowships and will handle the administration of the Fellowships.

(c) Proposals for Fellowship funding will be expected to address (a) the nature and focus of the proposed Fellowship Program, (b) the utilization of institutional or other appropriate resources in the education and training of Sea Grant Fellows, (c) the method of advertising availability of the Fellowships, (d) the method of selection of recipients, and (e) the terms of tenure and method of determining continuity of tenure.

(d) Innovation and uniqueness will be significant factors in the determination of which proposals will be funded. Another factor considered will be the potential of the proposed program to stimulate interest in marine related careers among those individuals; for example, minorities, women, and the handicapped whose previous background or training might not have generated such an interest.

(e) The total amount that may be provided for grants under the Sea Grant Fellowship Program during any fiscal year cannot exceed an amount equal to five percent of the total funds appropriated for the Matched Funding Program for that year. Fellowship programs are subject to the requirement of a minimum of 33⅓ percent matching funds from non-Federal sources to which all Matched Funding Program projects are subject. Indirect costs are not allowable for either the Fellowships or for any costs associated with the Fellowships.

Considering the variations in the cost-of-living and the differences in tuition, fees, etc., between one college or university and another, the amount of money requested and awarded per Fellowship may vary.

Subpart C—National Projects

§ 917.20 General.

(a) 33 U.S.C. 1125 requires the Secretary to identify specific national needs and problems relative to ocean and coastal resources. This responsibility has been delegated to the Administrator. The designation is intended to focus public attention on needs and problems of the marine environment that are considered to be of particular national importance at a given point in time.

(b) 33 U.S.C. 1125 provides for the funding of national projects in marine research, marine education and training, and marine advisory services that are designed to deal with the national needs and problems concerning ocean and coastal resources identified by the Administrator.

(c) The Administrator will identify the national needs and problems apart from considerations of Office of Sea Grant funding for "National Projects" responsive to national needs and problems that are identified.

§ 917.21 National needs and problems.

(a) The Administrator will, periodically, publish in the FEDERAL REGISTER the identified national needs and problems with respect to ocean and coastal resources at a given point in time.

(b) Suggestions from the general public as to the identity of national needs and problems may be submitted to the Office of Sea Grant at any time. These suggestions will be reviewed by the Office of Sea Grant and the Sea Grant Review Panel, and those receiving a positive critique will be forwarded to the Administrator. In addition, suggestions concerning the identification of national needs and problems will be requested from the Sea Grant Program Directors.

(c) The Administrator has identified the following as currently being national needs and problems with respect to ocean and coastal resources:

(1) The development and the experimental verification of hydrodynamic laws governing the transport of marine sediments in the flow fields occuring in coastal waters.

§ 917.22 National Projects funding.

(a) National Projects funding proposals will be expected to address: (1) The relevance of the proposed project to a national need or problem that has been identified by the Administrator; (2) the nature and focus of the proposed project; (3) a demonstrated capacity to carry out the proposed project in a competent and cost-effective manner; and (4) the utilization of existing capability and coordination with other relevant projects. Innovation and uniqueness will be significant factors in determining whether to fund a proposed project.

(b) Any person may apply to the Office of Sea Grant for National Project funding. In addition, the Office of Sea Grant may invite applications for National Project funding.

(c) The total amount provided for National Projects' funding during any fiscal year can never exceed an amount equal to 10 percent of the total funds appropriated for the Matched Funding Program. Federal Sea Grant funding for National Projects can be up to 100 percent of the total cost of the project involved.

Subpart D—International Cooperation Assistance

§ 917.30 General.

(a) 33 U.S.C. 1124a sets up a program of International Cooperation Assistance in marine reseach, marine education and training, and marine advisory services designed to enhance the research and technical capability of developing foreign nations with respect to ocean and coastal resources and to promote the international exchange of information and data with respect to the assessment, development, utilization, and conservation of such resources. Any Sea Grant College or Sea Grant Regional Consortium or any institution of higher education, laboratory, or institute (if such institution, laboratory or institute is located within any state) may apply for and receive International Cooperation Assistance funding.

(b) International Cooperation Assistance funding proposals will be expected to address: (1) the nature and focus of the proposed porject, (2) the utilization of institutional and other appropriate resources in the implementation of the project, (3) a clear indication of the foreign participant's (individual or institution) commitment to the project, (4) identification of accomplishments expected from a single granting interval, (5) implicit or explicit out-year commitment of resources, and (6) the impact of the proposed project on the institution receiving funding.

(c) The projects supported by International Cooperation Assistance funding are intended to be genuinely cooperative. Innovation and uniqueness will be significant factors in the determination of proposals to be funded. In the case of a proposed international project that is submitted from an institution where a Sea Grant program is in existence, the extent to which the proposed project takes advantage of the Sea Grant institutional capability existing at that institution and thereby strengthening it, as opposed to being a mere appendage to the ongoing Sea Grant program, will also be an important evaluation factor. The U.S. Department of State will be given the opportunity to review all International Cooperation Assistance projects and none will be funded without this consultation. Because the United Nations Educational, Scientific, and Cultural Organization (UNESCO) also funds international projects of the kind that can be funded under the Sea Grant International Cooperation Assistance program, and, to effect coordination in this area between Sea Grant and UNESCO, the Division of Marine Sciences (UNESCO) will be informed of all International Cooperation Assistance projects funded.

Subpart E—General Considerations Pertaining to Sea Grant Funding

§ 917.40 General.

This subpart sets forth general considerations pertaining to Sea Grant funding.

§ 917.41 Application Guidance for Sea Grant Funding.

(a) Detailed guidance for submission of applications for National Sea Grant Program Funding is given in the publication, "The National Sea Grant Program: Program Description and Suggestions for Preparing Proposals," available on request from: Office of Sea Grant Program, 3300 Whitehaven Street NW., Washington, D.C. 20235.

(b) It is noted here that application for Sea Grant funding shall be made pursuant to the following Federal provisions:

(1) OMB Circular A-110 "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."

(2) OMB Circular A-111, "Designation of Federal Programs Suitable for Joint Funding Purposes."

(3) GSA FMC 73-6, "Coordinating Indirect Cost Rates and Audit at Educational Institutions."

(4) GSA FMC 73-7, "Administration of College and University Research Grants."

(5) GSA FMC 73-8, "Cost Principles for Educational Institutions."

(6) GSA FMC 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

(7) OMB Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments."

(8) NOAA General Provisions implementing OMB Circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."

§ 917.42 Categories of support available for the conducting of Sea Grant activities.

(a) Three categories of support are available for the conducting of Sea Grant activities: projects; coherent area programs; and institutional programs. In general, funding for institutional programs and coherent area programs are made with expectation of renewal, as long as the funding recipient maintains a high level of quality and relevance in its activities. Project funding is made generally for a single item of research, education and training, or advisory service, but may be renewed under certain conditions; each renewal is negotiated individually.

(b) Project support is for a clearly defined activity to be conducted over a definite period of time to achieve a specified goal. The project may be in research, education, training, or advisory services. Support for a project is made to an individual investigator or project director through his organization.

(c) Intermediate between the institutional programs and individual projects are coherent area programs. These have two main purposes:

(1) To bring into the National Sea Grant Program institutions of higher education that have a strong core of capability in some aspects of marine affairs, but which do not qualify or do not wish to qualify for institutional program support at this time. The purpose of support in such cases is to enable the institution to apply its existing competence to its regional problems and opportunities while developing the broader base of capability and the internal organization that will lead to institutional support. This program category requires a definite commitment on the part of the institution to develop an institutional program and to present a multiproject, multidisciplinary program involving the existing competence of an institution in a unified or coherent attack on well-defined local or regional problems. Such a coherent area program should include research, education and training, and advisory services, to the extent of the institution's capability.

(2) To bring into the National Sea Grant Program (on a more or less continuing basis) qualified entities that have rare or unique capability in a specialized field of marine affairs. Such entities need not be institutions of higher education.

(d) Institutional grants are made to institutions of higher education or to a combination of institutions that have an existing broad base of competence in marine affairs. To qualify, an institution must make a positive, long-range commitment to objectives of the National Sea Grant Program as evidence by committing the institution's own resources in the form of matching funds, creation of the organization necessary for management of the Sea Grant Program, quality education programs in marine areas, establishment of interdisciplinary research teams, and development of advisory service mechanisms for strong interaction with marine communities in its region. A Sea Grant institutional program is expected to provide intellectual leadership in assisting its region to solve problems and to realize opportunities of its marine environment. To the extent possible, an institutional program should involve all appropriate elements of the institution, whether colleges or departments, and devise cooperative or mutally supporting programs with other institutions of higher education, and with Federal and state agencies, local agencies, and industry. An institutional program should have substantial strength in the three basic Sea Grant activities: research, education and training, and advisory services. Sea Grant institutional programs that meet the qualifications for Sea Grant College or Sea Grant Regional Consortium status set forth at 15 CFR 918 will be so designated by the Secretary.

§ 917.43 Terms and conditions of Sea Grant funding.

No Sea Grant funding may be applied to—

(a)(1) the purchase or rental of any land or (2) the purchase, rental, construction, preservation, or repair of any building, dock, or vessel, except that payment under any such grant or contract may (if approved by the Assistant Administrator for Administration of the National Oceanic and Atmospheric Administration or designee) be applied to the purchase, rental, construction, preservation, or repair of non-self-propelled habitats, buoys, platforms, and other similar devices or structures, or to the rental of any research vessel which is used in direct support of activities under any Sea Grant program or project.

(b) In addition, Sea Grant funding under the Sea Grant Matched Funding Program will be subject to the limitation that the total amount which may be obligated within any one state to persons under the Sea Grant Matched Funding Program in any fiscal year shall not exceed an amount equal to 15 percent of the funds appropriated for the Sea Grant Matched Funding Program.

(c) Any person who receives or utilizes Sea Grant funding shall keep the records required by OMB Circular A-110, "Grant and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," and by NOAA General Provision, implementing OMB Circular A-110, by OMB Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," including records that fully disclose the amount and disposition by the recipient of such proceeds, the total cost of the program or project in which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for three years after the completion of such a program or project. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaulation, to any books, documents, papers, and records of receipt which, in the opinion of the Secretary or the Comptroller General, may be related or pertinent to such grants and contracts.

[FR Doc. 78-9566 Filed 4-10-78; 8:45 am]

federal register

TUESDAY, APRIL 11, 1978
PART IV



DEPARTMENT OF AGRICULTURE

Soil Conservation Service

■

RURAL ABANDONED MINE PROGRAM

Proposed Policy and Procedures for Implementing Program

[3410-16]

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

[7 CFR Part 632]

RURAL ABANDONED MINE PROGRAM

Proposed Policy and Procedures for Implementing Program

AGENCY: Soil Conservation Service (SCS), U.S. Department of Agriculture (USDA).

ACTION: Proposed rulemaking.

SUMMARY: Soil Conservation Service proposed policy and requirements to carry out the Rural Abandoned Mine Program. The program provides long-term Federal, technical, and financial assistance to land users to reclaim, conserve, and develop certain abandoned coal-mined lands in rural areas.

DATES: Comments must be received on or before May 30, 1978.

ADDRESS: Comments should be sent to: David P. Overholt, Director, Conservation Operations Division, Soil Conservation Service, Room 6132, South Agriculture Building, Washington, D.C. 20013, 202-447-7245.

SUPPLEMENTARY INFORMATION: The proposed regulations are to implement section 406 of Pub. L. 95-87, 91 Stat. 460 (30 U.S.C. 1236).

Title IV of Pub. L. 95-87 creates an Abandoned Mine Reclamation Fund and establishes a Federal, State, Indian and Rural Abandoned Mine Program (RAMP). The Secretary of the Interior is administratively responsible for all abandoned mine programs except RAMP. Regulations covering all other aspects of the abandoned mine fund and programs are to be published in 30 CFR, Chapter VII, Parts 840 and 841, on or about April 14, 1978.

A final program environmental impact statement (EIS) will be filed before the program becomes operational. Notice of availability of the draft EIS will be published on or about April 14, 1978.

Public meetings on the proposed regulations will be held. Notice of specific dates and locations of these meetings will be published in the FEDERAL REGISTER within the next few weeks.

The proposed regulations are believed to be in compliance with the March 24, 1978, Executive Order 12044. A draft Regulatory Impact Analysis is available from SCS at the address specified above.

Dated: April 6, 1978.

(A new program—Catalog of Federal Domestic Assistance tentative program number 10.910.)

R. M. DAVIS,
Administrator,
Soil Conservation Service.

It is proposed to add new Part 632 to Title 7 CFR to read as set forth below:

PART 632—RURAL ABANDONED MINE PROGRAM

Subpart A—General

Sec.

632.1 Purpose and scope.
632.2 Objectives.
632.3 Responsibilities.
632.4 Definitions.

Subpart B—Qualifications

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632.20 Application for assistance.
632.21 Conservation plan.
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632.23 Methods of applying planned land use and treatment.
632.24 Access to land unit and records.

Subpart D—Cost-Share Procedures

632.30 Cost-share rates.
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Subpart E—Appeals and Violations

632.40 Appeals.
632.41 Violations.
632.42 Violation procedures.

Subpart F—Environment

632.50 Environmental assessment.
632.51 Accord with environmental laws and orders.
632.52 Identifying typical classes of action.

AUTHORITY: Sec. 406, Pub. L. 95-87; 91 Stat. 460; (30 U.S.C. 1236).

Subpart A—General

§ 632.1 Purpose and scope.

(a) The purpose of this part is to set forth the Soil Conservation Service (SCS) rules and regulations to carry out the Rural Abandoned Mine Program (RAMP) under Section 406, Pub. L. 95-87; 91 Stat. 460; (30 U.S.C. 1236).

(b) The RAM Program:

(1) Assists land users, on a voluntary basis through conservation districts, to develop conservation plans and apply conservation treatment for the reclamation, conservation, and development of eligible coal mined lands and water; and

(2) Provides, through long-term agreements, based on an approved conservation plan, cost sharing to land users for establishing land use and conservation treatment on these lands.

§ 632.2 Objectives.

(a) The objectives of the program are to protect people and the environment from the adverse effects of past coal mining practices and to promote the development of the soil and water resources of unreclaimed mined lands by:

(1) Stabilizing mined lands;

(2) Controlling erosion and sediment on mined areas and areas affected by mining;

(3) reclaiming lands and water for useful purposes; and

(4) Enhancing water quality or quantity where disturbed by mining practices.

§ 632.3 Responsibilities.

(a) RAMP is administered by the U.S. Department of Agriculture (USDA) through SCS.

Delegation of responsiblity for the program is contained in 7 CFR 601.1(h).

(b) The following SCS officials are responsible (7 CFR 600.2, 600.4, and 600.6) for program direction and guidance:

(1) National level—Administrator.

(2) State level—State Conservationist or delegated representative (Responsible Federal Official (RFO)).

(c) The primary public contact for program assistance is the District Conservationist located in local SCS field offices.

(d) SCS is assisted by other USDA agencies in accordance with existing authorities and agreements in carrying out the program.

(e) SCS coordinates program activities with other reclamation programs carried out by the Office of Surface Mining, the U.S. Department of the Interior; State reclamation agencies; and Indian tribes to insure that requests are serviced under the appropriate reclamation program.

(f) SCS consults with State and local reclamation committees to obtain recommendations on program conduct and public participation. The SCS State Conservationist may use existing reclamation committees or organize new committees for this purpose. The State committee is chaired by the State Conservationist when functioning for the purposes of this program. Membership, as appropriate, may include representatives of the State reclamation agency, the coal industry, the State soil conservation agency, and other interested agencies or groups. Local committees, if needed, are organized on a multicounty, county, conservation district, or other appropriate basis similar to the State committee.

§ 632.4 Definitions.

Abandoned mine lands. Unreclaimed coal-mined lands that existed before August 3, 1977, and for which there is no continuing reclamation responsibility on the part of a mine operator, permittee, or his agent under State or Federal law.

Agreement. A contract between SCS and the land user which includes the conservation plan and provides for the cost sharing of conservation treatment.

Average costs. The calculated cost, determined by recent actual costs and current cost estimates, considered nec-

essary for carrying out a conservation practice or an identifiable unit of a conservation practice.

Conservation district. A legal subdivision of State government responsible for developing and carrying out programs of soil and water conservation with which the Secretary of Agriculture cooperates under the Soil Conservation and Domestic Allotment Act of 1935.

Conservation plan. A conservation and development plan as referred to in Pub. L. 95-87, consisting of a written record of land user decisions on proposed use and conservation treatment of eligible lands and water that will protect, enhance, and maintain the resource base. A conservation plan contains a schedule for conservation treatment as a part of the cost-sharing agreement.

Conservation practice. Specific conservation treatment applied to the land according to current standards and specifications in SCS Technical Guides.

Contracting officer. The SCS official authorized to enter into and administer RAMP agreements.

Cost. The monetary amount actually paid or obligated to be paid by the land user for equipment use, materials, and services for carrying out a conservation practice or identifiable unit. If the land user uses his own resources, it includes the computed value of his own labor, equipment use, and materials.

Cost-share payments. Payments made to land users at established rates as specified in agreements for carrying out a conservation practice or an identifiable unit of such practices according to the agreement.

Financial burden. The land user's cost of reclamation that cannot be expected to be recovered within the agreement period and that would probably prevent participation in the program. The land user must sign a statement to substantiate financial burden.

Identifiable unit. A component of a conservation practice that can be clearly identified as a step in carrying out the conservation practice.

Inadequately reclaimed. Reclamation completed before August 3, 1977, that does not meet SCS standards and specifications for surface mine reclamation and for which there are no continuing reclamation responsibilities on the part of a mine operator, permittee, or his agent under State or other Federal law.

Landrights. An interest acquired by fee simple title, easements, and rights-of-way to occupy or use land, buildings, structures, or other improvements.

Land user. Any person, partnership, firm, company, corporation, association, trust, estate, other entity, or agent that owns or has management control of the land during the agreement period or owns water rights on eligible lands. Also included are State or local public entities that have acquired land for the purpose of implementing agreements.

Main benefits. The principal values or benefits that can be identified, and/or quantified as a result of reclamation. Main offsite benefits are those values that accrue to the public outside the boundary of the eligible area as a result of the reclamation. Main onsite benefits are those that accrue to the participant. Examples of principal values or benefits include reduction of erosion or sediment damage, elimination of public safety or health hazard, improvement of water quality or improved scenic quality of rural communities.

Reclamation committee. A committee on a local or State level consisting of representatives of Federal and State agencies and other organizations that have responsibilities or interest in abandoned mine reclamation. The committee provides guidance to SCS on the conduct of the RAMP and is chaired by an SCS representative when functioning for this purpose.

Specified maximum costs. The maximum amount of money that will be cost shared for an identifiable unit or conservation practice.

Standards and specifications. Requirements that establish the minimum acceptable quality level for planning, designing, and installing a conservation practice so it achieves its intended purpose. SCS standards and specifications are contained in Part IV of the SCS field office technical guide and are designed to be sound and practicable under local conditions.

Water rights. Any interest acquired in, priority established for, or permission obtained for the use of water.

Subpart B—Qualifications

§ 632.10 Applicability.

This program applies to any county, conservation district, or other designated area of need that had abandoned or inadequately reclaimed coal-mined lands within its borders before August 3, 1977.

§ 632.11 Availability of funds.

(a) The provisions of the program are subject to the appropriation by Congress of funds from the Abandoned Mine Reclamation Fund and the transfer of as much as 20 percent of these funds from the Office of Surface Mining to SCS.

(b) The SCS Administrator, in designating States for program participation, shall consider the recommendations of state conservationists and the following criteria:

(1) Severity of the problem and the acreage of eligible lands and water to be reclaimed as indicated in current inventories of abandoned mine lands;

(2) The degree of public interest as indicated by the State reclamation agency, conservation districts, and other interested agencies, groups and individuals; and

(3) Status of existing State reclamation program.

(c) If a State is designated for program participation, the SCS state conservationist, in consultation with the State reclamation committee, shall consider the following criteria in designating areas for program participation:

(1) Severity of the problem including acreage of eligible lands and water and priorities for reclaiming them;

(2) Degree of interest on the part of land users in program participation; and

(3) Other pertinent information.

§ 632.12 Funding priorities.

(a) Priorities for funding reclamation work are determined by the primary purpose of the reclamation in the following order:

(1) Protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal-mining practices (extreme danger means a condition that can be expected to cause substantial harm to persons and property);

(2) Protection of public health, safety, and general welfare from diffuse adverse effects of coal mining; and

(3) Restoration of the environment and land and water resources where previously degraded by the adverse effects of coal mining practices. First consideration in this category shall be the reduction of offsite damage affecting the public.

§ 632.13 Eligible lands and water.

(a) Lands and water eligible for reclamation are those that were mined for coal, or that were affected by coal mining processes, and abandoned or inadequately reclaimed before August 3, 1977. These lands and water are not eligible if:

(1) They are under Federal ownership and operation; or

(2) Continuing reclamation responsibility rests with the mine operator, permittee or his agent under State or other Federal laws.

(b) If abandoned lands are under contract or agreement to be remined for coal or other minerals, they are not eligible. However, this does not preclude using remining as a reclamation technique with reduction in the cost-share payment equal to value of coal when it is determined to be the most practical reclamation technique.

§ 632.14 Eligible land users.

Eligible land users are landowners, owners of water rights, residents, ten-

ants, or their agents operating as individuals, partnerships, associations, corporations, estates, trusts, or non-Federal public entities who control eligible lands and water. Land users may participate by acting individually or jointly with other eligible land users. However, joint participation is required if the primary purpose of reclamation is enhancement of water quality of quantity.

§ 632.15 Eligible reclamation and treatment.

(a) Eligible lands and water may be reclaimed by eligible lands users for cropland, hayland, pasture, rangelend, forest land, fish and wildlife land, and the recreation of other uses associated with these land uses. Other land uses proposed by public entities for public use and benefit may be approved by the SCS state conservationist. Reclaimed land use is determined by the objectives of the land user, compatibility of the land use with surrounding land use, and the technical feasibility or restoring the lands and water for the selected land use.

(b) The maximum acreage of eligible lands and water that an eligible landowner may offer for agreement is 320 acres.

(c) Conservation treatment eligible for Federal cost sharing includes the combination of practices needed for the conservation and development of the soil, water (excluding stream channelization), woodland, wildlife, recreation resources, and the agricultural productivity of the land. Examples of comservation practices used for reclamation include land shaping and grading, critical area planting, diversions, waterways, grade stabilization structures, and sediment basins.

(d) Applied conservation treatment is to meet applicable Federal and State reclamation standards and specifications as contained in local SCS technical guides.

(e) SCS state conservationists, in consultation with the State reclamation committee, are to:

(1) Determine what conservation treatment is eligible for cost sharing; and

(2) Develop and maintain, when applicable, a list of average costs of applying conservation treatment to eligible lands and waters.

§ 632.16 Special projects.

(a) The SCS state conservationist may approve the following types of special projects:

(1) Field trials or demonstration projects proposed by the State reclamation committee that support program objectives and priorities.

(2) Projects to enhance water quality and quantitty where coal mining disturbed local water supplies and where joint action by a group of eligible land users in cooperation with Federal and State agencies is needed to restore the water resource.

Subpart C—Participation Procedures

§ 632.20 Application for assistance.

(a) Land users must apply for program assistance through the local SCS field office. Applications are reviewed by the SCS district conservationist, in consultation with the conservation district, and/or local reclamation committee to verify eligibility and assign a program priority. Applications that are incomplete, ineligible, or technically unfeasible, will be returned to the applicant with a statement of the reasons for disapproval.

(b) Eligible applicants are serviced within a priority according to the following criteria:

(1) Program funding priority assigned as stated in Paragraph 632.12.

(2) Date of application.

(3) Land user's ability to proceed.

(4) Feasibility of applying proposed land uses and the benefits to be derived from treatment.

§ 632.21 Conservation plan.

(a) *Responsibility.* Land users are responsible for developing a conservation plan in cooperation with the conservation district, and/or SCS, which will serve as a basis for a cost-sharing agreement.

(b) *Objectives and priorities.* The conservation plan is to provide for the appropriate program objectives and priorities as stated in §§ 632.2 and 632.12, and meet the definition of a conservation plan as defined in § 632.4.

(c) *Review and verification.* (1) In areas served by conservation districts, conservation plans are to be reviewed and verified by the district board to insure that planned land use and treatment is compatible with surrounding land uses and that proposed assistance is consistent with district priorities. In areas not served by conservation districts this review will be performed by the local reclamation committee.

(2) If conservation plans include lands within or adjacent to Federal lands, the plan is to be reviewed with the appropriate Federal land management agency to insure that the planned land use is compatible with that of the surrounding area.

(3) Land users are responsible for insuring that the proposed land use and treatment is compatible with local land use ordinances.

(d) *Approval.* Proposed land use and conservation treatment contained in the plan are to be agreed to by both SCS and the land user. The district conservationist and the land user are to sign the conservation plan to indicate approval.

§ 632.22 Agreements.

(a) *Basis for cost sharing.* A land user who has an approved conservation plan may enter into an agreement with SCS to receive Federal cost-share assistance. All land users who control or share control of the land for the proposed agreement period are to sign the agreement. A land user may be required to furnish evidence of management control; i.e., long-term lease, recorded deed, or land contract. The SCS contracting officer signs agreements after determining that all documents meet program requirements.

(b) *Effect of agreement.* A land user who signs an agreement is obligated to apply or arrange for the application of the land use and conservation treatment as scheduled in the conservation plan according to approved standards and specifications.

(c) *Permits, landrights and water rights.* The land user is responsible for obtaining the permits, landrights, and water rights, required to perform the planned work.

(d) *Operation and maintenance.* The land user is responsible during the agreement period for the operation and maintenance of applied conservation treatment.

(e) *Period of agreement.* The agreement period is to be not less than 5 nor more than 10 years. An agreement is to extend for at least 3 years after the application of the last cost-shared conservation treatment to insure adequate establishment of vegetation. Exceptions to the 3-year provision may be granted for unusual circumstances by the state conservationist.

(f) *Transfer of agreement.* (1) If during the agreement period, all or a part of the right and interest in the land is transferred by sale or other transfer action, the agreement is terminated on the land unit that was transferred and the land user:

(i) Forfeits all right to any future cost-share payments on the transferred land units;

(ii) Must refund all cost-share payments that have been made on the transferred land unit unless the new land user becomes a party to the agreement as provided in paragraph (f)(2) of this section.

(2) If the New land user becomes a party to the agreement:

(i) He is to assume all obligations of the previous land user on the transferred land unit; and

(ii) The agreement with the new land user is to remain in effect with the original terms and conditions; and

(iii) The agreement is to be modified in writing to show the changes caused by the transfer. If the modification is not acceptable to the contracting officer, the provisions of paragraphs (f)(1)(i) and (ii) of this section apply.

(3) The transfer of all or part of a land unit by a land user does not

affect the rights and obligations of other land users who have signed the agreement.

(g) *Revision of agreement.* (1) An agreement previously entered into with a land user may be modified only with approval by the state conservationist or authorization under established policies. No agreement may be modified unless it is determined that the modification is desirable to carry out the program purposes or to facilitate the practical administration of the program.

(2) Agreements may be modified to add, delete, substitute, or reapply conservation treatment when:

(i) Applied conservation treatment failed to achieve the desired results through no fault of the land user:

(ii) Applied treatment deteriorated because of conditions beyond the control of the land user; or

(iii) Other treatment is substituted that will achieve the desired results.

(h) *Joint agreements.* A land user may enter an agreement jointly with other land users subject to the 320 acres maximum limitation per landowner. However, joint participation is permitted only if it will result in better land use and treatment than individual participation or if it is required by §§ 632.14 and 632.16(a)(2).

(i) *Termination of agreements.* Agreements may be terminated by mutual consent of the signatories only if the state conservationist determines that the termination is authorized under established policies and is in the public interest.

§ 632.23 Methods of applying planned land use and treatment.

(a) State conservationists shall develop criteria specifying when SCS will assume Federal contracting responsibilities to apply planned land use and conservation treatment. Criteria will consider type of equipment required, type and amount of practices required, estimated costs of contract, and the needs of the land user. Federal contract procedures shall be in accordance with 41 CFR, Chapters I and IV. If the Federal cost share is less than 100 percent (see § 632.30), a land user must put up his share of the cost before the contract is awarded.

(b) A land user may assume contracting responsibilities or arrange to perform the treatment specified in the agreement. In this case, cost-share payments to the land user are made in accordance with § 632.31.

§ 632.24 Access to land unit and records.

Any authorized SCS employee or agent shall have the right of access to land under application or agreement to examine any program records and to ascertain the accuracy of any representations made in the application or agreement. This includes the right to furnish technical assistance and to inspect work doen under the agreement.

Subpart D—Cost-Share Procedures

§ 632.30 Cost-share rates.

(a) Cost-share rates paid by the Federal Government shall be established by the SCS Administrator in accordance with the following criteria.

(1) For up to 120 acres: The basic rate shall be 80 percent of the cost of carrying out land use and conservation treatment specified in the agreement. The basic rate may be decreased up to 20 percent to reflect the income-producing potential of the land after reclamation, or increased up to 20 percent if there is land user financial burden and the main benefits of reclamation are offsite (accrue to the public).

(2) For 121 to 320 acres: The basic rate determined in § 632.30(a)(1) shall be reduced proportionately by up to 0.5 percent per acre.

(3) One cost-share rate shall be used for each agreement by calculating a weighted average rate for the entire acreage offered for agreement.

§ 632.31 Cost-share payment.

(a) *Basis for cost-share payment.* Cost-share payments are to be made at rates specified in the agreement. The cost-share payment is to be determined by one of the following methods:

(1) Average cost.

(2) Actual cost but not more than the average cost.

(3) Specified maximum cost.

If the average cost or the specified maximum cost at the time of the starting the installation of a conservation practice or identifiable unit is less than the cost specified in the agreement, payment is to be made at the lower rate. If the cost at the start of installation is higher payment may be at the higher rate. An agreement modification is necessary if SCS determines that the higher cost is a significant increase in the total cost-share obligation. Cost-share payment shall not be made until the modification reflecting the increase is approved. If the higher costs are not significant, cost-share payments may be provided funds are available.

(b) *Time of payment.* Cost-share payments are to be made to the land user after a practice or an identifiable unit has been satisfactorily applied. The land user is to submit claims for payment to the district conservationist no later than September 30 of the year after application. Late claims require approval of the state conservationist before payment can be made. A claim is to show the proportion of each land user's contribution to the applied practice or identifiable unit.

(c) *Approval.* The district conservationist must certify that a practice or identifiable unit has been satisfatroriy applied before SCS can make cost-share payments.

(d) *Ineligible claim.* A land user is not eligible to receive cost-share payments for a practice or an identifiable unit that was not carried out under program requirements.

(e) *Authorization for payment.* (1) Materials or services needed to carry out agreements are to be obtained by land users. Agreements may provide that part or all of the cost-share payment for a practice or identifiable unit be made directly to suppliers of materials or services. The materials or services must be delivered or performed before payment is made.

(2) The contracting officer shall authorize payment for materials or services not exceeding:

(i) The cost share of the material or service used; or

(ii) The total cost share of the practices or identifiable unit if requested by the land user.

(3) The land user who purchases materials or services to carry out agreements is responsible for them until the district conservationist determines that the material or service was used for the intended purpose. If a material or service cost shared by SCS is used for a purpose other than to carry out the agreement, the land user is indebted to the United States for the cost of the misused material or service. This indebtedness is to be repaid to SCS as a refund or withheld from cost-share payments otherwise due the land user under the agreement.

(4) SCS has the right to inspect materials or services, and to take samples for testing. Inspections by SCS will not be necessary if SCS considers State inspection regulations adequate.

(5) Materials or services must meet the quality standards as specified. SCS may make exceptions for materials or services that do not meet the standards only if they will satisfactorily serve the intended purpose. SCS shall deduct from the cost-share payment the difference between the price of the materials or services specified and the actual value of the different materials or services.

(f) *Division of cost-share payments.* Federal cost-share payments made directly to suppliers of materials or services are credited to the land user who was issued the authorization. The remainder of the cost share is credited to the land user who carried out the remainder of the practice or identifiable unit. If more than one land user contributed to carrying out a practice or identifiable unit, the cost-share payment is to be divided proportionately according to the contribution made by each of the land users. Furnishing a landright or water right is not a contribution for cost-share payment purposes.

(g) *Other aid.* Non-Federal public entities may furnish part of the land user's portion of the cost of applying a practice or identifiable unit with not reduction in the Federal cost share.

(h) *Assignments and claims.* Land users may not assign cost-share payments except as provided under the autnority of section 203, Title 31, U.S.C. as amended, and section 15, Title 41, U.S.C. as amended. Federal cost-share payments due any land user are not subject to claims for advances except as provided in this section.

Subpart E—Appeals and Violations

§ 632.40 Appeals.

(a) *Before signing an agreement.* A land user may verbally request the contracting officer or the district conservationist to reconsider decisions that would affect the agreement before it is signed. However, requests for reconsideration of eligible conservation treatment, cost-share rate, average costs, or specified maximum costs will not be honored.

(1) If verbal agreement is not reached, the land user may make a written request within 30 days after receiving notice of the decision on his verbal request. The contracting officer or the district conservationist shall then have 30 days in which to make a decision and notify the land user.

(2) If a land user is dissatisfied with the decision of the contracting officer or the district conservationist, he may file a written appeal with the state conservationist within 30 days after receipt of the decision. The state conservationist's decision shall be final. The land user shall be notified of the decision within 30 days after the appeal is filed.

(3) If the land user fails to comply with the time limits for reconsideration or appeal as provided in paragraphs (a) (1) and (2) of this section, the decision of the contracting officer or the district conservationist is final.

(b) *After the agreement is signed.* Disputes pertaining to questions of fact under an agreement, except agreement violations, that are not settled by written agreement shall be referred to the state conservationist for a decision within a reasonable period of time. The following applies on disputes:

(1) The state conservationist shall notify the land user, in writing, that the dispute will be considered on a specified date. This date shall be not less than 30 days after the land user receives the notice.

(2) Within 30 days after receiving the state conservationist's notice, the land user may file a request to appear and present oral and other evidence. If the land user does not request an appearance, the state conservationist will decide the dispute on the evidence available to him. The state conservationist shall inform the land user of his decision in writing.

(3) Land users may appeal state conservationist decisions to the Administrator within 30 days after receiving the decision. The state conservationist shall submit the record before him, which will include his decision, to the Administrator within 20 days after the land user's appeal is received by the Administrator. He may also file a brief or statement with the Administrator. The Administrator's decision shall be final. The land user shall be notified of this decision in writing.

(c) *Filing of documents.* A document is considered filed when it is received in the office of the person concerned.

§ 632.41 Violations.

(a) *Actions causing violation.* The following actions constitute violation of an agreement by a land user:

(1) Knowingly or negligently damaging or causing conservation treatment to be impaired.

(2) Adopting land use or treatment tends to defeat the program purposes during the period of the agreement.

(3) Failing to comply with the terms of the agreement.

(4) Filing a false claim.

(5) Misusing an authorization.

(b) *Effect of violation.*—(1) *Agreement to be terminated.* (i) By signing an agreement, the land user agrees to forfeit all rights to further cost-share payments under an agreement and to refund all cost-share payments received, if the contracting officer, with the approval of the state conservationist, determines that:

(A) There was a violation of the agreement during the time the land user had control of the land; and

(B) The violation was of a nature as to warrant termination of the agreement.

(ii) The land user shall be obligated to refund all cost-share payments and all cost shares paid under authorizations.

(2) *Agreement not terminated.* (i) By signing an agreement, the land user agrees to refund cost-share payments received under the agreement or to accept payment adjustment if the contracting officer, with the approval of the state conservationist, determines that:

(A) There was a violation of the agreement during the time the land user had control of the land; and

(B) The nature of the violation does not warrant termination of the agreement.

(ii) Payment adjustments may include decreasing the rate of a cost share or deleting from the agreement a cost-share commitment or withholding cost-share payments earned but not paid. The land user who signs the agreement may be obligated to refund cost-share payments and cost shares paid under authorizations.

§ 632.42 Violation procedures.

This section prescribes the regulations dealing with agreement violations. The Administrator reserves the right to revise or supplement any of the provisions of this section at any time if the action does not adversely affect the land user, of if the land user has been officially notified before this action is taken. No cost-share payment shall be made pending the decision on whether an agreement violation has occurred.

(a) *Determination by contracting officer.* Upon notification that an agreement violation may have occurred, the contracting officer:

(1) Determines, with the approval of the state conservationist, that a violation did not occur, or that the violation was of such a nature that no penalty of forfeiture, refund, or payment adjustment is necessary. No notice is issued to the land user, and no further action is to be taken; or

(2) Determines that a violation did occur, but the land user agrees to accept the penalty. If the land user agrees in writing to accept a penalty of foreiture, refund, payment adjustment or termination, no further action is to be taken. The land user's agreement to accept the penalty must be approved by the contracting officer and state conservationist.

(b) *Notice of possible violation.* (1) When the state conservationist is notified that an agreement violation may have occurred that may warrant a penalty of forfeiture, refund, payment adjustment, or termination, he shall notify, in writing, each land user who signed the agreement of the alleged violation. This notice may be personally delivered or sent by certified or registered mail. A land user is considered to have received the notice at the time of personal receipt acknowledged in writing, at the time of the delivery of a certified or registered letter, or at the time of the return of an undelivered certified or registered letter.

(2) The notice setting forth the nature of the alleged violation shall give the land user an opportunity to appear at a hearing before a hearing officer designated by the state conservationist. The land user's request for a hearing shall be submitted in writing, and must be received in the SCS field office within 30 days after receipt of the notice. The land user shall be notified in writing by the hearing officer of the time, date, and place for the hearing. The land user shall have no right to a hearing if he does not file a written request for a hearing, or if he or his representative does not appear at the appointed time, unless the hearing officer, at his discretion, permits an appearance. A request for a hearing

filed by a land user shall be considered to be a request by all land users who signed the agreement.

(c) *Hearing.* A public hearing is to be conducted to obtain the facts about the alleged violation. The hearing officer shall limit the hearing to relevant facts and evidence, and shall not be bound by the strict rules of evidence as required in courts of law. Witnesses may be sworn in at the discretion of the hearing officer.

(1) The land user or his representative shall be given full opportunity to present oral or documentary evidence about the alleged violation. Likewise, the United States may submit statements and evidence. Individuals not otherwise represented at the hearing may at the discretion of the hearing officer, be permitted to give information or evidence. The hearing officer, at his discretion, may permit witnesses to be cross-examined.

(2) The hearing officer shall make a record of the hearing so that the testimony can be summarized. A summary of the testimony may be made if both the land user and the state conservationist agree. A transcript of the hearing shall be made if requested by either the state conservationist or the land user within a reasonable time before the hearing. If a transcript is requested by the land user, the land user may be assessed the cost of a copy of the transcript.

(3) The hearing officer shall, after a reasonable period of time, close the hearing if the land user or his representative is not present at the scheduled time. The hearing officer may, at his discretion, accept information and evidence submitted by others present for the hearing.

(4) The hearing officer shall furnish the state conservationist with a written report setting forth his findings, conclusions, and recommendations. The report shall include the summary of testimony or transcript made of the hearing and any other information which would aid the state conservationist in reaching his decision.

(d) *Decision by state conservationist.* The state conservationist shall make a decision on the basis of the hearing officer's report, recommendations of conservation district board if any, and any other information available to him, including, if applicable, the amount of the forfeiture, refund, or payment adjustment. The decision shall state whether the violation is of such a nature as to warrant termination of the agreement. The state conservationist shall notify, in writing, each land user who signed the agreement of his decision. The state conservationist may authorize or require the reopening of any hearing before a hearing officer for any reason at any time before his decision.

(e) *Appeal to Administrator.* Any land user affected by a decision of the state conservationist shall have the right of appeal to the Administrator. The appeal and any briefs or statements must be received in the Office of the Administrator within 30 days after the land user has received notice of the state conservationist's decision. The state conservationist may file a brief or statement in the Office of the Administrator within 20 days after the land user's brief or statement is received there. The appeal shall be limited to the records and the issues made before the state conservationist. Such records shall be submitted to the Administrator by the state conservationist. The Administrator's decision shall be final. The decision will be based upon the record before him and the issues presented in the appeal, and the land user shall be notified in writing.

(1) If the decision provides for termination of the agreement, it shall state that the agreement is terminated and that all rights to further cost-share payments under the agreement are forfeited and that all cost-share payments received under the agreement shall be refunded. The decision is to state the amount of the refund and method of payment.

(2) If the decision does not provide for termination of the agreement, the land user may be required to make a refund of cost-share payments or to accept payment adjustments. The decision shall state the amount of refunds of cost-share payments or payment adjustments. In determining amounts of refund or payment adjustments, the following are to be considered:

(i) The extent of the violation;

(ii) Whether the violation was deliberate or the result of negligence or was caused by circumstances beyond the control of the land user;

(iii) The effect on the program if no refund or payment adjustment is required;

(iv) The extent to which the land user benefited by the violation;

(v) The effect of the violation on the agreement as a whole; and

(vi) Other considerations including the appropriateness and reasonableness of the refund or payment adjustment.

Subpart F—Environment

§ 632.50 Environmental assessment.

(a) Environmental assessment is an integral part of the process used by SCS with each applicant to develop a conservation plan under this program. The process includes onsite inventory and analysis, evaluation of reasonable alternatives, and identification of significant environmental impacts. Major points in this process when SCS or the land user can make decisions concerning further action are:

(1) After an evaluation of the application for program assistance to verify eligibility, land user objectives, and priorities for funding;

(2) After a site-specific inventory and analysis to evaluate feasible treatment alternatives, costs, and environmental impacts;

(3) After development of an acceptable conservation plan as a basis for program agreement; and

(4) Before the signing of a mutually acceptable program agreement for financial cost-share assistance.

(b) The scope and complexity of the assessment will be consistent with the scope and complexity of the reclamation proposed.

(c) An interdisciplinary team consisting of SCS and/or other cooperating agency personnel as needed, is used in the assessment process.

(d) The Responsible Federal Official (RFO) will use the environmental assessment to make a decision concerning the need to prepare an environmental impact statement (EIS) in accordance with § 632.52.

§ 632.51 Accord with environmental laws and orders.

(a) To comply with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), a final program environmental impact statement (EIS) will be filed before the program becomes operational. This statement will disclose the cumulative program impacts that significantly affect the quality of the human environment.

(b) The program will be conducted in accordance with other laws and executive orders concerning environmental protection.

(c) Channelization of streams is prohibited under this program. A stream as used herein means a stream or segment thereof that has never been disrupted by activities of man or has been disrupted and has been restored.

§ 632.52 Identifying typical classes of action.

(a) The RFO will analyze the environmental assessment of the proposed action to determine which of the following classes of action applies. This determination will be recorded and will be available to the public on request.

(1) *Actions not requiring a site-specific EIS.* All proposed actions and their impacts that are determined to be adequately discussed in the program EIS or determined not to be major Federal actions will not require a site-specific EIS. However, if the assessment reveals that these proposed actions will have significant adverse affects on the quality of the human environment the RFO will:

(i) Modify the action to eliminate or mitigate the significant adverse impacts, or

(ii) Withdraw further Federal assistance if significant adverse impacts cannot be eliminated or mitigated.

(2) *Actions requiring a site-specific EIS.* Proposed actions and their impacts not adequately discussed in the program EIS that are determined to be major Federal actions significantly affecting the quality of the human environment in accordance with § 650.7(b) of this chapter will require a site-specific EIS. When a decision is made to prepare an EIS, a Notice of Intent will be published in the FEDERAL REGISTER. The content and format of the EIS will be consistent with the format of the program EIS and use scoping and tiering techniques to focus on the significant environmental issues.

(3) *Actions excluded from the EIS process.* Those actions taken to prevent loss of life or property under the extreme danger provisions of priority one as described in § 632.12. These actions are determined by a limited environmental assessment that reasonably identifies the possible loss of life or property.

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